

## **2008 Annual Report of the U.S. Commission on International Religious Freedom**

### **Other Countries on the Commission's CPC List: Pakistan**

Dramatic political events unfolded in Pakistan in the past year having a serious impact on the rule of law and human rights protections generally, though the consequences for religious freedom conditions remain unclear. Notwithstanding the upheaval, all of the serious religious freedom concerns on which the Commission has reported in the past persist. Sectarian and religiously motivated violence continues, particularly against Shi'a Muslims, Ahmadis, Christians, and Hindus, and the government's response continues to be insufficient and not fully effective. A number of the country's laws, including legislation restricting the rights of the Ahmadi community and laws against blasphemy, frequently result in imprisonment on account of religion or belief and/or vigilante violence against the accused. Moreover, despite some minor improvements, Pakistan's Hudood Ordinances, Islamic decrees introduced in 1979 and enforced alongside the country's secular legal system, provide for harsh punishments, including amputation and death by stoning, for violations of Islamic law. Finally, substantial evidence that the government of Pakistan has been complicit in providing sanctuary to the Taliban also mounted in the past year. In light of these persistent, serious concerns, the Commission continues to recommend that Pakistan be designated a "country of particular concern," or CPC. To date, the State Department has not designated Pakistan a CPC.

The political landscape in Pakistan has changed substantially over the past year. In March 2007, President Pervez Musharraf removed the Chief Justice of the Supreme Court, ostensibly for abusing his office for personal gain but reportedly because the President feared that the Chief Justice would oppose his maneuvers to be elected to a new term in office. The suspension resulted in large and widespread demonstrations against Musharraf and in favor of an independent judiciary. In August, the Supreme Court voted to reverse that suspension of the Chief Justice and Musharraf agreed to accept the ruling. Musharraf secured his reelection as president to another five-year term in October by ensuring that the vote was held by the outgoing National Assembly, which was dominated by his supporters, rather than after the parliamentary elections, scheduled to be held the following month. That same month, former Prime Minister Benazir Bhutto returned to Pakistan after eight years in exile.

In November 2007, President Musharraf imposed martial law, suspended the country's constitution, and disbanded the Supreme Court. His government also arrested thousands of its opponents, including judges and lawyers, human rights activists, journalists, and other leaders of civil society in Pakistan. Among those placed under house arrest was Asma Jahangir, the UN Special Rapporteur on Freedom of Religion or Belief and a noted human rights activist in Pakistan. Musharraf purportedly took these actions in part because of the dangers posed by religious extremists, yet many observers contend that it was the Musharraf government's political alliance with militant religious parties that had served to strengthen such groups and give them influence in the country's affairs disproportionate to their support among the Pakistani people. Most of those arrested were eventually released, largely because of international pressure. The state of emergency was eventually lifted, but most of its repressive provisions have been left in force under the "restored" constitution. On December 27, 2007, former Prime Minister Bhutto was assassinated. Elections were postponed until February 2008, at which time

the country's two main parties long in opposition, the Pakistan People's Party and the Pakistan Muslim League, won the majority of seats, with the latter coming in second in the popular vote. Significantly, the representation of Pakistan's coalition of militant religious parties, known as Muttahida Majlis-e-Amal (MMA), fell from 56 elected seats out of 272 to just six in the new parliamentary assembly. In March 2008, Yousaf Raza Gillani of the Pakistan People's Party was elected prime minister by the new Assembly; among his first actions was to order the release of the Supreme Court head and other judges who had been placed under house arrest by Musharraf in November. In a significant step, in April 2008, the new government of Pakistan ratified several key UN human rights documents, including the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).

It is not yet clear what impact these developments will have on religious freedom, which has been severely violated by successive Pakistani governments in the past. Discriminatory legislation, promulgated in previous decades and persistently enforced, has 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. Government officials do not provide adequate protections from societal violence to members of these religious minority communities, and perpetrators of attacks on minorities are seldom brought to justice. In some recent instances, the government of Pakistan has directly encouraged religious intolerance. In March 2006, it was reported that, in an attempt to persuade people in the regions bordering on Afghanistan not to support Islamist militants, the Pakistani military dropped leaflets claiming that those militants were fighting against Pakistan "in connivance with Jews and Hindus."

Many religious schools, or *madrassas*, in Pakistan provide ongoing ideological training and motivation to those who take part in violence targeting religious minorities in Pakistan and abroad. In mid-2005, the government of Pakistan renewed its effort to require all *madrassas* to register with the government; *madrassas* were also ordered to expel all foreign students. By that year's end, despite an outcry from some militant groups, most of the religious schools had registered. However, reports indicate that the registration process has had little if any effect on the content of the schools' curricula, which remains extremist and includes exhortations to violence, and there are still no government controls on the *madrassas*' sources of funding. It therefore continues to be doubtful whether these belated official efforts to curb extremism through reform of the country's Islamic religious schools will be accompanied by other measures to make them effective. Moreover, these efforts do not adequately address the much wider problem of religious extremism in Pakistan and the continued, unwarranted influence of militant groups on the rights and freedoms of others. By issuing proclamations that were not acted upon, the Musharraf government only strengthened sectarian and extremist forces. In addition, by arresting judges, lawyers, human rights activists, and others during the November 2007 imposition of martial law, Musharraf in fact acted against those who speak out against the very extremism he claimed to be combating. Beginning in early 2008, Pakistan has experienced an intensified bombing campaign carried out by Islamist militants seemingly intent on disrupting life in Pakistan. Hundreds of people have been killed, including in the city of Lahore, which until recently was largely unaffected by extremist violence.

The Musharraf government did take action against extremists in some instances. Perhaps the most prominent—and controversial—action taken in the last year was in July 2007, when Army and security forces launched a military operation against the Lal Masjid (Red Mosque) in Islamabad. For several months prior to the operation, militants, including young women, who took over the mosque engaged in a series of vigilante actions against brothel owners, alcohol sellers, and others, in some cases kidnapping owners and holding them hostage. Some policemen were also held hostage in the mosque. The subsequent military operation against the mosque resulted in the deaths of 10 members of the security forces and 79 militants, including the mosque's leaders. According to the State Department, the confrontation prompted the Musharraf government to renew its efforts to curb extremist teachings in *madrassas* across the country.

Despite President Musharraf's appeals for religious moderation and tolerance, in addition to indiscriminate extremist attacks, there are chronic levels of religiously motivated violence, much of it committed against Shi'a Muslims by Sunni militants. Ahmadis, Christians, and Hindus have also been targeted by Sunni extremist groups and mob violence. In January 2008, twelve people were killed and 25 others wounded when a suicide bomber blew himself up in a Shi'a mosque in Peshawar, northwestern Pakistan. The bombing occurred during Muharram, an annual Shi'a religious holiday. In October 2007, Islamic militants threatened to bomb a Christian family in northwestern Pakistan for refusing to convert to Islam. The month before, the family had received a similar threat. In August and September 2007, three Christian ministers were murdered by "fanatics" in separate incidents. In June 2007, Christian families were forced to flee a village in Punjab province after Protestants were attacked by an armed mob of over 40 men with guns, axes, and sticks demanding that they halt their meeting. Seven persons were injured. Perpetrators of such attacks on minorities are seldom brought to justice. Hindus also faced some societal violence, including in April 2008, when dozens of Muslims at a factory in Karachi beat a Hindu colleague to death for allegedly making derogatory remarks about Islam. The body reportedly had marks indicating that the man had been tortured. An investigation into the killing revealed that the man had made no derogatory remarks at all but was only accused of doing so by a disgruntled colleague. In addition, Hindu temples have been the object of violence in the province of Baluchistan, where Hindus are the largest religious minority and where ethnic Baluchi insurgents have been waging a struggle against the central government for many years.

Ahmadis, who number between 3 and 4 million in Pakistan, are prevented by law from engaging in the full practice of their faith. Pakistan's constitution declares members of the Ahmadi religious community to be "non-Muslims," despite their insistence to the contrary. Barred by law from "posing" as Muslims, Ahmadis are also proscribed by law from many other actions. They may not call their places of worship "mosques," worship in non-Ahmadi mosques or public prayer rooms which are otherwise open to all Muslims, perform the Muslim call to prayer, use the traditional Islamic greeting in public, publicly quote from the Koran, or display the basic affirmation of the Muslim faith. It is also illegal for Ahmadis to preach in public, to seek converts, or to produce, publish, or disseminate their religious materials. In September 2007, the Ahmadis in Rahim Yar Khan in the southern part of the Punjab province reported nine cases of serious harassment of members of the Ahmadi community; in one incident, clerics reportedly demanded the dismantling of the Ahmadi mosques in the area and passed an edict

punishing Muslims for maintaining contacts with Ahmadis. In some of these cases, police were reportedly intimidated against investigating violence or other action against Ahmadis. Moreover, because they are required to register to vote as non-Muslims, a policy that was reaffirmed by Pakistani government officials in February 2004, Ahmadis who refuse to disavow their claim to being Muslims are effectively disenfranchised. The one potentially positive development—the December 2004 abolition of the religious identification column in Pakistani passports, which, among other advances, enabled Ahmadis to participate in the *hajj*—was derailed in March 2005, when members of a government ministerial committee restored the column, reportedly in response to pressure from militant religious parties. As far as is known, there has never been an effort on the part of any Pakistani government to institute any reform of the anti-Ahmadi laws.

Prescribed criminal penalties for what is deemed to be blasphemy include life imprisonment and the death penalty. Blasphemy allegations, which are often false, result in the lengthy detention of, and sometimes violence against Ahmadis, Christians, Hindus, and members of other religious minorities, as well as Muslims. Because the laws require no evidence to be presented after allegations are made and no proof of intent, and contain no penalty for leveling false allegations, they are easily used by extremists to intimidate members of religious minorities and others with whom they disagree. They are also often used by the unscrupulous simply to carry out a vendetta or gain an advantage over another. Although the penalties were amended in October 2004 with the aim of reducing the more maliciously applied charges, the minor procedural changes have not had a significant effect on the way the blasphemy laws are exploited in Pakistan. The negative impact of the blasphemy laws is further compounded by the lack of due process involved in these proceedings. In addition, during blasphemy trials, Islamic militants often pack the courtroom and make public threats about the consequences of an acquittal. Such threats have proven credible, since the threats have sometimes been followed by violence. Although no one has yet been executed by the state under the blasphemy laws, some persons have been sentenced to death. Several of those accused under the blasphemy laws have been attacked, even killed, by vigilantes, including while in police custody; those who escape official punishment or vigilante attack are sometimes forced to flee the country.

According to the State Department, in 2007, at least 25 Ahmadis, 10 Christians, and six Muslims were arrested on blasphemy charges; most refused bail because of the danger of vigilante violence. In March 2008, an 80 year-old Ahmadi man was arrested for allegedly desecrating the Koran, a crime punishable by life in prison; an Ahmadi spokesman claimed that he was falsely charged and that the accuser aimed only to impugn Ahmadis. In June 2007, Younis Masih, a Christian who had been imprisoned for two years, was sentenced to death on a charge of blasphemy. Masih reportedly angered a group of Muslims by expressing concern about the noise level of their gathering; they later accused him of making derogatory remarks about Islam. As a result, a mob reportedly attacked a number of homes in the area belonging to Christians; Masih and his wife were also beaten in the attack. Also in June 2007, a group of Christian nurses in a hospital in Islamabad were charged with blasphemy; before charges were filed in that case, the women were threatened with violence. In May 2007, an 84-year old Christian man was arrested after being accused of burning a Koran; the family claimed that he was accused by someone who wanted his land. He was released soon after. There have also been some acquittals of those accused of blasphemy charges. In September 2007, a Christian

teenager was acquitted of charges that he had ripped up pages containing Koranic verses after prosecution witnesses changed their original testimonies. While this and other acquittals are welcomed, in virtually all cases, those acquitted have been forced into hiding because of fears of vigilante violence against them.

Under the Hudood Ordinances, rape victims run a high risk of being charged with adultery, for which death by stoning remains a possible sentence. In October 2003, the National Commission on the Status of Women in Pakistan issued a report on the Hudood Ordinances that stated that as many as 88 percent of women prisoners, many of them rape victims, are serving time in prison for allegedly violating these decrees, which make extramarital sex a crime and adultery a criminal offense. The Hudood laws apply to Muslims and non-Muslims alike. The UN Committee Against Torture, as well as the UN Special Rapporteur on Torture, have stated that stoning and amputation do constitute acts in breach of the obligation to prevent torture or cruel, inhuman, and degrading treatment or punishment under international human rights standards and treaties. Although these extreme corporal punishments have not been carried out in practice, lesser punishments such as jail terms or fines have been imposed. In a positive development, correcting one of the most heavily criticized purported crimes that were prosecuted by the standards of these religious ordinances, in December 2006, President Musharraf signed into law a bill curtailing the scope of the Hudood Ordinances regarding rape charges. The new law removed the crime of rape from the sphere of the Hudood laws and put it under the penal code, thereby doing away with the requirement that a rape victim produce four male witnesses to prove the crime. Under the new legislation, convictions for rape will be based on forensic and circumstantial evidence. This change followed another amendment to the Ordinances enacted in July 2006 allowing women convicted of purported sexual transgressions to be released on bail rather than having to remain in prison—sometimes for lengthy periods—waiting for their cases to come to trial.

In July 2005, the government of the North West Frontier Province (NWFP), then led by the MMA, passed a bill—known as the “Hasba bill”—which created a “watchdog” position to monitor the observance of “Islamic values” in public places. The bill would have enabled this person, called the *mohtasib*, to ensure that people respect the call to prayer, prevent people from doing business on Fridays, and stop unrelated men and women from appearing in public together. There were concerns that the bill also would have imposed Taliban-like restrictions on women’s movement and dress. Following an outcry in other parts of Pakistan and abroad, the law was later declared to be unconstitutional by Pakistan’s Supreme Court. In November 2006, the NWFP assembly again passed a revised version of the legislation, but the governor refused to sign the bill, citing its unconstitutionality. The Supreme Court again blocked the bill. It is significant to note that in the February 2008 elections, the ruling MMA government was resoundingly defeated by the Awami National Party, considered to be a nationalist, more secular party.

Finally, the government’s abuse of religious freedom is not contained within Pakistan’s borders; rather, under the Musharraf government, Pakistan has become a significant exporter of religious intolerance and religiously-motivated militant violence. This is evident not least in the effective sanctuary the Musharraf government has afforded the Taliban inside Pakistan; as a result, the Taliban has been able to regroup, re-arm, and intensify cross-border attacks inside Afghanistan,

substantially increasing instability and violence in that country. In January 2007, a UN representative confirmed that Pakistan was harboring Taliban leaders. The State Department had named the Taliban regime of Afghanistan a “particularly severe violator” of religious freedom from 1999 until the regime was deposed in 2001.

The government of Pakistan has also extended its undemocratic practices—and its efforts to appease religious extremists—into the international arena. In March 2007, Pakistan again presented a resolution to the UN’s new Human Rights Council in Geneva supporting measures to halt the so-called “defamation of religions.” The backers of the resolution claimed that their aim was to promote religious tolerance, but in practice, such laws routinely criminalize and prosecute what is often deemed—capriciously by local officials in countries where such laws exist—to be “offensive” or “unacceptable” speech about a particular religion. Defamation of religion laws clearly violate principles outlined in international human rights instruments, which guarantee the right to freedom of expression, as well as freedom of thought, conscience, and religion. Moreover, they appear to grant rights to entire religions rather than to individuals. Regrettably, the resolution again passed the Council.

Throughout the past year, the Commission continued to meet with representatives of the various religious communities in Pakistan, including Muslims, Ahmadis, Christians, and Hindus, as well as with human rights organizations, academics, and other experts. In January 2008, the Commission issued a statement calling on the U.S. government to urge the government of Pakistan to put an end to vigilante violence and to provide adequate protection to human rights defenders during the time of political turbulence. In November 2007, the Commission issued a statement expressing grave concern over the introduction of martial law by President Pervez Musharraf, noting that his action damaged the legitimacy of his government and seriously threatened the future of democracy in Pakistan. The statement also noted that the continued influence of militant groups in Pakistani politics and society has severely compromised the rule of law and the protection of human rights for Pakistan’s citizens, and has been particularly problematic regarding internationally guaranteed rights to freedom of religion, expression, and association. Virtually all of the country’s severe religious freedom problems—including the country’s blasphemy laws; the laws violating the fundamental rights of the Ahmadi community; the persistent sectarian violence targeting Shi’a Muslims, Ahmadis, Hindus, and Christians; and the Hudood Ordinances, which violate the rights of women in Pakistan—were exacerbated by religious militant groups’ representation in parliament, penetration of the state security services and police force, and pressure on the judiciary.

Also in November, the Commission issued a statement deploring the placement of Asma Jahangir, the UN Special Rapporteur on the Freedom of Religion or Belief, under house arrest. The Commission called on the U.S. government, at the highest levels, to protest Ms. Jahangir’s detention and to urge the government of Pakistan to release her immediately so that she may continue her important work as Special Rapporteur. Ms. Jahangir was released soon after. In June 2007, the Commission spoke out against the abuse of blasphemy laws in Pakistan, declaring them to be a severe violation of the universally guaranteed right to the freedom of thought, conscience, and religion or belief. The Commission also expressed serious concern over a draft bill that would have imposed the death penalty for apostasy, or converting from Islam to any other religion.

In March 2006, the Commission wrote to President Bush, urging him, during his meeting with President Musharraf, to indicate that improvements in religious freedom conditions in Pakistan are essential to any meaningful advances in the war on terrorism and to successes in the global promotion of democracy. In addition, then-Commission Chair Michael Cromartie, together with Commissioner Elizabeth H. Prodromou, published an op-ed in the *Philadelphia Inquirer* on March 3, 2006 calling on President Bush to raise religious freedom concerns with President Musharraf. In January 2006, the Commission wrote again to President Bush urging him to discuss in his January meeting with Pakistani Prime Minister Shaukat Aziz the need to promote and protect religious freedom and tolerance in Pakistan.

In June 2005, the Commission held a hearing on Capitol Hill entitled, “The United States and Pakistan: Navigating a Complex Relationship,” during which experts examined U.S. policy toward Pakistan, highlighting the serious religious freedom and other human rights problems in Pakistan. In July, the Commission issued a press statement expressing serious concern about the “Hasba bill.”

The Commission’s May 2001 report on Pakistan played a key role in highlighting to U.S. and Pakistani government officials the undemocratic nature of the Pakistani separate electorate system for religious minorities. In January 2002, the Pakistani government abolished the system of separate electorates.

In addition to recommending that Pakistan be designated a CPC, the Commission has recommended that the U.S. government should strongly urge the government of Pakistan to:

- reinforce the rule of law in Pakistan, including by strengthening protections for the freedoms of speech, association, assembly, and the media, and by restoring and resolutely defending an independent judiciary;
- make more serious efforts to combat religious extremism in that country, addressing especially the consequences of the Musharraf government’s political alliance with Islamist political parties, which afforded an inordinate amount of influence to these groups, and which, in turn, had a strong negative impact on religious freedom in Pakistan;
- take active measures immediately to cease its direct and indirect toleration and support of the Taliban in the country’s border regions, which has had the dire result of exporting militant violence and terrorism by enabling the Taliban to re-arm and re-establish itself across the border in parts of Afghanistan; the government’s refusal to take effective measures against the Taliban in Pakistan should result in a curtailment of U.S. military assistance to that country;\*
- halt its practice at the UN Human Rights Council and other international fora of introducing the so-called “defamation of religions” resolution, which clearly distorts and violates the

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\* Commissioners Leo and Shea dissent from this recommendation. Their separate statement immediately follows this chapter.

internationally guaranteed rights to freedom of expression, as well as freedom of thought, conscience, and religion;

- decriminalize blasphemy and, in the interim period until that action is taken, implement procedural changes to the blasphemy laws that will reduce and ultimately their abuse; and ensure that those who are accused of blasphemy and people who defend them are given adequate protection, including by investigating death threats and other actions against them carried out by militants, and that full due process is followed;
- take more effective steps to prevent sectarian violence and punish its perpetrators, including by making greater efforts to disarm militant groups and any religious schools that provide weapons training; and
- rescind the 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.

In addition, the U.S. government should:

- expand U.S. government contacts beyond the Pakistani government to include a more open and public dialogue with a variety of representatives of civil society in Pakistan, including groups and political parties that may be critical of the current government;
- give greater attention and assistance to institutions in Pakistan that are crucial to its democratic development, particularly the judiciary and the police, which are reported to be especially corrupt, ineffective, and lacking accountability, thereby contributing to violations of human rights, including religious freedom, in Pakistan; and
- in administering its education assistance to Pakistan, focus more specifically on promoting reform in the state schools, where the State Department reports that textbooks regularly present religious intolerance as acceptable and include derogatory statements about religious minorities, particularly Jews and Hindus.

### **Pakistan Recommendation: Separate Opinion of Commissioners Leo and Shea**

“We write separately for the single purpose of taking issue with one of the Commission’s recommendations—namely, that provision of U.S. military aid be curtailed in light of the ‘effective sanctuary’ the Pakistani government has afforded the Taliban.

“First, the report cites no evidence that military aid is actually being used to support the Taliban’s efforts or to insulate them from defeat. Indeed, to the extent that military aid to Pakistan is being used to thwart Taliban efforts—and, at least some of that aid most certainly is—then cutting off the assistance might have the effect of making matters worse. A more appropriate recommendation would be to urge the U.S. government to investigate whether, as a matter of official Pakistan policy or deliberate indifference on the part of Pakistan officials, U.S. military aid is being used for any improper purposes related to the Taliban; and to undertake



steps to stop the use of such funds if that is in fact the case, which could include a curtailment of military assistance.

“Second, we believe that the Commission is not in a position here to decide whether cutting off military aid is the most effective response, assuming a problem. The geopolitical dynamics in that country are enormously complicated. The Commission has not undertaken the kind of thoroughgoing inquiry that would shed light on the issue, and, we are not certain that it ever could here.”