

PAKISTAN

Sectarian and religiously motivated violence persists in Pakistan, particularly against Shi'as, Ahmadis, Christians, and Hindus, and the government's somewhat improved response to this problem continues to be insufficient and not fully effective. The current government's political alliance with militant religious parties has served to strengthen such groups and give them influence in the country's affairs disproportionate to their support among the Pakistani people. Substantial evidence that Musharraf's government has been complicit in providing sanctuary in Pakistan to the Taliban also intensified in the past year. In addition, 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. These religious freedom concerns persist amid the wider problem of the lack of democracy in Pakistan, an issue the current government has done little to address. Proposals by President Musharraf to have the outgoing parliament elect him to another term as president have raised serious questions about whether the next parliamentary elections, scheduled to be held in 2007, will be free and fair. 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.

Successive governments have severely violated religious freedom in Pakistan. 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'as, Ahmadis, Hindus, and

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Badshahi Mosque in Lahore, Pakistan

Christians. Government officials do not provide adequate protections from societal violence to members of these religious minority communities, and, with some exceptions, 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; in addition, *madrassas* were ordered to expel all foreign students. By year's end, and despite an outcry from some militant groups, most of the religious schools had registered. However, reports indicate

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that the registration process will have no 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 are not acted upon, the government has only strengthened sectarian and extremist forces. The reach of these groups was demonstrated in February 2007, when the Punjab Minister for Social Welfare, Zille Huma Usman, was shot dead by a man whom police described as a religious fanatic. The accused perpetrator, who was arrested, reportedly stated that he shot the minister because she was not wearing what he believed to be the proper clothing for women.

Despite President Musharraf's appeals for religious moderation and tolerance, religiously motivated violence, much of it committed against Shi'a Muslims by Sunni militants, remains chronic in Pakistan. Ahmadis, Christians, and Hindus have also been targeted by Sunni extremist groups and mob violence. To its credit, the government has made some attempts to respond to these attacks. For example, when, in November 2005, a mob of over 1,500 persons, incited by local Muslim clerics on the basis of a false accusation of blasphemy against a local Christian man, set fire to and destroyed several churches, schools,

and homes of Christian families in the town of Sangla Hill, political leaders condemned the violence and its perpetrators were arrested and brought to trial. After the February 2006 bombings of a procession of Shi'a Muslims in the town of Hangu in the North West Frontier Province that killed at least 43 people, the central government condemned the blasts and the perpetrators were identified as a result of a government investigation.

Nevertheless, religiously motivated violence continues to be a serious problem. Sunni Muslims are also victims of reprisal attacks, sometimes carried out by Shi'a militant groups. In January 2007, at least 14 people were killed in a suicide bombing attack in Peshawar shortly before a Shi'a religious procession was scheduled to come through. One day later, another suicide bomber killed himself and two policemen at a checkpoint near the Afghan border, after they successfully prevented him from approaching a Shi'a Ashura procession and detonating a bomb. And on the same day in Bannu, further north, two rockets landed near a Shi'a mosque where worshippers were arriving to mark Ashura. Eleven people were wounded. In February, it was reported that six suspected members of a Sunni militant group had been arrested. In June 2006, a mob, stirred up by allegations that some Ahmadis had desecrated the Koran, attacked an Ahmadi locality near Sialkot, injured two persons, and set fire to several vehicles, shops, and homes. When the police arrived, seven Ahmadis, rather than the perpetrators, were arrested. In March 2007, an assistant sub-inspector of police shot dead an Ahmadi man after accusing him of being an "infidel" in Seera village near Phalian, killing him instantly. The perpetrator reportedly told police that he killed the man for changing his religion from Sunni Islam to the Ahmadi religion. According to news reports, the perpetrator went to a police station and turned himself in and a case has been lodged against him.

In the past few years, the minority Christian community also continued to be the target of extremist and mob violence. In November 2005, a mob of over 1,500 persons, incited by local Muslim clerics on the basis of a false accusation of blasphemy against a local Christian man, set fire to and destroyed several churches, schools, and homes of Christian families in the town of Sangla Hill, in the province of Punjab. Political leaders condemned the violence and perpetrators were arrested and reportedly will be brought to trial. In January 2006, the blasphemy charge was dropped. In February 2006, in the furor that erupted in Pakistan after the



A mosque in Karachi, Pakistan

publication of highly controversial cartoons in the Danish press, mobs threatened Christian communities in a number of areas in Pakistan. In the town of Sukkur, in Sindh province, a crowd of Muslims burned down two churches, an attack that was triggered in part by rumors that a Christian man had committed blasphemy. Provincial authorities ordered an investigation into the incident and reportedly a number of people have been arrested. In August 2006, a church and several Christian homes were attacked in a village outside Lahore in what was called a dispute over land. Three Christians were injured after 35 Muslim men reportedly burned buildings and desecrated Bibles.

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, and disseminate their religious materials. In August 2005, Pakistani authorities banned 16 Ahmadi-run publications in the Punjab province. Ahmadis have been arrested—two persons were arrested as a result of the action in the Punjab—and imprisoned for terms of up to three years for all of the above acts, and they are reportedly subject to ill treatment by prison authorities and fellow prisoners. According to the State Department, as of late 2006, 17 Ahmadis faced criminal charges under the anti-Ahmadi laws. What is more, 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. There is no indication that the current government intends to institute any reforms to 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 on account of their religious beliefs. 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 affect 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.

In November 2006, two Christian men were sentenced, in a closed hearing, to 10 years in prison for committing blasphemy. The lawyer for the two men claimed that due

process was not followed and that the judge wanted to release the accused but was pressured by extremists to sentence them. In January 2007, a Christian woman was charged under the blasphemy law for allegedly “uttering derogatory remarks” about the Prophet Muhammad. According to the State Department, at least five Ahmadis were in prison on blasphemy charges. There have also been some acquittals of those accused of blasphemy charges. In November 2006, a Christian man was acquitted of blasphemy charges by the Lahore High Court after spending eight and a half years in prison, and a Christian woman was acquitted of the blasphemy charge she was facing. In January 2007, the Lahore High Court overturned the blasphemy sentence of a Christian man who had been in prison for five years. That same month, a Christian youth who was accused of desecrating the Koran was granted post arrest bail, one of the few times a person accused of blasphemy was granted bail after arrest. More frequently the accused spend years in prison while their cases are being investigated. While the acquittals are welcomed, in virtually all cases, those acquitted have been forced into hiding because of fears of vigilante violence.

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. 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 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.

Finally, evidence that Musharraf’s government is giving sanctuary to the Taliban intensified in late 2006, especially as it became apparent that the Taliban has re-grouped and stepped up reported cross-border attacks inside Afghanistan. In January 2007, a UN representative confirmed the claim that Pakistan was harboring Taliban leaders. In September 2006, NATO’s Supreme Allied Commander of the U.S. European Command, General James Jones, told a Senate panel that it is “generally accepted” that the Taliban has its headquarters somewhere near the town of Quetta in Pakistan. 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 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 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 legislation, the so-called “Hasba bill,” passed that month by the provincial assembly in Pakistan’s North West Frontier Province that proposed the creation of a “watchdog” position to monitor the observance of “Islamic values” in public places. The bill would have empowered a person, called the *mohtasib*, to enforce one interpretation of religious requirements on such activities as participation in Friday prayers, the conduct of business on Fridays, and the ap-



Evening prayer

pearance of unrelated men and women in public. There were concerns that the bill would also have imposed Taliban-like restrictions on women's movement and dress. The cause of outcry in other parts of Pakistan and abroad, the law was later declared to be unconstitutional by Pakistan's Supreme Court.

Throughout 2006, 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. The Commission also met with representatives of the Pakistani government. In January 2006, the Commission wrote 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 religious tolerance in Pakistan. In March 2006, the Commission wrote again to the President, urging him, during his meeting abroad 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-editorial in the *Philadelphia Inquirer* on March 3, 2006 calling on President Bush to raise religious freedom concerns with President Musharraf.

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

- urge the government of Pakistan to make much more serious efforts to combat Islamic extremism in that country, noting especially the current government's political alliance with Islamist political parties, which affords an inordinate amount of influence to these groups, and which, in turn, has had a strong negative impact on religious freedom in Pakistan;
- urge the government of Pakistan to decriminalize blasphemy and until such time as that is possible, to implement procedural changes to the blasphemy laws that will reduce and ultimately eliminate 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;
- urge the government of Pakistan to 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;
- urge the government of Pakistan to 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;
- urge the government of Pakistan to sign and ratify the International Covenant on Civil and Political Rights;
- 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 include derogatory statements about religious minorities, particularly Jews and Hindus, and religious intolerance is presented as acceptable.