

**PAKISTAN**



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## Key Findings

In 2015, the Pakistani government continued to perpetrate and tolerate systematic, ongoing, and egregious religious freedom violations. Religiously-discriminatory constitutional provisions and legislation, such as the country's blasphemy law and anti-Ahmadiyya laws, intrinsically violate international standards of freedom of religion or belief and result in prosecutions and imprisonments. The actions of non-state actors, including U.S.-designated Foreign Terrorist Organizations such as Tehrik-e-Taliban Pakistan (Pakistani Taliban), continue to threaten all Pakistanis and the country's overall security. Religious minority communities, including Shi'a and Ahmadiyya Muslims, Christians, and Hindus, experience chronic sectarian and religiously-motivated violence from both terrorist organizations and individuals within society. The government's failure to provide adequate protection for likely targets of such violence or prosecute perpetrators has created a deep-rooted climate of impunity. Discriminatory content against minorities in provincial textbooks remains a significant concern, as are reports of forced conversions and marriages of Christian and Hindu girls and women. While the Pakistani government has taken some steps over the last two years to address egregious religious freedom violations, it has failed to implement systemic changes. Accordingly, USCIRF again recommends in 2016 that Pakistan be designated a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA), as it has recommended since 2002.

## Background

Pakistan is an ethnically and religiously diverse country of over 190 million people. According to the last official census, in 1998, 95 percent of the population identified as Muslim; of that 75 percent identified as Sunni and 25 percent as Shi'a. The remaining five percent were adherents of non-Muslim faiths, including Christians,

Hindus, Parsis/Zoroastrians, Baha'is, Sikhs, Buddhists, and others. However, Shi'a Muslim, Christian, and Hindu groups believe their communities are larger than the census reported. An estimated two to four million Ahmadis consider themselves Muslims, but Pakistani law does not recognize them as such.

Pakistan's religious freedom environment has long been marred by religiously-discriminatory constitutional provisions and legislation, including its blasphemy laws. For years, the Pakistani government has failed to protect citizens, minority and majority alike, from sectarian and religiously-motivated violence. Pakistani authorities also have failed to consistently bring perpetrators to justice or take action against societal actors who incite violence. In addition, U.S.-designated terrorist organizations, such as the Pakistani Taliban, pose a significant security challenge to the government, targeting Pakistani civilians, governmental offices, and military locations.

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Over the past several years, Prime Minister Nawaz Sharif and his party have taken steps to address some of these issues. Following the December 2014 Pakistani Taliban attack on an army school that killed 130 children, the government announced a 20-point National Action Plan (NAP) to address terrorism, attacks on minority communities, and hate speech and literature intended to incite violence. In November 2015, the government declared the Ministry of Human Rights (MoHR) independent from the Ministry of Law and Justice (MoLJ). The mandate of the MoLJ includes defending the state against

human rights complaints, which could conflict with the mandate of the MoHR to redress human rights violations, including those perpetrated by the state. In May 2015, the government authorized the country's first independent National Commission for Human Rights, with the ability to conduct inquiries and take action, but provided it no budget. In June 2014, the Supreme Court ordered the federal government to establish a special police force to protect religious minorities and to revise biased school curricula, but the government has not made any progress on either. Overall, implementation of these and other steps by the government have fallen short. Societal violence and terrorist activity continues, and inherently discriminatory laws remain.

In March 2015, a USCIRF delegation made its first-ever Commissioner-level visit to Pakistan. Commissioners met with high-ranking Pakistani officials, including National Security Adviser Sartaj Aziz, as well as officials in the Ministries of Interior and Religious Affairs. Tragically, suicide bombers affiliated with the Pakistani Taliban attacked two churches in Lahore the day the USCIRF delegation departed Pakistan.

## **Religious Freedom Conditions 2015–2016**

### **Blasphemy Laws**

Sections 295 and 298 of Pakistan's Penal Code criminalize acts and speech that insult a religion or religious beliefs or defile the Qur'an, the Prophet Muhammad, a place of worship, or religious symbols. These provisions inherently violate international standards of freedom of religion or belief, as they protect beliefs over individuals. Accusers are not required to present any evidence that blasphemy occurred, which leads to abuse, including false accusations. There are no penalties for false allegations, though they may exist in other criminal code provisions. Moreover, the law sets severe punishments, including death or life in prison, which have been levied against religious minorities including Christians, Hindus, and Ahmadiyya and Shi'a Muslims, as well as Sunni Muslims. USCIRF is aware of nearly 40 individuals currently sentenced to death or serving life sentences for blasphemy in Pakistan.

An estimated two-thirds of all blasphemy cases in Pakistan occur in Punjab province, where the majority of Pakistan's religious minorities reside. While Muslims represent the greatest number of individuals charged or

sentenced, religious minority communities are disproportionately the victims of blasphemy allegations and arrests, as compared to their percentage of the country's population. The non-governmental National Commission for Justice and Peace has reported that in 2014, 105 people were charged with blasphemy: 11 Ahmadis, 7 Christians, 5 Hindus, and 82 Muslims. In February 2015, the Punjab Prosecution Department and provincial judiciary announced that they had reviewed 262 blasphemy cases awaiting trial and recommended that 50 be reviewed for dismissal because the accused had been victimized by complainants. No religious minorities were included in the review.

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During the reporting period, Pakistan's Supreme Court suspended the death sentence of Aasia Bibi, a Christian woman convicted of blasphemy in 2010 after a dispute with co-workers, until her appeal could be heard. She remains imprisoned, is in poor health, and in October 2015 was put into isolation due to concerns for her safety. On February 29, 2016, Mumtaz Qadri was executed by hanging for the murder of Punjab governor Salman Taseer, who had spoken out in support of Mrs. Bibi. In the last year, there has been no progress in prosecuting individuals for the 2011 assassination of Minister of Minority Affairs Shahbaz Bhatti, a Christian who had called for blasphemy law reform.

In January 2016, Muhammad Khan Sherani, the Chairman of the Council of Islamic Ideology, called on the government to refer the blasphemy law to his council for review. The Council of Ideology is a constitutional body that advises the Pakistani government on whether legislation is compatible with Islam and Islamic law.

### **Anti-Ahmadiyya Laws**

Ahmadis are subject to severe legal restrictions, and suffer from officially-sanctioned discrimination. September 2014 marked the 40<sup>th</sup> anniversary of Pakistan's

second amendment, which amended the constitution to declare Ahmadis to be “non-Muslims.” Additionally, sub-clauses B and C of Penal Code Section 298 make it criminal for Ahmadis to refer to themselves as Muslims; preach, propagate, or disseminate materials on their faith; or refer to their houses of worship as mosques. They also are prevented from voting.

70 new intolerant or biased passages were added. Fifty-eight of these passages came from textbooks used in the Baluchistan and Sindh provinces, while 12 came from the Punjab and Khyber Pakhtunkhwa provinces. Overall, the report found that Pakistani textbooks continue to teach bias against and distrust of non-Muslims and any faith other than Islam, and portray them as

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In November 2015, in Jhelum, Punjab province, a mob set ablaze a factory owned by members of the Ahmadiyya community. Reportedly, the mob attacked the factory after a person who worked there was accused of desecrating the Qur’an. An Ahmadiyya mosque nearby was burned and looted the following day. Three individuals were arrested for their role in the factory attack, but no further information was available by the end of the reporting period.

In January 2016, Shakoor Shakoor, an optician and store owner in Rabwah, Punjab province, was sentenced to five years in prison on blasphemy charges and three years on terrorism charges, to be served concurrently, for propagating the Ahmadiyya Muslim faith by selling copies of the Qur’an and Ahmadiyya publications. His Shi’a Muslim store manager, Mazhar Sipra, also was sentenced to 5 years on terrorism charges. Both have appealed their sentences.

## Education

Discriminatory content against religious minorities in provincial textbooks remains a significant concern. In early 2016, USCIRF released a new report, *“Teaching Intolerance in Pakistan: Religious Bias in Public Textbooks,”* a follow-up to its 2011 study, *“Connecting the Dots: Education and Religious Discrimination in Pakistan.”* The 2016 report found that while 16 problematic passages outlined in the 2011 report were removed,

inferior. Moreover, the textbooks portray non-Muslims in Pakistan as non-Pakistani or sympathetic towards Pakistan’s perceived enemies – Pakistani Christians as Westerners or British colonial oppressors and Pakistani Hindus as Indians. These portrayals stoke pre-existing societal tensions and create a negative climate for Pakistan’s religious minority communities.

## Forced Conversions

Forced conversion of Christian and Hindu girls and young women into Islam and forced marriage remains a systemic problem. In October 2014, the Pakistan-based Aurat Foundation reported that around 1,000 girls, many under the age of 18, are forcibly converted to Islam each year, mostly through forced marriages or bonded labor. According to the report, public pressure on the police often leads to inadequate or biased investigations in these cases and the girls and their families face intimidation to say they converted willingly. Hindu and Christian women are particularly vulnerable to these crimes. Pakistani law, except in one province, does not recognize Hindu marriages. In February 2016, Sindh province passed a law to allow the Hindu community to officially register their marriages. The law is also retroactive, allowing previously married couples to register. Reportedly, the National Assembly is considering a bill that would pertain to all Hindu marriages throughout the country. Christian marriages are recognized through the Marriage Act of 1872.

## Targeted Sectarian Violence

Numerous terrorist groups are active in Pakistan, creating a serious security and stability threat to the region, the country, and its people, especially religious minority communities. In addition to attacking government and military sites, the Pakistani Taliban has been a major persecutor of religious minorities, as well as Sunni Muslims who oppose their religious and political agenda. In December 2015, Pakistani Taliban spokesperson Muhammad Khorsani claimed that the group carried out 136 attacks in 2015 that killed more than 680 people.

Early attempts in 2014 to negotiate peace with the Pakistani Taliban dissolved after repeated attacks, which spurred a major Pakistani military offensive that continues. These significant challenges notwithstanding, religious minority communities view the Pakistani government as unwilling to stem the violent attacks against them by terrorist organizations like the Pakistani Taliban or bring the attackers to justice, and believe that some government officials and local police may be sympathetic to the violent acts.

During the reporting period, religious minority communities suffered numerous violent attacks. For example, in March 2015, two Christian churches in Youhanabad town in Lahore, Punjab province, were bombed, killing at least 15 people and injuring 70. The Pakistani Taliban claimed that it had carried out the attack, and in August 2015, five individuals were arrested. In May 2015, 43 Shi'a Muslims were killed in the southern city of Karachi by a splinter group of the Pakistani Taliban called Jundullah. The Pakistani Taliban reportedly has killed 1,000 Shi'a Muslims in the last two years.

## U.S. Policy

U.S.-Pakistan relations have long been marked by strain, disappointment, and mistrust. Human rights and religious freedom have not been among the highest priorities in the bilateral relationship. Pakistan has played a critical role in U.S. government efforts to combat al-Qaeda, the Afghani Taliban, and other terrorist organization in the areas. The United States relies on Pakistan for transport of supplies and ground lines of communication to Afghanistan. In October 2015, President Obama announced that the United States would halt the withdrawal of American military forces from Afghanistan until the end of his pres-

idential term in 2017. Therefore, U.S. reliance on Pakistan is unlikely to change in the next year. Additionally, the United States, Pakistan, and China are engaged in the Afghan peace process. These three countries, along with Afghanistan, are working together to create a roadmap for restarting a negotiated peace between the Afghan government and the Afghani Taliban.

The United States and Pakistan established a Strategic Dialogue in 2010 to discuss topics such as the 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. Human rights are not included in the Dialogue structure. Although the Dialogue was dormant for some time, in January 2015 Secretary Kerry traveled to Islamabad for ministerial meetings.

The aid relationship with Pakistan is complex and changing. In October 2009, President Obama signed the Enhanced Partnership with Pakistan Act (also known as the Kerry-Lugar-Berman Act), authorizing an additional \$7.5 billion (\$1.5 billion annually over five years) in mostly non-military assistance to Pakistan. However, the \$1.5 billion amount was only met in the first year, and the appropriated amount was approximately one-third of that each year since. The Act expired in 2014. Congress has placed certification requirements on U.S. military assistance to Pakistan focusing on counterterrorism cooperation. The State Department notified Congress that the Obama administration would waive the certification requirements in July 2014. However, in August 2015, the United States threatened to withhold nearly \$300 million of military support funding because Pakistan did not do enough to stem terrorist activity. Non-military U.S. aid dramatically increased in recent years, while military aid has ebbed and flowed over the decades of engagement. For FY2016, more than \$800 million in non-military foreign assistance is planned for Pakistan.

## Recommendations

Promoting respect for freedom of religion or belief must be an integral part of U.S. policy in Pakistan, and designating Pakistan a CPC would enable the United States to more effectively press Islamabad to undertake needed reforms. The forces that target religious minorities and

members of the majority faith present a human rights and security challenge to Pakistan and the United States. USCIRF recommends that the U.S. government should:

- Designate Pakistan as a CPC for engaging in and tolerating systematic, ongoing, and egregious violations of freedom of religion or belief;
- As a consequence of CPC designation, work to reach a binding agreement with the Pakistani government on steps to be delisted and avoid Presidential actions; such an agreement should be accompanied by U.S.-provided resources for related capacity building through the State Department and USAID mechanisms;
- Press the Pakistani government to implement its Supreme Court's decision to create a special police force to protect religious groups from violence and actively prosecute perpetrators, both individuals involved in mob attacks and members of militant groups;
- Recognize the unique governmental offices focusing on religious tolerance at the federal and provincial levels by including discussions on religious freedom in U.S.-Pakistan dialogues or by creating a special track of bilateral engagement about government efforts to promote interfaith harmony;
- Work with international partners to raise religious freedom concerns with Pakistani officials in Islamabad and in multilateral settings, and to encourage the Pakistani government to invite the UN Special Rapporteur on Freedom of Religion or Belief for a country visit;
- Encourage national textbook and curricula standards that actively promote tolerance towards members of all religions, both in government schools and the madrassa system overseen by the religious affairs ministry;
- Encourage the government of Pakistan to launch a public information campaign about the historic role played by religious minorities in the country, their contributions to Pakistani society, and their equal rights and protections; either in parallel or independently, use the tools of U.S. public diplomacy to highlight similar themes;
- Urge the Pakistani government and provincial governments to review all cases of individuals charged with blasphemy in order to release those subjected to abusive charges, as is underway in Punjab, while still calling for the unconditional release and pardoning of all individuals sentenced to prison for blasphemy or for violating anti-Ahmadiyya laws;
- Work with federal and provincial parliamentarians to support the passage of marriage bills recognizing Hindu and Christian marriages;
- Call for the repeal of the blasphemy law and the rescinding of anti-Ahmadiyya provisions of law; until those steps can be accomplished, urge the Pakistani government to reform the blasphemy law by making blasphemy a bailable offense and/or by adding penalties for false accusations or enforcing such penalties found elsewhere in the penal code;
- Ensure that a portion of U.S. security assistance is used to help police implement an effective plan for dedicated protection for religious minority communities and their places of worship; and
- Provide USAID capacity-building funding to the provincial Ministries of Minority Affairs, and work with Pakistan's government and minority religious communities to help them reach agreement on measures to ensure their rights and security in the country.