

2006 ANNUAL REPORT OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Countries Recommended for CPC Designation by the Commission

Pakistan

Sectarian and religiously motivated violence persists in Pakistan, and the government's response to this problem, though improved, continues to be insufficient and not fully effective. In addition, a number of the country's laws, including legislation restricting 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 obstacle the current government has done little to address. The absence of any meaningful democratic reform has been exacerbated by the current government's political alliance with militant religious parties, which has served to strengthen these groups and give them influence in the country's affairs disproportionate to their support among the Pakistani people. 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. Government officials do not provide adequate protections from societal violence to members of the religious minority communities, including Shi'as, Ahmadis, Hindus, and Christians. With some exceptions, perpetrators of attacks on minorities are seldom brought to justice. In other instances, the government of Pakistan directly encourages 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 considerable outcry from some militant groups, most of the religious schools had registered. It remains unclear, however, whether these belated efforts to curb extremism through reform of the country's Islamic religious schools will prove effective. Moreover, these efforts do not adequately address the much wider problem of religious extremism in Pakistan and the continued strength of militant groups.

Despite President Musharraf's repeated calls 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; however, despite these efforts, 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 February 2006, two consecutive bombings of a procession of Shi'a Muslims in the town of Hangu in the North West Frontier Province killed at least 43 people, sparking days of Sunni-Shi'a sectarian violence in the city. The central government condemned the blasts and a formal inquiry into the attack was begun the following week. In October 2005, at least eight Ahmadis were killed when gunmen opened fire on a group of Ahmadi worshippers as they assembled for prayers.

In the past year, the minority Christian community also continued to be subject to 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 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 committed blasphemy. Provincial authorities ordered an investigation into the incident and reportedly a number of people have been arrested.

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 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 Quran, 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 previously mentioned 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 from prison authorities and fellow prisoners. 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 religion 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 blasphemy include death for whoever “defiles the sacred name of the Holy Prophet Muhammad” and life imprisonment for whoever “willfully defiles, damages, or desecrates a copy of the holy Quran.” 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. 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 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. Already noted above are the incidents of serious mob violence against Christian institutions that occurred as a result of spurious blasphemy accusations against two Christian individuals. In September 2005, a Hindu couple was arrested in the North West Frontier Province for allegedly desecrating the Quran; a mob also vandalized their home. In the past year, it was reported that lawyers who defend individuals accused of blasphemy are also frequently the subject of death threats.

Pakistan’s Hudood Ordinances, Islamic decrees introduced in 1979 and enforced alongside the country’s secular legal system, provide for harsh punishments, such as 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 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 due to high evidentiary standards, lesser punishments such as jail terms or fines have been imposed.

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 public hearing entitled, “The United States and Pakistan: Navigating a Complex Relationship,” during which testimony was given on U.S. policy toward Pakistan with regard to 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 enabled a person, called the *mohtasib*, to enforce one interpretation of religious requirements on such activities as participation in Friday prayers, doing business on Fridays, and the appearance 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 subject of outcry in other parts of Pakistan and abroad, the law was later declared to be unconstitutional by Pakistan’s Supreme Court.

Throughout 2005, 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 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 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 a strong negative impact on religious freedom in Pakistan;
- urge the government of Pakistan to decriminalize blasphemy and until such a 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 following up on 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, including and especially 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.