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Pakistan Overview

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Environment

Pakistan, with a name meaning 'land of the pure', lies between Iran in the west, Afghanistan in the north-west, India in the east and south-east, and the Arabian Sea in the south. Notwithstanding the secession of East Pakistan (now Bangladesh) in 1971, Pakistan remains a populous country covering a substantial terrain. It is currently the sixth most populous state in the world and, after Indonesia, the most populous Islamic state. As a country Pakistan presents astounding geographical and climatic variations. Pakistan occupies a landmass of 880,254 sq km and is administratively divided into four provinces, a capital territory and federally administered tribal areas (FATA). The state also claims jurisdiction over the western parts of the disputed Jammu and Kashmir, organized as two political entities - Azad Kashmir and Northern Areas.

Peoples

Main languages: Urdu (national language), Sindhi, Punjabi, Siraiki, Pushtu and Baluchi (regional languages)

Main religions: Islam, Hinduism, Christianity, Buddhism, Ahmaddiya

Ethnic minorities include Sindhis (14.1%), Pathans or Pakhtuns (15.42%, 2006 Census of Afghans in Pakistan), Mohajirs (7.57%), Baluchis (3.57%). Religious minorities include Christians (1.59%, 1998 Census), Ahmaddiyas (0.22 %, 1998 Census), Hindus (1.6%, 1998 Census), Shi'as, Isma'ilis, Bohras and Parsis.

Although the official position in relation to the existence of religious, linguistic and ethnic minorities is shrouded in controversy, Pakistan's minorities can essentially be categorized as 'ethnic and linguistic' and 'religious'. The term 'minority' is used in the 1973 Constitution of the Islamic Republic of Pakistan on several occasions, there is however no definition of this term. Successive federal governments have taken the position that minorities within Pakistan are necessarily religious, and that there are no ethnic, racial or linguistic minorities or indigenous peoples. The most recent national census, completed in 1998, also restricts its data to religious minorities.

Constitutional recognition is however granted to the inhabitants of Pakistan's four provinces as well as those residing in Tribal Areas. Pakistan's officially recognized nationalities are the Punjabis, the Sindhis, the Pathans and the Baluchis. Urdu is the official language and English has retained an official standing, used widely in governmental and official correspondence and the higher courts, as well as institutions of higher education.

According to the 1998 national census, 96.28 per cent of the population follows the Islamic faith. A vast majority of this Muslim population professes Sunni Islam, and owes allegiance to the Hanafi school of thought. Non-Muslims constitute 3.72 per cent of the total population, figures which, religious minorities claim, grossly under-represent their numerical strength. Christians, Hindus, Ahmaddiyas, scheduled castes and others (including Sikhs and Parsis) are officially and constitutionally recognized as religious minorities. Shi'a, Ismaili and Bohra communities are recognized as Muslim communities. The census does not provide any official figures on minority Muslim sects, although people belonging to these communities have been singled out and subjected to harassment and persecution.

History

The Republic of Pakistan emerged as an independent sovereign state on 14 August 1947, as a result of the partition of the former British India. At independence the Pakistani state inherited those contiguous districts of the former Indian empire that had a Muslim majority population; the result was a country divided into two wings of unequal size. Although there were significant differences between various groups of West Pakistan, these differences seemed less prominent when matched with the historical and socio-political features of East Pakistan. Pakistan was proclaimed an Islamic republic in its first constitution, promulgated on 23 March 1956. The first general election under the constitution was due to be held in February 1959. However, Field Marshal Ayub Khan seized power in a military coup in October 1958 and ruled until March 1969, when he was ousted by General Yahya Khan.

Partition of East from West

The country's first free elections were held in December 1970. Zulfikar Ali Bhutto's Pakistan People's Party (PPP) dominated in West Pakistan, while Sheikh Mujibur Rahman's Awami League swept the polls in East Pakistan. Mujib's call for autonomy was resisted by Yahya and Bhutto, leading eventually to civil war in December 1971 and the creation of Bangladesh. Following the partition of Pakistan, Yahya relinquished power to the civilian government led by Bhutto.

General Zia-ul-Haq deposed Bhutto in July 1977. Bhutto was tried for conspiring to murder a political opponent, sentenced to death and executed in April 1979. General Zia remained the leader of the country until his death in an air crash in August 1988. General Zia pushed the country towards fundamentalism and imposed his own repressive version of the Sharia (Islamic law).

Return of democracy

Zia's death was followed by the reintroduction of democracy in Pakistan, and, in the elections of November 1988, Bhutto's daughter Benazir led the PPP to victory. Benazir Bhutto was dismissed by President Ghulam Ishaq Khan in 1990 and in the elections which followed a coalition government headed by Nawaz Sharif came to power. Sharif was in turn dismissed in April 1993 amid charges of corruption and torture of political opponents. Although the Sharif government was restored by the Supreme Court, Sharif was again dismissed, President Ishaq Khan resigned, and Bhutto returned to power in the 1993 October elections. Bhutto, however, failed to complete a full term in office as prime minister. Her government was dismissed by President Farooq Laghari in November 1996 on grounds,

inter alia, of corruption and the continued failure to prevent ethnic unrest and civil strife.

Military rule and promise of minority protection

In his second term in office (1997-9) Sharif brought before parliament the fifteenth Amendment to the Constitution (the Shariat bill) (1998). This amendment to the constitution aimed, *inter alia*, to authorize the government to take any steps necessary to implement the Sharia. Sharif's intention of further Islamizing Pakistan came to an end with the military coup of October 1999. Immediately after coming to power, the military ruler General Pervez Musharraf promised protection of the rights of religious minorities and an end to the culture of religious intolerance. A Christian, Derick Cyprian, was appointed as a federal minister and the government undertook to repeal all discriminatory laws.

General Musharraf formally installed himself as president of Pakistan on 20 June 2001 - an officially sponsored and carefully managed referendum was conducted on 30 April 2002 in order to legitimize his presidential rule until 2007. General elections were conducted in Pakistan during October 2002 with PML-Q, a pro-Musharraf party forming the government. A vote of confidence passed by the National Assembly in his favour in 2004 enabled him to retain his presidency and military position. The same year also saw Finance Minister Shaukat Aziz elected as the country's prime minister.

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Governance

The failure to provide adequate protection to ethnic, linguistic and religious minorities in Pakistan is an unfortunate aspect of the country's chequered legal and political history. In this regard two particularly worrying trends have emerged: first, the suppression of the rights of ethnic minorities such as Baluchis, Pathans, Mohajirs and Sindhis, all of whom have had their demands for greater autonomy met with severe government repression. Second, the freedoms of religious minorities, such as Hindus, Christians and Ahmaddiyas, have contracted as a result of harsh legislation around the issue of religious offences. Religious minorities have been targeted by extremist groups among the majority Sunni Muslims - groups that have an organizational strength disproportionate to their electoral support at the polls. Sectarianism appears to be unchecked by the government, contributing to communal clashes in addition to the ethnically rooted conflicts that have characterized Pakistan's history, recently most pronounced in Sindh and Baluchistan provinces.

Effect of anti-blasphemy laws on minorities

Concern among Pakistan's religious minorities arises from several sources, including the continuation of the 'anti-blasphemy laws' and the *Hudood* Ordinances. During the Islamization period of the military dictator, General Mohammad Zia-ul-Haq, a series of anti-blasphemy related offences were inducted in Chapter XV of the Pakistan Penal Code 1857. Based on these laws a person found to be critical of the Prophet of Islam or his companions could face a jail term. Subsequent amendments made the death penalty mandatory for anyone defiling the name of the Prophet Mohammed. The induction of these provisions opened the way for persecution of religious minorities under the pretext of anti-blasphemy legislation. The arbitrary nature of the legislative provisions, their exploitation by religious extremists and the severity of the punishments involved have attracted enormous international criticism and rebuke. Nevertheless, the issue is so contentious that even a recommendation to reconsider the existence of these laws risks evoking serious recriminations; hence any official proposal of repeal appears highly unlikely. Despite concerted efforts, Benazir Bhutto, during her second term as prime minister (1993-6), failed to bring about procedural changes to the anti-blasphemy laws. Similarly, the previous government of

President Pervez Musharraf was unable to substantively modify the anti-blasphemy laws, reflecting its unwillingness to secure minority protection.

Islamic code imposed on non-Muslims

The *Hudood* Ordinances brought into operation by Zia-ul-Haq reinforce criminal laws for offences in relation to having sex outside of marriage, false imputation of rape and property-related offences. The implementation of the *Hudood* Ordinances has had seriously damaging consequences on all sections of Pakistani society. Women and religious minorities, in particular, have been targeted and victimized as a result of these Ordinances.

The imposition of the *Hudood* Ordinances, an exclusively Islamic code, on non-Muslims is also discriminatory in the manner of its application. As a prerequisite for the application of *Hadd* punishment, strict evidential requirements must be satisfied. In most cases this means a number of adult Muslim witnesses. In accordance with evidentiary requirements, while Muslims can give evidence against non-Muslims, non-Muslims are barred from giving evidence against an accused who happens to be a Muslim.

Further instruments of exploitation and discrimination deployed against religious minorities appear in the form the *Qisas and Diyat* Ordinances. These Ordinances imply that, in the application of certain penal laws, only the family of the victim, and not the state, has the option to pardon the convicted person, in return for monetary compensation. Non-Muslim minorities point out, however, that under these Ordinances, if a Muslim murders a non-Muslim, he is eligible to pay compensation to the victim's family, but not *vice versa*; a non-Muslim is barred from paying blood money and must face either a prison sentence or the death penalty. The issue of the rights of women in the context of an Islamic society has been the subject of intense controversy and debate. As exemplified through the arbitrary usage of *Hudood* Ordinances, the Islamization process has resulted in serious discrimination against women. There is increasing concern over 'honour killings' as well as denials of justice to victims of gang-rapes, as happened in the high-profile Mukhtara Mai case in 2002 - a rape that took place on the orders of a local tribal council of Jirga.

Ethnic, racial and linguistic minorities

Ever since its creation, Pakistan has had to face serious problems in relation to its ethnic, racial and linguistic minorities. The rather artificial nature of the national boundaries, large-scale discrimination against Bengalis and persecution of Hindus were all evident prior to the secession of East Pakistan. Since 1971, the most serious threat to the integrity of Pakistan has taken the form of the Baluchi insurgency of 1973-7 and 2001-6. The ethnic and sectarian violence in the urban parts of Sindh, most prominently in Karachi, has been particularly disturbing, resulting in thousands of casualties. The actions of the law enforcement agencies, in particular the extra-judicial killings of opponents of the present government, is a matter of serious international concern. The military government's repressive tactics, most noticeably in Baluchistan and FATA, generated a full-scale rebellion in 2005. During January-August 2005, 120 bomb blasts and 123 rocket attacks were recorded in Baluchistan province.

There are four main areas of challenge for the future of Pakistan's many minority groups:

1. The growing influence of militant Islamic ideology, with its insistence on closing down areas of difference between the various faiths and cultures of Pakistan's religious minorities. As witnessed in the suicide bombings in Quetta on 17 February 2007 (which killed 16 people and injured several dozen), the government of Pakistan's support for the US-led 'war on terror' in Afghanistan has resulted in backlash from the indigenous tribal communities of North West Frontier Province

and Baluchistan.

2. A related challenge is the continued discrimination against both religious and ethnic minorities in the provision of fundamental rights, including the right to education, employment, political participation and property rights. The Pakistan government fails to provide accurate figures of minority ethnic or religious communities; in this official gerrymandering a falsified picture is presented of minority representation in employment (including in the judiciary, administrative services and army) or higher education.
3. A third challenge relates to the problems of establishing democratic structures and the role of the military establishment; democracy and democratic institutions are essential if a multicultural society is to flourish.
4. Finally, there is the challenge of economic development, to ensure that Pakistan's many peoples are adequately housed, clothed and fed. The future of Pakistan's minorities depends to a large extent on how these challenges are met.

There have been some positive developments in according basic rights to religious minorities, although in real terms their impact has been nullified by the growth of extremism and intolerance within the fabric of the society. General Musharraf has continued with his promise that religious minorities will be protected, and there are limited signs that Christians, Hindus (and, to a lesser extent, the Ahmaddiyas) are not being overtly discriminated against in regard to public positions. In August 2005, Justice Rana Bhagwandas (a Hindu) was sworn in as acting Chief Justice. Although this is a temporary appointment, he is nevertheless the second non-Muslim to hold the highest judicial office in Pakistan. Among noticeable positive steps taken by the military government are the declaration of the abolition of separate electorates, apparent curbs on extremist and sectarian groups, and a sense of inclusivity of all religious communities. The thaw in the relations with India allowed greater influx of Hindu and Sikh pilgrims and, during 2004-5, the Punjab government allocated funds to renovate the Krishna Mandir temple in Lahore. Following the 7 July bombings, the federal government announced steps to ensure a strict policy of registration of the Madrisaas (Islamic schools) by end of December 2005, and to review the teaching curriculum in these schools. In January 2006, the federal government also decided to suspend the controversial Kala Bagh dam project, which ethnic minorities had argued was prejudicial to their interests.

Despite these positive measures, the negation of the principles of the rule of law and democratic governance continue to pose substantial challenges to taking into account a minority and indigenous rights perspective. While almost all of Pakistan's minorities continue to suffer from a 'democratic deficit' and the undermining of the rule of law and human rights principles, the situation of religious minorities within Pakistan is particularly unfortunate. There have been continuous reports of attempts forcibly to convert Christians to Islam. Christian and Hindu religious leaders and places of worship have come under attack, and followers of these religions face threats and intimidation. In May 2007, in Charasadda in the North West Frontier Province, Christians were warned that if they do not convert to Islam they would be killed. They were also warned that their places of worship will be attacked.

Notwithstanding the political rhetoric on the part of the government, discriminatory laws such as the blasphemy laws and the *Hudood* Ordinances are deployed against religious minorities and women. In March 2005 the requirement that passport holders state their religion was restored, despite considerable protest from minority communities. Women in Pakistan suffer huge discrimination as a consequence of the arbitrary application of the *Hudood* laws. President Musharraf's efforts to introduce a minor amendment in the procedural application of the blasphemy laws - a measure approved by the national parliament in October 2004 - failed to reduce the number of arrests and detentions on blasphemy charges. According to the statistics provided by the Human Rights Commission of Pakistan, during the period January 2004-August 2005, more than 150 persons were detained for offences under the blasphemy laws.

The abuse of blasphemy legislation was exemplified through the cases of Javed Anjum and Samuel Massih. Both were accused of blaspheming under S.295C of the Pakistan Penal Code 1860 (as amended). Samuel Massih was bludgeoned to death by his police guard while receiving treatment for tuberculosis in a Lahore Hospital, while 19-year-old Javed Anjum was tortured to death by students from a local madrasa. No action has been taken by the police or security forces against those involved in these murders. Furthermore, there was a substantial increase in sectarian violence across the country, with the Shia minority community being the principal target of victimization and killings.

In 2007 Pakistan's minorities, mainly religious groups, participated in a public rally to mark 60 years since independence. The groups presented a 20-point Charter of Demands (COD) to the Pakistani government demanding equal opportunities 'as promised' by the country's founding leaders, a ban on forced conversions and repeal of the stringent blasphemy laws.

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Current state of minorities and indigenous peoples

The situation for Pakistan's ethnic minorities has shown little improvement. Ethnic minorities such as the Baluchis have been targeted and, in general, the country continues to be plagued by human rights violations. Particularly following the 11 September 2001 attacks, there has been an increase in arrests and detention of ethnic minorities under anti-terror laws. In early 2007 Pakistan's Human Rights Commission said they had reports of 400 disappearances since 2002. According to the human rights body, the disappearances and abductions increased post-11 September 2001, but rather than being terror suspects, most of those affected were ethnic minorities.

Violence rose in Pakistan in 2007 following nationwide protests sparked by the sacking of the Chief Justice by General Musharraf. In May some 41 people were killed in days of street battles and strikes in Karachi as more people took to the streets challenging Musharraf's action and his rule. A report by the Human Rights Commission soon after found that the violence was incited by the provincial authorities in the province of Sindh. Sindh's ruling MQM party, which backs President Musharraf, denied the accusations.

By the end of 2007 Pakistan was facing political turmoil. The country's former Prime Minister Benazir Bhutto returned to Pakistan to lead the opposition movement against Musharraf. Her welcome procession was attacked by suicide bombings that left several injured and killed. In October and November of 2007, Musharraf pursued an aggressive campaign against the opposition, arresting dozens of opposition political opponents and democracy and human rights activists (both police and house arrests). Mass public protests continued throughout the country and were met with strong police action.

On 27 December 2007, Benazir Bhutto was assassinated in a suicide attack in Rawalpindi. Her killing sparked weeks of protest and violence forcing the government to again postpone elections scheduled for January 2008. The elections were finally conducted on February 18th with both opposition parties - Bhutto's Pakistan People's Party and Pakistan Muslim League, led by former Prime Minister Nawaz Sharif - gaining victory.

The civilian government took office on 31 March, but begun to spilt soon afterwards on a disagreement between coalition partners on the question of reinstating judges who were unlawfully sacked by President Musharraf during November 2007. After Musharraf resignation in August 2008 following charges of violation of the constitution and misconduct, Asif Ali Zardari, Benazir Butto's widower and leader of the Pakistan People's Party was elected President and the majority of formerly dismissed

judges took office again.

The new government was faced with a strengthened Pakistani Taliban, intensified armed attacks including suicide bombings, international pressures from the USA and Afghanistan to step up action against the Taliban and destroy Taliban military bases at the Afghan-Pakistani border, and a deteriorated relations with India after the Mumbai bombings in November. Following suicide attacks during the summer of 2008, including a suicide truck bomber attack in at the Islamabad Marriott Hotel, in which 56 people were killed, the government announced its commitment to tackle tackling Taliban militants using a combination of military force, political and economic reforms and negotiations with those who are willing to forgo violence. In October the south-west part of the country, Baluchistan, was hit with a powerful earthquake, leaving thousands homeless. The aid agency Care International put the death toll at 500-600.

Despite official protests of from the government against US missile attacks, the US air strikes and ground operations continued, as were did the suicidal attacks atin Tribal areas in autumn 2008. In January 2009 the US administration officially announced that future military aid was conditional on progress in curbing militants and expressed their discontent with Zardari's attempts to negotiate with Taliban leaders on introducing Sharia law in Malakand Division, North West Frontier Province (NWFP NWFP(North west Frontier Province), including Swat Valley. By late April 2009, armed conflicts between the government and pro-Taliban militia in the Pakistani regions that border Afghanistan and which have a strong Taliban presence (Baluchistan, NWFP and FATA - Federally Administered Tribal Areas) intensified, leading to mass forced displacement of the civilian population, in particular from Swat Valley, Buner and Lower Dir districts. According to figures of from the UN Office for the Coordination of Humanitarian Affairs, at least 577,167 people fled their homes in NWFP and FATA between mid-2008 and the end of April 2009. As of the end of April 2009, the intensified insecurity in southern Malakand Division has led to a further displacement of 1,206,203 people, amounting to of a total of 1,783,380 displaced people to 1,783,380 since 2008. Amnesty International reported that Mehsud tribes people fleeing the hostilities in South Waziristan were harassed and detained by security forces in October 2009. AI also raised concerns about the government's failure to guarantee the rights of the displaced to food, housing, health, education and security. Out oOf the officially acknowledged 992 Baluch victims of enforced disappearance Amnesty International reported that on the release of 262 had been released victims by 10 December. The 2010 AI report also gives account of the 87 suicide attacks that left 1299 people dead and 3633 injured, many of whom are civilians. Excessive government military actions against Taliban hideouts also led to a high number of civilian casualties.

Following its promise to protect human rights, the new government ratified the International Covenant on Economic, Social and Cultural Rights, signed the International Covenant on Civil and Political Rights and the UN Convention against Torture. In November 2008 a Ministry for Human Rights was set up. Despite these efforts, Amnesty International has reported on ongoing arbitrary arrests and detentions, torture and other ill-treatment, including beatings, rape and several deaths in custody, and enforced disappearances. The government failed to adequately protect religious minorities against discrimination, targeted violence and harassment. Amnesty International reported killings of Ahmadis on charges with of blasphemy. According to the AI 2009 report, 76 people were charged with blasphemy, of which 17 people can may face the death penalty, being charged under the Pakistan Penal Code which carries the death sentence for insulting the name of the prophet Muhammad. Religious minorities continue to suffer discrimination and harassment. As stated byin the 2010 AI report, 11 Ahmadis and 9nine Christians were killed and at least 14 members of the Ahmadi community (including children) were arrested on charges of blasphemy. A 7 -year old Christian child was burnt alive along with 5five others and many more injured in an arson attack in Punjab on 1 August 2009. Sikhs, Hindus and Christians were required to pay the jiza, a tax imposed by the Taliban payable by non-Muslims living under Muslim rule.

The re-establishment of government control over the Swat Valley in 2009 September did not bring an end to human rights abuses. Proposals to ease political tensions, including lifting the ban on political party activities in the FATA; reducing the military presence and releasing disappeared people, and introducing economic recovery programmes in Baluchistan were announced by President Zardari and Prime Minister Gilani in autumn 2009, but their implementation remains patchy. In July 2010 Human Rights Watch raised serious concerns over extrajudicial executions by the Pakistani army and urged the government to immediately investigate cases of extrajudicial killings, torture and mistreatment, including a list of 238 suspicious killings that was provided by the independent Human Rights Commission of Pakistan and local sources.

In August 2010 the worst floods in Pakistan's history hit the country. The UN Office for the Coordination of Humanitarian Affairs reported of a death toll of 1752 people and of 1.8 million damaged or destroyed houses as of 7 September 2010. The floods affected up to 21 million, a tenth of the population. According to UN estimates, at least 8 million people need urgent aid, many of whom are internally displaced and are in a particularly vulnerable situations. As of the end of July 2010 the government registered 1.4 million people as internally displaced, but human rights organisations estimate that at least 2 million have been displaced by the conflict in NWFP North-West. Humanitarian organisations and the UN have repeatedly called for humanitarian aid but funding has been reported to be slow to arrive compared to other major disasters.

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