

**The INSTITUTE on Religion and Public Policy  
Report on Pakistan**

**Executive Summary**

(1) As a predominantly Sunni nation, Pakistan deals faces plethora of issues regarding Sunni domination and discrimination against religious minorities. Given the nation's formation as a land primarily for Muslims, the Muslims' overwhelming majority seems reasonable. The founder of the nation, Mohammad Ali Jinnah, envisioned a state with equal rights for all, but his successors laid an entirely different framework of legislation and culture. Today, corruption and violence describe the atmosphere in Pakistan, making it extremely unsafe for any religious minorities, especially those on the Sunnis' list of targets. While work has been done to rectify the issue, the situation on the ground has remained stagnant and dangerous.

**THE INSTITUTE on Religion and Public Policy**

(2) Nominated multiple times for the Nobel Peace Prize, THE INSTITUTE on Religion and Public Policy is an international, interreligious nonprofit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. THE INSTITUTE works globally to promote fundamental rights, and religious freedom in particular, with government policy makers, religious leaders, business executives, academics, non-governmental organizations and others. THE INSTITUTE encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

**History and Religious Demographics of Pakistan**

(3) The overwhelming majority of the Pakistani population (96.3%) is Muslim, the majority of whom, approximately 95%, are Sunni and 5% Shia. 1.5% of the population is Hindu, 1.6% is Christian, and 0.3% belongs to other religions, including Buddhism and Sikhism. Approximately 0.2 percent of the population is Ahmadi, who are not recognized as Muslim by Pakistani law.<sup>1</sup>

(4) Mohammad Ali Jinnah, the founder of Pakistan, identified the need for independence by claiming India contained two nations – one Hindu and one Muslim – and that Muslims were unsafe in India. He envisioned, however, a secular state, free from oppression or discrimination. In a speech to the first Constituent Assembly on August 11, 1947, Jinnah explained his vision – a separation between religion and politics: “[Individuals’ religious preference] has nothing to do with the business of the State.”<sup>2</sup> His ideals of religious equality and the establishment of a purely secular state were highly regarded by the international community and seemed to set Pakistan on a path of inclusion and harmony.

(5) Jinnah's death in 1948 paired with the assassination of Pakistan's first Prime Minister, Liaquat Ali Khan, in 1951, left the country reeling in grave political instability.<sup>3</sup> Pakistan leaned further to an Islamic-

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<sup>1</sup> Country Profile: Pakistan, 8. <http://lcweb2.loc.gov/frd/cs/profiles/Pakistan.pdf>.

<sup>2</sup> Religious Minorities in Pakistan, 6. Malik, Iftikhar.

<sup>3</sup> Background Note: Pakistan. U.S. Department of State.

dominated state, a shift fully realized in the constitution of 1956. Jinnah had promised a secular state, but the strong Islamic ties and the new constitution moved the country farther from Jinnah's goal.

(6) Military rule prevailed for the two decades following the establishment of the Pakistani constitution. Internal strife between East and West Pakistan became a growing concern, and on December 16, 1971 the state of Bangladesh won independence.<sup>4</sup>

(7) President Yahya Kahn stepped down as a result of the civil war defeat, and Zulfikar Ali Bhutto took over. Bhutto lifted martial law and adopted a new constitution in August 1973. He took steps to alleviate religious based sexual discrimination by declaring it "contrary to the injunctions of Islam."<sup>5</sup> However, he further blurred the distinction between mosque and state by introducing a series of cosmetic Islamic measures: banning alcohol, gambling and betting, and declaring Friday a weekly holiday.<sup>6</sup>

(8) Bhutto, a Pakistan People's Party (P.P.P) member, was elected to serve again in 1977 in Pakistan's first civilian election.<sup>7</sup> However, investigations into the election processes showed that polls were blocked for hours at selected locations, members of the P.P.P. were dressed in police uniform and removed ballot boxes, and P.P.P supporters were allowed to submit multiple ballots.<sup>8</sup> An outbreak of violent protests over the election and political deadlock led to General Mohammed Zia ul-Haq's military takeover on July 5, 1977 and his self-declared presidency in 1978.<sup>9</sup>

(9) Zia looked to consolidate power through the marginalization of non-Muslim religious groups. On taking over, he declared that "Pakistan was created in the name of Islam...I consider the introduction of [an] Islamic system as an essential pre-requisite."<sup>10</sup> Zia effectively made Pakistani law congruent with Sharia law, making the separation of mosque and state effectively nonexistent. In 1985, he officially terminated martial law.

(10) Zia again implemented discriminatory practices in the election process. He split the electorate in an appeal to political separatism. Zia divided Pakistanis into Muslim and non-Muslim voters, where only members of the respective electorate were permitted to vote for certain seats. Objections quickly surfaced, arguing that separate electorates incite religious prejudices, segregate minorities from mainstream national politics, and downgrade minorities to third-class citizenship.<sup>11</sup>

(11) Zia's death in an airplane crash in 1988 led to Benazir Bhutto's first term as prime minister. After 11 years of misogynistic rule stemming from the Islamist rhetoric of the Zia administration, Bhutto's election seemed to be a step in the right direction; Pakistan became the first Muslim country with a

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<sup>4</sup> The World Factbook: Pakistan. <https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html>.

<sup>5</sup> Declaration of the Rights of Pakistani Women, 1976.

<sup>6</sup> Country Profile: Pakistan, 4. <http://lcweb2.loc.gov/frd/cs/profiles/Pakistan.pdf>.

<sup>7</sup> Encyclopedia Britannica. <http://www.britannica.com/facts/10/40925922/March-7-1977-In-Pakistan-s-first-general-election>.

<sup>8</sup> History Bodes Ill for Pakistan Election.

<http://afp.google.com/article/ALeqM5hsTHpArW7QS8QG9xLak4GVvTJCMg>.

<sup>9</sup> History Bodes Ill for Pakistan Election.

<http://afp.google.com/article/ALeqM5hsTHpArW7QS8QG9xLak4GVvTJCMg>.

<sup>10</sup> Contested Identities: gendered politics, gendered religion in Pakistan, 856. Shaheed, Farida.

<sup>11</sup> Religious Minorities in Pakistan, 20. Malik, Iftikhar.

female head of government.<sup>12</sup> But with the necessary two-thirds parliamentary majority nearly impossible to attain, Bhutto was unable to bring about real change or repeal any of Zia's Islamic laws.<sup>13</sup>

(12) Bhutto's successor, Nawaz Sharif, used this same two-thirds majority for personal gain. He closed down thousands of non-governmental organizations, arrested hundreds of journalists, and attempted to pass the *pièce de résistance*, or the 'Shariat Bill', to give the prime minister unfettered power. Opposition to this bill was ultimately his undoing as General Pervez Musharraf ousted Sharif in 1999, returning the country to military rule.

(13) Musharef pledged to revive the country economically and socially, but industrial and economic challenges paired with increasing polarization between Islamist militants and the secular wing of Pakistani politics stymied his ability to fulfill his pledge. He did, however, pass legislation increasing the presence of minority groups, especially women, in legislative bodies. Musharraf relinquished his army post in November 2007, and resigned as President in August 2008 under threat of impeachment.

(14) After her assassination, Asif Ali Zardari, husband of the late Benazir Bhutto, handily won the ensuing election. Under pressure from varying government bodies, Zardari presented sweeping constitutional reform legislation to strip the presidency of much of its power, but bring about very little actual change.<sup>14</sup>

## Legal Status

(15) As a nation created for Muslims, Pakistan's political landscape has always revolved around its religious dynamics. From the first constitution of the Islamic Republic of 1956, Pakistan's legal status has revolved around a Muslim influence. The 1956 constitution contained two purely religious clauses yet neither was institutionally enforced: first, no law could contravene the Quran, and second, the head of the state had to be Muslim.<sup>15</sup>

(16) Under Zia's lead, Article 260 of the Constitution was amended. It defined the religions of its citizens and did not recognize the Qadiani group or the Lahori group (otherwise known as Ahmadis) as a part of the Muslim majority. Further, Zia's Ordinance XX of 1984 made it a punishable offence for any Ahmadi to identify as a Muslim. Since, Ahmadis have been tried and convicted under this law even using the word 'mosque' to describe their place of worship or for using the traditional Islamic greeting in public.<sup>16</sup>

(17) In February 1979, the infamous Hudood Ordinances introduced inhumane punishments such as amputations, stoning to death, and public whipping. The most alarming of the Hudood Ordinances' effects was the criminalization of consensual sex (*zina*). "*Zina* became a crime against the state and the principle of presumptive innocence was annulled."<sup>17</sup> Furthermore, in cases of sexual abuse or rape, survivors' accusations against their perpetrators was disturbingly seen as a confession of sexual activity and led to their sentencing under *zina*.<sup>18</sup>

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<sup>12</sup> History Bodes Ill for Pakistan Election.

<http://afp.google.com/article/ALeqM5hsTHpArW7QS8QG9xLAK4GVvTJCMg>.

<sup>13</sup> Contested Identities: gendered politics, gendered religion in Pakistan, 860. Shaheed, Farida.

<sup>14</sup> BBC News: Pakistan Country Profile. [http://news.bbc.co.uk/2/hi/americas/country\\_profiles/1157960.stm#leaders](http://news.bbc.co.uk/2/hi/americas/country_profiles/1157960.stm#leaders).

<sup>15</sup> Religion and Party Politics in Pakistan, 39. Qureschi, Saleem.

<sup>16</sup> Religious Minorities in Pakistan, 17. Malik, Iftikhar.

<sup>17</sup> Contested Identities: gendered politics, gendered religion in Pakistan, 857. Shaheed, Farida.

<sup>18</sup> Contested Identities: gendered politics, gendered religion in Pakistan, 857. Shaheed, Farida.

(18) The Protection of Women Act of 2006 served to remove many of the *zina* charges of the Hudood Ordinances. For example, female victims no longer needed to produce four male witnesses to prove the crime and rape cases were no longer permitted to be converted to adultery cases. Offenses of fornication still remain in the penal code.<sup>19</sup> Sadly, despite the Act, women often face the brunt of anti-religion laws in Pakistan.

(19) Institutionally, Pakistan's education system is tied closely with Islamic ideals. The system's aims and objectives are to enable citizens to lead their lives according to Islamic teachings and to educate them as true Muslims.<sup>20</sup> Islamic studies (*Islamiyat*) is compulsory in all schools, and *Islamiyat* assessments serve as standardized tests mandatory for higher education and public sector employment. Textbooks are written in an Islamic narrative, censoring or completely overlooking inconvenient truths and opposition movements.<sup>21</sup> Furthermore, thousands of religious schools, *madrassas*, continue to motivate students to take part in religiously-motivated violence.<sup>22</sup>

(20) Again demonstrating the lack of separation between mosque and state, laws are in place to make women's 'Islamic dress' (full chadors) compulsory for all female students and teachers as well as for all female government employees. The state licensed males to admonish and physically assault any woman they regarded as improperly dressed. The state pressured religious minorities to outlaw cultural dress; Parsees and Christians abandoned skirts and dresses and Punjabis abandoned their sarong-like apparel. The idea of Islamic mandated dress became a cultural norm, binding citizens even without legislation.<sup>23</sup>

(21) The 18<sup>th</sup> amendment, passed in 2010, greatly reduced presidential authority in theory and restored Pakistan's parliamentary system. The amendment added seats for non-Muslims and women in the National Assembly, Senate, and provincial assemblies; however, the number of seats was not set on a per-capita basis, so equal representation was far from fulfilled. Furthermore, the 18<sup>th</sup> amendment did not deal with the anti-Ahmadi clauses or the religious requirement for the prime minister.<sup>24</sup>

(22) Possibly the most commonly abused discriminatory piece of legislation is the Blasphemy Law. The most recent amendment to section 195 of the Penal Code stipulates that anyone who directly or indirectly defiles the name of Prophet Muhammad will be punished by death or life imprisonment. Further disempowering women, under Zia laws, the evidence of two women or two non-Muslims equals that of a single male Muslim, making convictions much easier for Muslim men.<sup>25</sup>

### Specific Instances of Discrimination

(23) The most recent blasphemy case is that of Arif Masih. He was arrested on April 5, 2011 after his Muslim neighbor accused him of defiling the Quran. His brother claims that the neighbor fabricated the

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<sup>19</sup> Protection of Women (Criminal Laws Amendment) Act, 2006.  
<http://www.pakistani.org/pakistan/legislation/2006/wpb.html>.

<sup>20</sup> Ministry of Education: Educational Policy 1998-2010. <http://www.moe.gov.pk/edupolicy.htm>.

<sup>21</sup> Contested Identities: gendered politics, gendered religion in Pakistan, 858. Shaheed, Farida.

<sup>22</sup> *Madrassas in Pakistan*. Chandran, Suba. [http://www.ipcs.org/pdf\\_file/issue/2032153432IB11-SubaChandran-MadrassasInPak.pdf](http://www.ipcs.org/pdf_file/issue/2032153432IB11-SubaChandran-MadrassasInPak.pdf).

<sup>23</sup> Contested Identities: gendered politics, gendered religion in Pakistan, 859. Shaheed, Farida.

<sup>24</sup> 18<sup>th</sup> Amendment in the Constitution of Pakistan (Complete Text). <http://www.scribd.com/doc/30269950/18th-Amendment-in-the-Constitution-of-Pakistan-Complete-Text>.

<sup>25</sup> Religious Minorities in Pakistan, 18. Malik, Iftikhar.

allegations in an effort to acquire the adjacent property.<sup>26</sup> Only 10 days after he was detained, the police found the charges to be false and scheduled his release. Irate Muslims pressured the police department and demanded he be detained anew. The police department's compliance to the Muslims' pressure exposes the troubling levels of corruption that exist today.<sup>27</sup>

(24) Even if accused citizens are deemed innocent, acts of religious violence are commonplace. Islamic extremists shot dead two Christians who were set to be acquitted of blasphemy charges on July 19, 2010. Reverend Rashid Emmanuel and his brother Sajid Emmanuel were murdered days after experts notified police that evidence against Muhammad was inconsistent. It also became evident that the brothers were tortured while in police custody, implying more systematic corruption.<sup>28</sup>

(25) Politicians and leaders have seldom spoken out in opposition of the blasphemy laws in fear of the potential backlash. On January 4, 2011, Salman Taseer, the governor of Punjab, was murdered. Two months later, on March 2, Shabaz Bhatti was similarly murdered. Bhatti served as the only Christian cabinet member. A third vocal opponent and a parliamentarian, Sherry Rehman, has made attempts to reform the blasphemy law, but after Taseer's murder in January, Rehman has remained in hiding.<sup>29</sup>

(26) Outside the blasphemy laws, non-systematic religious violence runs rampant in Pakistan. Last August, a Christian mother of seven was kidnapped, abducted, raped, sold into marriage, and finally threatened with death if she did not convert to Islam. Her captors demanded a 100,000 rupee ransom, and her father was able to pay for her release, a luxury most individuals in a similar situation do not have.<sup>30</sup>

(27) On May 29, 2011, a group of Muslims armed with rifles and pistols egregiously disrupted a church service outside of Lahore, Pakistan. They smashed a glass altar and desecrated several Bibles and a cross. Reinforcing a culture of corruption, the police protected the intruders' leader, Muhammad Shoaib, for his familial ties to a former Member of the Punjab Assembly (MPA). Furthermore, the police eventually pressured the Christians to accept an apology from the accused with no punitive recourse. Similarly, in 2010, Anti-Ahmadi militants carried out coordinated attacks on Ahmadi mosques, killing 93 people and injuring countless more. The police were called, but again they failed in their intervention.

(28) Shi'a Muslims have been attacked as recently as September 2010, when three bombs were detonated during a religious procession to honor the first Shi'a imam. Twenty-nine were slain and 200 wounded.

## **US Foreign Policy**

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<sup>26</sup> Pakistani Christian Falsely Accused of 'Blasphemy' Illegally Detained.  
[http://www.compassdirect.org/english/country/pakistan/article\\_110771.html](http://www.compassdirect.org/english/country/pakistan/article_110771.html).

<sup>27</sup> Detained Pakistani Christian Released – But Two Others Held.  
[http://www.compassdirect.org/english/country/pakistan/article\\_111074.html](http://www.compassdirect.org/english/country/pakistan/article_111074.html).

<sup>28</sup> Pakistan's 'Blasphemy' Laws Pose Growing Threat.  
[http://www.compassdirect.org/english/country/pakistan/article\\_112455.html](http://www.compassdirect.org/english/country/pakistan/article_112455.html).

<sup>29</sup> Pakistan's 'Blasphemy' Laws Pose Growing Threat.  
[http://www.compassdirect.org/english/country/pakistan/article\\_112455.html](http://www.compassdirect.org/english/country/pakistan/article_112455.html).

<sup>30</sup> Christian Woman Freed from Muslim Kidnappers in Pakistan.  
<http://www.compassdirect.org/english/country/pakistan/69730>.

(29) The United States sees Pakistan as a key partner in keeping peace in the region and in disrupting, dismantling, and defeating al Qaeda, as Obama famously put it. For that reason, much of the U.S. aid to Pakistan has been military aid. U.S. President Obama signed the Enhanced Partnership with Pakistan Act in 2009, sending \$7.5 billion to Pakistan in non-military aid to support economic development, to build Pakistan's human resources, and to strengthen diplomacy efforts in combatting religious extremism.<sup>31</sup> While the act seems to be a step in the right direction, the \$7.5 billion is being sent to corrupt hands. Since September 11, 2001, U.S. foreign policy towards Pakistan has been almost exclusively military based.

(30) The US Department of State's Office of International Religious Freedom has placed Pakistan on the watch list as a country of interest for religious discrimination and persecution in the country. While not yet named a country of particular concern (CPC), according to the International Religious Freedom Act of 1998, many government officials and advocacy organizations are encouraging President Obama to designate Pakistan as a CPC.

## **Conclusion**

(31) The numerous examples of religious discrimination, violence, and strife that are now deeply rooted in Pakistani culture stem from the original constitution and the effects of the Zia legislation. Pakistan harbors systematic discrimination, corruption at the highest levels, and no effective law enforcement to protect minority groups from Islamic radicals or the government. Minority groups, for these reasons, are in imminent danger of wrongful persecution or attacks. Christians, Ahmadis, and Shi'as receive the brunt of the violent and murderous attacks, leaving citizens who associate with those beliefs in constant fear. Hindus, Sikhs, Buddhists, and people of other beliefs have also seen a fair share of violence, but discriminatory policies are more prevalent in their lives. Furthermore, there is no quick fix for the issue, as the level of corruption in government agencies and political instability makes additional aid or diplomacy ineffective. Much work needs to be done before Pakistan is safe for people of all faiths, especially for Christians, Ahmadis, and Shi'as.

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<sup>31</sup> Text of Enhanced Partnership with Pakistan Act of 2009. <http://www.govtrack.us/congress/billtext.xpd?bill=s111-962>.