

Institute on Religion and Public Policy Report:

Religious Freedom in the Islamic Republic of Pakistan

Executive Summary

The Islamic Republic of Pakistan is a vast country of over 175 million people, approximately 95% of whom are Muslim. In 1977 a system of Sharia law was instituted. The country's Constitution provides for freedom of religion, however, there are stringent regulations that prevent true free exercise. The group most frequently discriminated against is the Ahmadiyya sect, and they encounter considerable legal and practical risks if they practice their beliefs openly. There are also significant speech-related barriers to free exercise that include prohibitions against blasphemy and stringent religious anti-defamation laws. These laws are often abused by law enforcement officials in an effort to stem non-Muslim minorities. This includes arbitrary detention, corruption, torture and even killings. The country has recently taken a large step forward by signing the International Covenant on Civil and Political Rights, a widely used treaty that protects religious freedom. However, significant barriers to religious freedom remain in Pakistan.

Institute on Religion and Public Policy

Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit 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 of Religious Freedom and Politics in Pakistan

The Islamic Republic of Pakistan was founded in 1947 after the partition of India by the British. The goal was to create an Islamic state alongside what was to be a Hindu homeland. During the partition era there was considerable immigration and emigration between India and Pakistan, which unfortunately, also generated ethnic and religious violence. In Pakistan the Muslim majority was known to target Hindus and Sikhs. Some estimates put the death total during this period at a million people. There still exists much volatility between Pakistan and India over the disputed Kashmir region. Much of the history of Pakistan has been

dominated by military dictatorships that do not tolerate dissent and crush any moves towards democracy. This has manifested itself in a number of Constitutional provisions and laws. The current government of Pakistan is headed by Asif al-Zardari, a democratically elected leader who won a landslide victory in September 2008 following the killing of his wife, a former prime minister. The elections took place following the resignation under possibility of impeachment of former President Pervez Musharraf, a military dictator who came to power as part of a military coup.

Article 20 of the Constitution provides for the right of all people to "...profess, practice and propagate his religion..." It also, however, has several discriminatory provisions including one that requires the President of the Republic be a Muslim. The document was amended in 1974 to define Muslims in a manner that would exclude the Ahmadi minority, a group that self identifies as Muslim. While 70 seats of the Parliament are reserved for women and Non-Muslim minorities, the President of the Republic has the ability to unilaterally disband the legislature, a significant blow to any protection expected from the 70 designated seats. There are also several other Constitutional provisions that limit the free exercise of religion and will be discussed in detail later.

Discrimination against the Ahmadiyya Faith

The minority group most often discriminated against in Pakistan is the Ahmadiyya (Ahmadis). The Ahmadis began in the late 19th century as a sect of Islam believing that Muhammad was the final lawmaking Prophet, but that there have been and will continue to be other non-law making Prophets. Mirza Ghulam Ahmed is viewed as the second coming of Jesus Christ, an event prophesied by the Prophet Muhammad. Due to the group's belief in prophets after Muhammad, they are regarded as non-believers by much of the mainstream Ummah (Islamic community). In Pakistan this belief has led to rampant legal and societal discrimination including a 1974 Constitutional Amendment declaring the minority non-Muslim and a package of 1984 laws designed to enforce this declaration.

Because the discrimination against the Ahmadiyya sect has been officially sanctioned by the government the 1984 laws have been dubbed the anti-Ahmadiyya laws. As mentioned before, the Ahmadi minority identifies itself under Islam, but the 1984 laws made this claim illegal and punishable by a fine and up to three years imprisonment. This punishment extends to include situations where Ahmadis refer to the holiest figures of Islam by names intended for worship, describe a place of worship as a mosque; recite from the Quran or speak the azan (call to prayer). The laws can also apply to any other way in which an Ahmadi represents himself as a Muslim. Anti-Ahmadiyya laws are used not only to punish but also to deter the Ahmadiyya from acting in a manner consistent with their beliefs. One shining example is the charge levied against the entire population of Rabwah, a town near Lahore that headquarters the Ahmadiyya in Pakistan. The group was charged 20 years ago and again in 2008

with impersonating Islam. Both charges remain outstanding, thus forcing Ahmadis to avoid traditional Islamic mannerisms including long beards, traditional Islamic greetings and celebration of Islamic holidays.

It is not only the Pakistani Government that targets the Ahmadi minority. Since the 1984 anti-Ahmadiyya laws were enacted, 101 Ahmadis have been murdered. Five attacks have already occurred in 2009. Reports state that throughout Pakistan, particularly within the Punjab region, there are frequent "Anti-Ahmadiyya" conferences in which Muslims are told it is their duty to kill Ahmadis. One example of the level of hatred fostered towards Ahmadis occurred in Rabwah, where a plaque dedicated to Dr. Abdus Salam, the first Pakistani to win a Nobel Prize, has been repeatedly defaced because it states that Dr. Salam was the "first Muslim" to win a Nobel Prize. Extremists have also stamped rupee notes with anti-Ahmadiyya epithets demanding that they be "put to death".

Extreme acts of violence were common throughout the 1990's but experienced a lull in the early 2000's. It appears the attacks are becoming more common once again. The most recent victim was a trader who was shot in the head by a group of attackers waiting outside his home. Many religious minorities have experienced similar attacks, but none are targeted as systemically as the Ahmadi minority, often with complete impunity.

Blasphemy

Laws in Pakistan stringently prohibit defaming the Prophet or any religious figures of Islam. This stems from Article 19 in the Constitution, which guarantees the right to free speech with the stipulation that reasonable restrictions can be made "in the interest of the glory of Islam." Restrictions on free speech are plentiful in the Penal Code of Pakistan under this amendment. The so called blasphemy laws contain penalties ranging from a mandatory death sentence for insulting the Prophet Muhammad to a year imprisonment or fine for disturbing religious assembly. As previously mentioned, these laws also label Ahmadis claiming to be Muslims as blasphemers and set possible punishments at three years imprisonment or a large fine. These laws are drawn very broadly, as shown by the recent arrest and prosecution of Munir Masih and his wife Ruqiya Bibi who were charged with defiling the Quran because they allegedly touched it with unwashed hands and the crime of possession of a Holy Quran by a Christian couple. The charges were dropped when a Muslim neighbor stated that he had asked the two to store a few things, including the Quran.

The second type of blasphemy law prohibits "religious injury" to another. This law is intended to prevent insulting an entire religious group, including all religions not just the country's majority Islamic faith. Violations can be punished by up to ten years imprisonment. Corruption has played an important part in the enforcement of all blasphemy laws but particularly in the case of religious injury. There have been many instances of police officers taking bribes in order to file charges

against members of religious minorities including Ahmadis, Christians and Hindus. In response to this problem, a law was passed in 2005 requiring all new blasphemy charges to be investigated by a senior law enforcement official. This has significantly reduced the number of blasphemy cases. Although every blasphemy conviction has been overturned on appeal, the accused individual is forced to spend large amounts of time incarcerated where they are subject to mistreatment and torture.

On April 16, 2009 the High Court reversed the convictions of blasphemy against James and Buta Masih, both elderly Christians. The pair spent two years in a Pakistani jail and alleges that the only reason for their imprisonment was a fabricated story by a Muslim neighbor over a property dispute. The jail time has significantly affected their health, and they now suffer from trauma and other problems due to the prison conditions. They are also unable to return home due to fear of extremist retribution and the stigma attached to them as blasphemers, a common problem for those accused of blasphemy.

Though some laws, such as the religious injury law, are written to protect defamation against all religions, blasphemy laws predominantly affect Non-Muslims. According to Compass Direct, “blasphemy charges against non-Muslims are not uncommon in Pakistan and are typically applied in cases of sectarian violence. Islamic leaders are often under community pressure to blame Christians in these situations.” There has, however, been improvement on the ground in recent years. Recently, a Punjab court released Solomon Masih, a Christian charged with blasphemy after Christian NGO’s and the Islamic leadership in the region reached reconciliation. The incident happened during a riot when a sticker fell from a young boy’s shirt onto the ground that contained the name of the Prophet Muhammad. As a result of the agreement the Judge dismissed the case and the Islamic leaders of the community issued a fatwa declaring Masih innocent because the insult to Islam had clearly been unintentional.

US Foreign Policy and Pakistani Religious Freedom

The United States is playing an important role in the overall reform of Pakistan and religious freedom is no exception. Pakistan was declared vital to U.S. interests, and one step the US government has taken to promote that interest has been to keep an open dialogue with Pakistani Government as well as leaders of religious communities including Muslims, Ahmadis, Christians and Jews. Throughout this dialogue US leaders have advocated for laws designed to provide better protection for religious freedom and the repeal of blasphemy laws. The US also gave Pakistan an aid package of \$100 million to reform the country’s public education system to include teaching religious tolerance rather than hatred and intolerance, which could later foster extremism.

Conclusion

Pakistan is an Islamic Republic, and according to the Constitution its laws must conform to Islamic Law. Although the Constitution provides guarantees for religious freedom, this is not respected in practice. Blasphemy laws are used to intimidate and imprison religious minorities. The Ahmadiyya community is the most persecuted group in Pakistan because they claim a Muslim identity, but maintain slightly different beliefs than do mainstream Muslims. The Government has made it illegal for them to represent themselves as Muslim and subjected entire communities to tremendous punishments and government monitoring. Pakistan has taken positive steps for religious freedom in the last few years. The Government has signed the important International Covenant on Civil and Political Rights that, among other rights, guarantees religious freedom. Pakistan has also worked with the US State Department in an effort to remove extremism and intolerance from its public school system. Despite all this, the country remains a dangerous place for religious minorities.