

A Question of Faith

A Report on the Status of Religious Minorities in Pakistan



A Jinnah Institute
Research Report

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“I just want my remaining children to grow up in peace, learn and live happily in Pakistan as Pakistanis.”

Mukhtar Masih, Christian resident of Gojra, Punjab¹

“Our temples are being vandalized and women being raped. Atrocities against us are increasing day-by-day. We won’t get permanent jobs unless we convert to Islam. In Pakistan, we are subject to persecution and have to live our daily lives in fear.”

Sroop Chand Malhi, Hindu resident of Umerkot, Sindh²

About the Jinnah Institute

The Jinnah Institute is a non-profit public policy organization based in Pakistan. It functions as a think tank, advocacy group and public outreach organization independent of government. The JI seeks to promote knowledge-based policy making for strengthening democratic institutions and building public stakes in human and national security discourse, with an emphasis on regional peace. It remains committed to policies that promote fundamental rights, independence and pluralism.

Through multiple mediums of public outreach, JI builds and advocates a discourse centered on the values of equitable democratic and social entitlements, pluralism, rule of law and transparent governance. Its strategic security program advances the project of inclusive policy-making for enhancing Pakistan's stakes in regional peace and build public capacity to reverse the tide of extremism and related challenges.

JI engages policy-makers, government, media organizations, civil society, state institutions and academia with a view to maximizing space for its intellectual and advocacy products at the national, regional and global level.

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Executive Summary

The year 2010 ended with violent protests over amendments to the controversial blasphemy laws, and 2011 opened with the brutal target killing of Punjab's Governor Salmaan Taseer, a staunch advocate of minority rights. This was followed closely by the assassination of Federal Minister for Minorities, Shahbaz Bhatti. Both had supported amendments in the law proposed by a member of Parliament from the ruling party and former federal minister, Sherry Rehman. This report is an analysis of the status of religious minorities in Pakistan and documents the deterioration in the social, political and economic standing of members of these communities in the context of the rising tide of extremism in the country.

Earlier, on November 8, 2010 Asia Bibi, a Christian farmhand from the Punjab province became the first woman in Pakistan to be sentenced to death for blasphemy. The conviction horrified key members of the incumbent Pakistani government. President Asif Ali Zardari ordered a ministerial review, which concluded that the verdict was legally unsound and sought a presidential pardon for her. But on November 26, in a dramatic reversal, Pakistan's law minister ruled out any change to the blasphemy law under his watch. The same day, the government gave in to a long-standing demand of its coalition partner, the Jamiat-e-Ulema-e-Islam (Fazlur Rehman) (JUI-F), led by Maulana Fazlur Rehman, and appointed a hard-line cleric from the JUI-F to head the Council of Islamic Ideology (CII), a powerful body that determines whether the country's laws are in conformity with Islam. Then, on November 29, in a clear case of judicial overreach, the Lahore High Court barred the president from issuing a pardon despite this privilege being granted to him by the constitution. Hardliner Islamic groups and religious political parties used the issue to rally popular support in preparation for the next elections. They organized a number of public demonstrations demanding that the government withdraw proposed

amendments to the bill. Finally, on December 30, faced with a run on its majority, the government publicly reneged on a commitment to review discriminatory laws, announcing in a policy statement that it had “no intention” to repeal or amend the law. Sensing the government’s lack of resolve and supported by sections of the media, extremists offered head money to anyone who kills Aasia Bibi and issued death threats to opponents and critics of the blasphemy law.

The events of 2010-2011 have not occurred in a vacuum and are not atypical of Pakistani reality. These most recent attacks on religious minorities and the state’s tolerance towards this persecution are part of a longer-term pattern of state complicity at all levels – judicial, executive and legislative – in the persecution of and discrimination against minorities. The findings of this report confirm that the legislature, executive and judiciary have historically played a foundational role in creating two-tiers of Pakistani citizenship, which are defined by whether a person is a Muslim or a non-Muslim. Furthermore, both democratic processes and martial rule have been used to institute discriminatory laws and practices. It is also clear that the heightened threat of extremism and the ascendancy of armed extremist militant groups confronting the Pakistani state have created a situation of “double jeopardy” for Pakistan’s religious minorities who now face the multiple assaults of vigilante attacks, increased physical threats and social persecution from extremist groups, as well as the discriminatory legal frameworks of the state and failure of the state to punish hate crimes.

Indeed, the situation for Pakistani minorities has never been more dire than it is today.

The findings of this report present two critical questions. ***First, will the Pakistani state continue to discriminate against its citizens and turn a blind eye to the spread of cultures of cruelty and vigilantism? Second, will the majority of Pakistanis continue to condone and collude in the discrimination and persecution of minorities?***

If this situation is to change, transformative corrective action has to be taken by the Pakistani state to encourage and nurture an inclusive and equitable Pakistani identity. The report recommends a model of citizenship that can incorporate group identities and the fundamental rights of individual citizens in light of international law and good practice.

An initial analysis of international norms and protection for minorities and consideration of the definition of the term “minority” sets the scene for this study. This is followed by an overview of the development of Pakistan’s Constitution in the context of the inclusive, plural, national identity that the founder of Pakistan, Quaid-e-Azam Mohammad Ali Jinnah, expounded in his first address to the Constituent Assembly. A background brief on the minority experience in Pakistan, with particular reference to the experience of the Christian, Hindu and Ahmadi communities, the three largest religious minority groups in Pakistan, is provided by way of summary.

An examination of the religious offences laws³ as provided in the Pakistan Penal Code (PPC), and their misuse in persecuting minorities suggests that amendments to this legislation would provide minority communities in Pakistan with greater state protection and security. The rise in cases of blasphemy brought against members of minority communities⁴ over the past year illustrates how the law is misused to persecute minorities and incite violence against them.⁵

The findings contained in this report become particularly important in the context of Pakistan's ongoing battle against Al-Qaeda, the Taliban, and their affiliates. Fighting extremism is not just about militarily defeating the Taliban, but about departing from the sectarian ideology and oppressive legal frameworks that embolden militants. Pakistan can achieve this by empowering those who are willing and able to confront the Taliban and its supporters meaningfully in the battle of ideas and seek to move the state away from the sectarian legal frameworks that have been the hallmark of Pakistani identity politics, particularly since the 1977 military coup of former military ruler, General Zia ul Haq. Any attempt to combat the extremism that is attacking Pakistan today is doomed to failure if it is transacted at the cost of minorities or without ending the state's legally enshrined discrimination towards minorities and its partisan relationship with extremist actors and agents of intolerance.

Ending discrimination and abuse is not just in the interest of minorities; it is also an urgent national security imperative for Pakistan. It is in the interest of the world to encourage and support the Pakistani state and society in addressing these issues on an urgent basis. Failure to do so will only exacerbate social fissures in the Pakistani polity, embolden and empower extremists, and that, in turn, will create avenues and currents for instability in the South and Central Asian region and the broader world.

Key Recommendations

Jinnah Institute urges the government of Pakistan and calls upon concerned governments and inter-governmental bodies to press the Pakistani government to:

- Repeal the blasphemy law. In the event that the government is unable to repeal the law, it must begin by taking all appropriate measures, including administrative, procedural and legislative, to prevent misuse of the law. These must include: the removal of vague terminology from the blasphemy laws to prevent their misuse; amendments to Section 295 of the Pakistan Penal Code (PPC) in order to remove its discriminatory and abusive provisions; amendments to all discriminatory laws including Section 298 in order to ensure that these laws are not used as instruments of discrimination and abuse; amendments to Sections 295-298 of the PPC to include the concept of 'mens rea' or adding intention of the accused when the crime is committed; adding a clause in the Pakistan Penal Code that punishes frivolous litigation and false accusers of blasphemy; ensuring that all trials under Section 295-A, Section 295-B and Section 295-C are tried in the high courts once cognizance has been taken by the relevant sessions court; ensuring that all accused persons be given their mandated right to a legal counsel.
- Adding a section in the PPC that makes advocacy of religious hatred or incitement to discrimination or violence a punishable offence.

- Take concerted action to prosecute those responsible for harassing minorities, and for planning and executing attacks against religious minorities.
- Remove impunity in a systematic manner for prayer leaders in mosques, particularly those controlled by the state and under the respective provincial and federal Auqaf departments, for incitement to hatred on the basis of religious affiliation. Create parliamentary consensus for regulating madrassas and mosques to prevent their use for the promotion and propagation of anti-minority propaganda and hate speech against non-Muslims.
- Engage in police reform and provide training to law enforcement agencies in internationally recognized human rights standards to ensure that these agencies seek to protect rather than abuse vulnerable groups. Police complicity in hate crimes and refusals to investigate must be punished.
- Engage in judicial reform and training to ensure that the judiciary, particularly at the district level, addresses bigotry within its ranks and seeks to dispense rights-respecting justice.
- Clarify and resolve the status of state bodies such as the Federal Shariat Court and the Council of Islamic Ideology that have been used by extremist actors within the Pakistani state system to provide legal cover to discrimination and abuse. Ensure that these bodies are unable to act as instruments of discrimination through a clear delineation of powers or abolition as appropriate.
- Revive and reconstitute the National Commission on Minorities as a statutory body with terms of reference that make regular meetings mandatory, provide a minimum budget, a secretariat, and a membership that is comprised largely of the minority and vulnerable communities.
- Appoint a Special Ombudsman for the Protection of Women and Minorities.
- Block all federal and provincial funding to projects and areas where educational, health and employment plans promote segregation on the basis of religious affiliation.

- Tie aid and government funding to affirmative action for minority and vulnerable communities.
- Enforce government-mandated employment quotas for minorities in the public sector by improving parliamentary oversight.
- Seek Parliament's advice through its two standing committees on minorities to review the effect of constitutional clauses that discriminate on the basis of religion.
- Enact legislation that brings the power of the federal government to bear on over-riding any provincial legislation that disallows any proposed changes that downgrades the status of minorities in the provinces or restricts their empowerment or admission to educational institutions and employment at the provincial level.
- Ensure that all educational establishments, including primary and secondary schools, higher education colleges and universities protect all students from discrimination on the grounds of their religion by implementing effective mechanisms for redress and accountability.
- Take steps to ensure that a more inclusive curriculum is taught at the primary and secondary school level by producing and disseminating educational materials and textbooks that promote equality and respect for diversity.
- Take steps to encourage religious tolerance within Pakistani society through public information campaigns and by sending a clear unequivocal message to the institutions of the state that state institutions and actors engaging in bigotry, intolerance, discrimination and abuse will be held accountable.
- Develop public and legislative consensus of what constitutes hate speech in the media and how this shall be dealt with without compromising the principles of freedom of speech.
- Urge Pakistan Electronic Media Regulatory Authority (PEMRA) to develop robust systems to monitor and penalize violations of its Code of Conduct for Media and Broadcasters and Cable TV operators which states that, "No programme shall be aired which contains an abusive comment that, when taken in context, tends to or is likely to expose

an individual or a group or class of individuals to hatred or contempt on the basis of race or caste, national, ethnic or linguistic origin, colour or religion or sect, sex, sexual orientation, age or mental or physical disability.”

- Urge media houses to set up mechanisms for monitoring and accountability that discourage irresponsible and inaccurate reporting while taking note of public incitements to violence or hate speech against any segment of society, particularly religious minorities.
- Establish easily accessible public complaints cells that allow citizens to lodge complaints against factual errors, non-compliance on self-framed codes of conduct, or the publication and broadcast of hate speech.
- Conduct awareness-raising exercises to train the media on reporting on minority issues.
- Develop sensitization trainings for the media to help raise awareness of what constitutes hate and inflammatory speech and ways to refrain from it.

Methodology

The report examines the development of instruments of legal discrimination and social persecution against Pakistan's religious minorities with specific reference to the heightened risk at which these communities are placed in the context of attacks on their homes, places of worship and person.

Jl research teams interviewed 125 people including minority representatives, victims and members of civil society organizations working with minority groups in Karachi, Lahore, Islamabad, Kasur (Bahmni Wala), Gojra, Rabwa, Gujranwala, Faisalabad, Ferozepur Sargodha, Thokar Niaz Beg, Pakpattan Mirpurkhas, Hasan Abdal, Maripur Thatta, Tharparker, Sangher, Umerkot, Jamshoro, Badin and Gojra and Rawalpindi between December 2010 and March 2011.

Introduction

As a nation fraught with the challenges of security, governance and poverty, Pakistan has been struggling to define itself and provide its citizens, Muslim and non-Muslim, with a coherent national identity. The central question that confronts the discourse on citizenship is “Can you be a Pakistani and not a Muslim?” Peter Jacob, Director of the National Council of Justice and Peace, a respected non-government organization monitoring the state of the Christian minority, explained that the social and political space once accorded to minorities is no longer available and their economic and numerical strength is also on the decline.⁶ This means that any meaningful dialogue between the majority and minority communities is limited, and a large proportion of the majority Muslim community do not have first hand interaction with non-Muslims.

As a result, a unique brand of ethno-religious nationalism has emerged over the past few decades, informed by a Sunni Muslim hegemony, tainted with intolerance for other religions and sects of Islam. Cultural manifestations of this can be seen in extreme reactions to festivals such as Basant, the festival of spring celebrated across the Punjab and often linked by extremists with immoral activities and Hinduism⁷. The increasing influence of conservative right-wing elements in the state apparatus is evident from the Punjab government’s decision to ban the celebration of this centuries old cultural festival.

More serious and widespread, is the rise in terror attacks and vigilante justice meted out against members of minority communities including Shias and other Muslim denominations. In May 2010, two Ahmadi places of worship in Lahore were attacked by armed gunmen and eighty-six worshippers were killed⁸. There has been no official investigation in to the attacks and no redress for the families



of the victims. Waqar, a young man whose father was killed in the massacre, told us poignantly that:

Everyone is so busy passing fatwas against one another over minor disagreements that we have lost sight of who and what we are as a nation. The Quaid would turn over in his grave was he to witness what this nation has come to. Jinnah said in his inaugural address 'You are free to go to your mosques and places of worship, Muslims will cease to be Muslims, and Hindus will cease to be Hindus.' Pakistan today, is not at all what Jinnah slaved for.⁹

The year before in 2009, Christian homes in Gojra, Punjab, were razed to the ground and eight Christians were burnt alive. The families of the victims recently withdrew their case against the one hundred and fifty alleged perpetrators of the attacks¹⁰. The situation reached a hiatus last year with the case of Asia Bibi, a Christian labourer, sentenced to death for blasphemy in November 2010. This was followed closely by the assassination of Salmaan Taseer, Governor of the Punjab in January 2011, supposedly for his vocal condemnation of her sentence and the implementation of the blasphemy law. Not quite two months later, on March 2 2011, Shahbaz Bhatti, the federal minister for minorities, was gunned down outside his mother's home in Islamabad. The Tehrik-e-Taliban Punjab took responsibility for the assassination, which has left the country's Christian community feeling more vulnerable than before.¹¹ It has never been more apparent that state policy needs to be adapted to provide adequate protection to the minority communities of Pakistan and their supporters.

Identifying the Religious Minorities of Pakistan

Pakistan's population is estimated at nearly 170 million people¹². The white rectangle on the left side of the Pakistani flag symbolizes the nation's minority community. Religious minorities in Pakistan include Christians, Hindus, Sikhs, Parsis, Zikris, Bahais, Buddhists and Kalasha.¹³ This report also includes the Ahmadi community who do not officially consider themselves a minority but have minority status forced upon them by the state. Government statistics show that 96.28 percent of Pakistan's population is Muslim (Sunni and Shia), 1.59 percent is Christian, 1.6 percent is Hindu, 0.25 percent is Ahmadi, 0.25 percent is from the scheduled castes and 0.07 are described as "others"¹⁴

The Constitution of Pakistan defines citizens as "Muslims" or "non-Muslims." A Muslim is a person who believes in one God and the finality of the Prophethood of Muhammad (Peace Be Upon Him), and does not recognize, as a prophet or a religious reformer, any person who claimed or claims to be a prophet after Muhammad (Peace Be Upon Him). Clearly, non-Muslims are those who do not fall within the constitutional definition of Muslim and include Christians, Hindus, Sikhs, Buddhists, Parsis, and Ahmadis.¹⁵ The Constitution, therefore, recognizes all religions, but decides the faith of any group that may believe itself to be Muslim.

The neglect of minority issues in Pakistan over the past sixty-three years has not only led to increased social vulnerability of members of the minority communities in terms of lack of access to education, jobs and health care but also greater physical vulnerability. Violent attacks on their homes, places of worship and their person have increased in number. Inconsistent state protection, successive constitutional amendments and the implementation of controversial legislation



such as the blasphemy laws provide minimal protection and have added to their social exclusion and vulnerability.

Though the Objectives Resolution of 1949 [see historical background below] appeared to articulate equality for the minorities of Pakistan, in reality, the development of the state as an Islamic republic has had an adverse effect on minority institutions and communities and their social development. The case studies below should be read in the context of history and serve to catalogue how discrimination in contemporary Pakistan is manifesting itself on a daily basis.

An International Perspective

Towards a Definition of “Minority”

Within the international legal framework which has developed for the protection of minorities, there is no universally agreed definition of the term “minority.”¹⁶ Given the ambiguous nature of the term, which encompasses a variety of indicators including religion, culture, language, race and ethnicity, decision makers have found it hard to build consensus on what constitutes a viable definition. It is not within the scope of this report to enter into a detailed analysis, but an overview is provided.

The post-modern view that an individual is shaped by the dominant discourses in the society in which he or she lives¹⁷ has implications for understanding how the state defines citizenship. In Pakistan, the nature of citizenship devolves on the fact whether a person is a “Muslim” or a “non-Muslim.” Anyone who does not fall under the former definition is considered a minority.

Within the context of the United Nations framework and Article 27 of the International Covenant on Civil and Political Rights (ICCPR), two working definitions were provided by special rapporteurs from the UN Sub-Commission on the Promotion and Protection of Human Rights¹⁸. Neither definition has the status of international customary law. Rapporteur Francesco Capotorti provided a definition for the term “minority”¹⁹ as a:

group numerically inferior to the rest of the population of a State, in a non-dominant, position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions.²⁰

Another definition was provided by Jules Deschenes, also as part of the UN Sub-Commission on Human Rights, as follows:

A group of citizens of a state, consisting of a numerical minority and in a non-dominant position in that state, endowed with ethnic, religious, or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with one another, motivated, if not implicitly, by a collective will to survive and whose aim is to achieve equality with the majority in fact and in law.²¹

At one level, the fact that minorities are recognized and defined by the state gives them legal recognition. As a corollary, this should provide them with protection and should also provide them with effective rights protection within the state.²² In the case of Pakistan, it is argued that religious minorities, by their very inclusion in the Constitution, have more protection than ethnic minorities.²³ However, this is not always the case.

National and international protections for religious minorities tend to run in parallel. The concept of minority rights in Pakistan has developed in the context of a mass migration of populations on the basis of religion and a unique ethnic and linguistic plurality defined not only by geographical boundaries but informed by deep-rooted cultural and historical differences. For example, representatives of the Ahmadi community maintain that they do not consider themselves a minority in Pakistan but that the state has thrust minority status upon them due to religious and political movements in the country.²⁴

The implication of a lack of definition of what constitutes a “minority” at the international level is that a pragmatic approach towards a definition - taking the different terms of reference into consideration - is recommended. Working within the parameters of the definitions provided by the UN special rapporteurs, another formula was provided in 1993:

...a minority is any group of persons resident within a sovereign State which constitutes less than half of the population of the national society and whose members share common characteristics of an ethnic, religious or linguistic nature that distinguish them from the rest of the population.²⁵

For the purposes of this report, a combination of this definition and that provided by Minority Rights Group International²⁶ is helpful. The religious minorities identified in this report share common religious characteristics, which distinguish them from the rest of the population. They are numerically smaller in number to the rest of the population and, importantly, wish to develop and maintain their identity. They also wish to develop their religious identity as active citizens of the Pakistani state.

International Protection for Minorities

Though Pakistan only recently ratified the International Convention on Civil and Political Rights 1966, an understanding of the international protection accorded to minorities is essential to any study on the topic.

It is recognized at an international level that members of minority communities are particularly vulnerable to human rights violations²⁷. In his first address to the UN General Assembly, the current UN Special Rapporteur on Freedom of Religion or Belief, Heiner Bleifedelt stated that:

It is obvious that members of religious minorities, including atheistic and non-theistic minorities, typically live in situations of increased vulnerability. In many countries, religious minorities face discriminatory obstacles in the education system, in the labour market or when accessing the public health infrastructure. The formal exclusion of minorities from certain positions within the State apparatus is a widespread phenomenon, sometimes even enshrined in legal statutes or the State's constitution...In some countries, religious minorities regrettably face insurmountable obstacles when trying to construct or renovate visible places of worship, such as churches, mosques, pagodas, synagogues or temples.²⁸

This section tracks the development of international protection of minority rights from the twentieth century. In the period after the First World War, in recognition of the atrocities committed against minority communities across Europe²⁹ and the collapse of the Austro-Hungarian and Ottoman Empires, the need for human rights protection for minorities was recognized. This development came hand in hand with the creation of new nation states and new notions of citizenship.³⁰ A legal framework was established under the League of Nations and a system of minority rights was set in motion through a series of treaties ratified between 1919-20. These provided general provisions in relation to nationality and the protection of fundamental rights, including civil and political rights and guarantees for the protection of cultural, religious and linguistic autonomy.

In 1935, the Permanent Court of International Justice (PCIJ) recognized the need for positive action to ensure the rights of minorities within states instead of neglecting the issue.³¹ A Minorities Commission was set up to administer petitions and resolve disputes. This system eventually collapsed due to its limited scope, binding only a limited number of countries and providing limited protection for minority communities.

The need for a more robust legal framework to ensure the protection of minority rights was made obvious in the period after the Second World War when Europe was forced to come to terms with the atrocities committed against Jews, Gypsies and Communists, amongst others. The collapse of the post First World War regime for the protection of minorities did not necessarily lead to an

immediate international dialogue on minority rights, but rather, a series of bilateral agreements between states initiated the protection of local minorities.³² The focus at this time was on individual rights, non-discrimination and equal protection.³³

In 1948, the Universal Declaration of Human Rights (UDHR) was adopted by the UN General Assembly and provided in article 1 that, “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” It is within this international framework of human rights and the indicators of equality and non-discrimination that a dialogue on the protection of minorities finds its roots.

The Sub-Commission for the Prevention of Discrimination and the Protection of Minorities, a UN think tank, was set up in 1947 (dissolved in 2006). At around the same time, the Genocide Convention of 1948, considered to be one of the first legal instruments to bear upon minority rights,³⁴ was adopted. It prohibits the physical or biological destruction of national, ethnic, religious or racial group³⁵ and recognizes the right of minority groups to exist as a group as a fundamental cultural right.

The Treaties

Pakistan is party to the following UN Treaties:

- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Covenant on Civil and Political Rights (ICCPR)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Convention on the Rights of the Child (CRC)³⁶
- Convention on the Rights of Persons with Disabilities

The International Convention on Civil and Political Rights (ICCPR), which Pakistan ratified in June 2010³⁷, provides at article 27 that “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”

The ICCPR also guarantees the right to freedom of religion³⁸ and qualifies that a state may derogate from this right only if the observance of a religious practice or other form of religious expression constitutes a genuine threat to the public peace. It may do so only to the extent necessary to prevent such a disturbance.

Freedom of expression³⁹ is provided for, and includes, the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. This right is subject only to those restrictions necessary “for respect of the rights or reputations of other or for the protection of national security or of public order, or of public health or morals.”

The article also provides that “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”⁴⁰ is prohibited. “Discrimination” includes the deprivation of benefit that people in a similar situation are entitled to or a penalty/sanction imposed only on a certain group and not others in a similar position. “Violence” means any physical attack. “Hostility” refers to criminal harassment and criminal intimidation. The ICCPR has a formal complaints mechanism actionable by a complainant. Redress is provided by decisions on formal complaints and/or comment and criticism in a state’s annual report. Pakistan’s recent adoption of this legislation should provide a mechanism through which citizens can make complaints within the international arena.⁴¹

The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities 1992⁴² is a non-binding instrument which expands upon article 27 ICCPR. It enables public criticism by UN bodies of violations in specific countries, promotes discussion of issues of concern to minorities and enables the development of new principles and guidelines in relation to minorities.

In Europe, the concept of minority has been further informed by the concept of pluralism and multiculturalism. While the rise in immigration during the 80s and 90s had forced states to engage with a more inclusive notion of citizenship, their initial embrace of ethnic, religious and cultural minorities sharing their space has been diluted by the rise of a growing constituency for the ultra-right. The same has been witnessed in the United States, with increasing hate crimes against minorities after the 9/11 attacks, as well as after Barack Obama was elected president. Even so, strong constitutional protections for minorities continue to inform the majority consensus in Europe and the United States. In Pakistan, the converse is largely true. The lack of engagement with minority protection, constant institutionalization of discrimination and degradation of the Constitution by successive governments has caused an increasing vulnerability, a limited definition of citizenship, and a shrinking space for plurality.

Historical Background

This section gives an overview of Constitutional protections accorded to minorities since Partition.

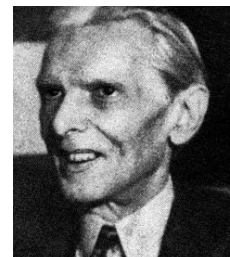
Jinnah's Pakistan

*You are free; free to go to your temples, you are free to go to your mosques or to any other places of worship in this state of Pakistan. You may belong to any religion or caste or creed – that has nothing to do with the business of the state.*⁴³

While Europe tackled the debilitating aftermath of World War II and attempted to construct an order within which displaced members of its minority communities were protected, the South Asian sub-continent faced an unprecedented upheaval and shift of populations. The demise of the British Empire brought with it a bloody partition of India and Pakistan in 1947. Millions of people were forced to leave their homes on either side of an arbitrarily drawn border. Muslims moved from India to either West or East Pakistan (later Bangladesh), and a large proportion of India's Hindu and Sikh populations left the newly founded Pakistan for India. One of the causes of Partition was the failure of the post-colonial Indian state to provide a tenable option for its Muslim minority community; yet the issue of minority rights had been at the forefront of political discussion well before the creation of Pakistan in 1947. It is often argued, in fact, that the tensions exposed and played out during this period set in place a template for communal strife based on religion.

The demand for a Muslim state in the 1930s by supporters of the Muslim League was informed by a notion of a democratic and tolerant society which would improve the socio-economic status of its citizens and accord them with equal rights.⁴⁴ At the same time, it was recognized by Muslim and Hindu leaders that the creation of a separate state for Muslims would leave vulnerable minorities in both countries.⁴⁵ To counter this, it was agreed that minorities in Pakistan would

Quaid-e-Azam
Mohammad Ali Jinnah



be accorded equal rights and equal protection under the law in relation to the majority Muslim population.

The first Constituent Assembly of Pakistan appointed a dedicated sub-committee to deal with minority rights. Jinnah, as first elected leader of the Assembly, expounded a secular ideal and strove to separate religion from the state. In his famous speech of 11 August 1947, he stated that, "In course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not so in the religious sense because that is the personal faith of each individual, but in the political sense as citizens of the state."⁴⁶ His words were met with a mixed reaction. While Jinnah preached secularism, there was a call for a more Islamic system of government and members of the Constituent Assembly, such as Maulana Usmani, called for the imposition of *jazia*⁴⁷ and sought to bar non-Muslims from key positions in government.⁴⁸ Jinnah himself was declared Amir-ul-Momineen and militant organizations such as Majlis-e-Ahrar⁴⁹, Sarfaroshaan-e-Islam, Majlis-e-Tahaffuz-e-Pakistan also came into being⁵⁰. The religious communities, who now found themselves as minorities in a new country, felt threatened.

Meanwhile, the Government of India Act 1935 became the interim Constitution of Pakistan, and a federation comprising the four provinces, East Bengal, West Punjab, Sindh and NWFP was established with Karachi as the capital.⁵¹ In order to frame a permanent Constitution, the Assembly set up a Basic Principles Committee, which eventually passed the Objectives Resolution [see below]. A Committee on Fundamental Rights of Citizens and Matters Relating to Minorities was also established in order to ensure minority participation in the drafting of the new Constitution.

Jinnah died in September 1948 without establishing a constitution and was succeeded by Liaqat Ali Khan.

1947-1953: The Objectives Resolution

In March 1949, the Constituent Assembly passed the "Aims and Objectives of the Constitution" or the "The Objectives Resolution." At the time, the need for a theoretical resolution of this kind, which blurred the boundaries between religion and politics in a new country where the Constitution upheld equality, democracy and social justice⁵² was questioned. The harshest critics were minority members of Parliament.⁵³

The words of the Resolution provided that:

Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran and the Sunnah; Wherein adequate provision shall be made for the minorities to freely profess and practice their religions and develop their cultures;

Adopted by the Constituent Assembly of Pakistan on March 12 1949, The Objectives Resolution was proposed by Prime Minister Liaquat Ali Khan. It was neither an act of Parliament nor law in any shape or form. Rather, it was meant to be a statement of aspiration, a set of guiding principles that was to inform constitution building in the new state. The Resolution appeared to be an attempt by Liaquat Ali Khan to appease Muslim clerics, while at the same time setting in place an idea of the Pakistani state based on religion. In the end, it was passed by a majority of 21, and Pakistan came into being as an Islamic Republic. The ten members who opposed the resolution were all members of minority communities.⁵⁴

Neither the Resolution's framers nor the Parliament that unanimously adopted the 1973 Constitution ever intended the resolution to be law. Until Zia's illegal tampering with the Constitution, the Objectives Resolution was viewed as a major symbolic element of the Constitution but remained legally marginal. Legally, a preamble cannot be regarded as law but is used as a tool of interpretation.

The 1949 Objectives Resolution was a document of compromise, described in constitutional doctrine as a dilatory compromise formula. Justice Munir, the former Chief Justice of the Supreme Court of Pakistan and co-author of the renowned Munir Report⁵⁵, was the most scathing of all. "It has been freely admitted that this Resolution," he said, "though grandiloquent in words, phrases and clauses is nothing but a hoax."

The Liaquat-Nehru Pact

The Liaquat-Nehru Pact of 1950 was a response by India and Pakistan to the communal strife built up after Partition. It provided a "bill of rights" for minorities. According to the agreement, the governments of India and Pakistan agreed as follows:

- To ensure equality of citizenship, irrespective of religion, security of person, culture, property and personal honor to their minorities;
- To guarantee fundamental human rights of the minorities, such as freedom of movement, speech, occupation and worship.
- To provide for minority participation in public life.

It was recognized that members of the minority communities must hold political or other offices and serve in the armed forces. The aim was to alleviate the fears of the religious minorities on both sides of the border, promote communal peace and create an atmosphere in which the two countries could resolve their other differences.

Minority commissions, led by a provincial minister with Hindu and Muslim memberships were established, with a mandate to observe and report on the implementation of the pact. India and Pakistan also agreed to include minority representatives in the cabinet of the two Bengals and decided to depute two central ministers, one from each government, to remain in the affected areas for such

period as might be necessary. Both leaders emphasized that the loyalty of the minorities should be reserved for the state in which they were living and that they should look to the government of the country they were living in for a solution to their problems.

Towards a Constitution

The Basic Principles Committee under Liaquat Ali Khan submitted a draft constitution in 1950. Apart from incorporating the Objectives Resolution, it established Urdu as the national language of the country. A comprehensive list of provisions of fundamental rights covering equality of all citizens before the law, no discrimination on the grounds of religion, race, caste, sex or place of birth and other guarantees of freedom of expression was submitted in a report by the Committee on Fundamental Rights and Matters Relating to Minorities. Special safeguards for minorities within the economic, political and social spheres were also discussed including protection from physical persecution, freedom of conscience, language, culture and education.

Liaquat Khan was assassinated in October 1951 and Khwaja Nazimuddin succeeded him as Prime Minister. By 1953, Nazimuddin was faced with an ultimatum by the *ulema* demanding that Ahmadis be declared non-Muslims, barred from key positions in government and that Sir Zafrullah Khan, the Foreign Minister and an Ahmadi, be removed from office. The rejection of this request led to a spate of violent attacks across the country against Ahmadis at the instigation of the Majlis-e-Ahrar and Jamat-e-Islami led by Maududi.⁵⁶

Three Constitutions 1956, 1962 and 1973

The Constituent Assembly adopted the first Constitution of Pakistan in 1956 by eighty members, split equally between members from East and West Pakistan. The nine seats for minorities were composed of seven members from East Pakistan and one each from Punjab and Sindh. Importantly, this Constitution adopted the problematic Objectives Resolution, declared Pakistan an Islamic Republic and prohibited non-Muslims from taking up key positions in the government including the post of Prime Minister.

The Constitution of 1962, drafted under Ayub Khan, initiated the Presidential system of government, conferring unprecedented powers on the head of state, which can only be described as dictatorial. These included the ability to appoint governors and dismiss the National Assembly at will.

By the time the Constitution of 1973 was framed under the leadership of Zulfikar Ali Bhutto and the Pakistan People's Party (PPP), the bloodshed leading to the separation of East Pakistan and creation of an independent Bangladesh in 1971 had already reduced the size of Pakistan's religious minority.

Bhutto's constitution re-introduced a federal parliamentary system of government headed by a ceremonial president and an elected prime minister. Having raised the slogan, "Islam is our faith, democracy is our politics, and socialism is our economy," the PPP⁵⁷ attempted to reconcile key contradictions in Pakistani society and state culture, by propounding a "state religion"⁵⁸ on the one hand and attempting to eliminate all forms of exploitation⁵⁹ on the other. The document maintained the structure of the previous constitutions and provided for "Fundamental Rights" including freedom of conscience and the right to profess, and propagate any religion, subject to public order and morality. Similarly, no person would be required to receive religious education or attend religious worship other than that of his own community when attending an educational establishment.⁶⁰ Importantly, however, only a Muslim could hold the key positions of president and prime minister.⁶¹

In May 1974, violent demonstrations, triggered by agitation between students and the Ahmadi community in Rabwa, resulted in Jamaat factions demanding that Ahmadis be declared non-Muslims. Opposition leaders submitted a bill and Bhutto, who had initially taken an even hand, passed the Second Amendment to the Constitution whereby the definition of non-Muslim was inserted and included Ahmadis.⁶² The process of amendments initiated by Bhutto served to marginalize minority communities and exclude them from the mainstream of administration. Although the ability of the politically aligned religious right to dominate the battle for defining the nature of the state was laid down in the passage of the Objectives Resolution, it was when a populist, charismatic leader like Bhutto was driven back on progressive goals that this phenomenon came to define the dysfunction between Pakistan's political and religious dynamic.

Martial Law and Zia 1977-88

The "military-clerical nexus,"⁶³ initiated by General Zia ul Haq and the progressive Islamisation of the Constitution, occurred through successive amendments.

The Provisional Constitution Order suspended the 1973 Constitution and, with it, the provisions for fundamental rights accorded to Pakistan's citizens. It provided clear definitions of Muslim⁶⁴ and non-Muslim⁶⁵. General Zia ul Haq also engaged in extensive constitutional tampering and introduced a series of legal and institutional changes that firmly and unequivocally placed the state on a sectarian partisan footing. A critical part of Zia's Islamisation exercise was that the 1949 Objectives Resolution, until then, only the preamble to the Constitution, was included in the text of the Constitution as an operative portion through the insertion of Article 2A. The "Revival of the Constitution Order, 1985," which was later provided cover by the Eighth Amendment, achieved precisely that.

In addition, Zia introduced a host of discriminatory laws citing Islam as a justification but with a clear political agenda. Five ordinances that explicitly targeted religious minorities acquired legal status: a law against blasphemy; a law punish-

General Zia ul Haq



ing the defiling of the Qur'an; a prohibition against insulting the wives, family, or companions of the Prophet of Islam (Peace Be Upon Him); and two laws specifically restricting the activities of Ahmadis. On April 26, 1984, General Zia ul Haq issued these last two laws as part of Martial Law Ordinance XX, which amended Pakistan's Penal Code, Sections 298-B and 298-C. Ordinance XX undercut the activities of religious minorities generally but struck at Ahmadis in particular by prohibiting them from "indirectly or directly posing as a Muslim." Ahmadis, thus, could no longer profess their faith, either orally or in writing. Pakistani police destroyed Ahmadi translations of, and commentaries on the Qur'an and banned Ahmadi publications, the use of any Islamic terminology on Ahmadi wedding invitations, the offering of Ahmadi funeral prayers, and the displaying of the *kali-ma*⁶⁶ on Ahmadi gravestones. In addition, Ordinance XX prohibited Ahmadis from declaring their faith publicly, propagating their faith, building mosques, or making the call for Muslim prayer. In short, virtually any public act of worship or devotion by an Ahmadi could be treated as a criminal offense.⁶⁷

With the passage of the Criminal Law Act of 1986, Parliament added section 295-C to the Pakistan Penal Code, which is referred to as the "blasphemy law."⁶⁸ General Zia ul Haq and the Pakistani government institutionalized the persecution of Ahmadis as well as other minorities in Pakistan with Section 295-C. Today, the Ahmadi belief in the prophethood of Mirza Ghulam Ahmad is considered blasphemous insofar as it "defile[s] the name of Prophet Muhammad (Peace Be Upon Him)."⁶⁹ Therefore, theoretically, Ahmadis can be sentenced to death for simply professing their faith.

In addition, using Islam as a justification, General Zia ul Haq enacted the Hudood and Qisas and Diyat Ordinances that respectively blurred the legal distinction between rape and adultery, made the laws of evidence inequitable and gender-discriminatory, and converted murder from a crime against the state to a crime against the next-of-kin. While these latter laws have been major engines of abuse and discrimination against women, the poor and other vulnerable groups, an examination of these laws is beyond the scope of this report.⁷⁰

In 1980, General Zia ul Haq set up the Federal Shariat Court (FSC) which now has the power to examine and determine whether the laws of the country comply with sharia law. If any law is declared un-Islamic by the FSC, the government is required to amend it and bring it into conformity with FSC rulings. The court also exercises revisional jurisdiction over the criminal courts deciding Hudood cases. The decisions of the court are binding on the high courts as well as the subordinate judiciary. The existence of the Federal Shariat Court has created jurisdictional crises within Pakistan's judicial system.

General Zia held "partyless" elections in 1985, which resulted in the formal lifting of martial law on January 1, 1986. Zia remained army chief and president, and the elections were deeply flawed and resulted in the creation of a Parliament that was almost entirely unrepresentative of Pakistani political will. Nevertheless, Zia's price for allowing even this limited and flawed democracy was the passage of the

Eighth Amendment that provided him indemnity for his actions under military rule and validated his illegal tampering with the Constitution, including the host of discriminatory laws and institutions outlined above.

Under the 1985 quasi-political dispensation, Hindus and other religious minorities were allocated separate electorates in nationwide minority constituencies. Previously, minority groups had voted in general electorates in which they resided, and members of the National Assembly subsequently elected members from the minority communities to sit in the legislature. The system of separate electorates was retained in the November 1988 elections, the first general elections since 1976. Ten of the 207 seats in the National Assembly were set aside for minorities. This included four seats for Hindus, four for Christians, one for Ahmadis and one for smaller groups such as Parsis, Sikhs, Baha'is, Jews and the Kalash. The re-establishment of the system of joint electorates in January 2002 under another military dictator, General Musharraf, was seen as a step in the right direction.

Zia ul Haq's dictatorship came to an end on August 17, 1988 when he was killed in an air crash. The chairman of the Senate took provisional leadership of the country, and there followed a series of civilian governments.

1988 to The Present Day

On November 16, 1988, in the country's first open election in more than a decade, the PPP won the largest block of seats in the National Assembly. A coalition government took power with the first female Prime Minister, Benazir Bhutto, at the helm. During the next ten years, the re-election of the same few political figures was accompanied by an increase in urban violence and vigilantism, and it can be argued that very little changed for religious minorities in Pakistan.⁷¹

The President, Ghulam Ishaq Khan, dismissed Benazir's government in August 1990. Without a clear majority in parliament, the PPP had failed to instigate changes in the discriminatory laws pertaining to minorities.⁷²

The Islami-Jamhoori Itehad (IJI), led by Nawaz Sharif, won the next general election and strove to strengthen the project of Islamisation initiated by Zia. In 1993, Sharif's government was sacked, and the newly established caretaker government invited Benazir Bhutto to participate in leading the country yet again. By October 1993, Benazir's second term as Prime Minister began, but in 1996, the PPP government was dismissed on flimsy constitutional grounds and alleged corruption charges.

Nawaz Sharif too was given a second chance in 1997 when the Pakistan Muslim League (N) (PML(N)) won a two-thirds majority in the general elections. Two years later a military coup staged on an aeroplane ousted Nawaz Sharif from power, for daring to dismiss the Chief of Army Staff in exercise of his constitutional powers.

Pakistan's new military dictator, Pervez Musharraf, preached "enlightened moderation," and it was under his watch that separate electorates were abolished in 2002, thus enabling non-Muslims to vote for general seats and those reserved for minority members of Parliament. However, the controversial blasphemy laws remained despite his claims to amend these laws, and Ahmadis continued to hold the status of non-Muslims.

It is important to note that in inverse proportion to their influence over the national, political and social agenda in Pakistan, the religious parties have never polled over a tiny percentage of votes in the federal legislatures, which is a telling index of what the Pakistani voter prefers. The only exception to this phenomenon was reflected by the 11 % votes garnered by the MMA (Mutahida Majlis -i-Amal) in the 2002 general election, when General Musharraf ensured that the usually divided religious parties were not only in an electoral alliance, but they were given campaign space, state patronage and resources that the mainstream political parties, the PPP and the PML N, were denied. In an encouraging reversion to type, despite the advance of extremism fuelled by the war in Afghanistan and Pakistan's own policies, the 2008 general election saw the religious parties largely routed from the federal legislatures. However, no assumption can be made about the performance of religious parties in future elections, especially in the context of growing militarisation of religious extremist groups.

Despite the electoral defeat of the religious right in 2008,⁷³ the fate of Pakistan's minorities has become even more inextricably linked to the worsening security situation in the country. In the backdrop of Benazir Bhutto's dramatic assassination as she led the PPP's campaign after her return to Pakistan at the end of 2007, it was clear that the militant assault on the political moderates and centrists would continue. Given the charged political environment in which Benazir's party formed a fragile ruling coalition at the centre and three provinces, the extremists' ability to gun down and threaten the PPP's reformist voices when they sought changes in the blasphemy law at the end of 2010 had a lot to do with the climate of fear that choked many progressive voices.

Today, the Constitution of Pakistan possesses the unusual element of incorporating the same text twice at different places. The Objectives Resolution forms the preamble and reappears verbatim in an annexe incorporated in the operative part of the Constitution by way of Article 2A. This arrangement betrays, as does indeed the text of the resolution itself, the deep division in the conception of the nature of the Pakistani state, a division, which has remained unresolved from the formation of the state to date.

An opening proclaiming God's sovereignty over the universe is followed by an outline of the essential features of the proposed Constitution. These principles allude to a federal parliamentary system, with guarantees of fundamental rights, protection of minorities and independence of the judiciary. There are, however, two Islamic provisions. First, the principles of democracy, equality and so on are qualified "as enunciated by Islam." Second, there is the "enabling clause" which

ostensibly provides an opportunity for Muslims to develop their culture according to their conscience while non-Muslims are protected by guarantees for their corresponding rights. This has, unsurprisingly, led to legal mayhem because of the qualification that God's sovereignty as delegated to the people of Pakistan is to be exercised "within the limits prescribed by Him." What are these limits and who determines and interprets them? Zia certainly seemed clear: the "limits," in his view, were to be determined by those who believed in his interpretation of Islam and may or may not include democracy as conventionally understood.

Laws that are inconsistent with universal fundamental rights have to be struck down. However, under Article 2A, laws also have to be invalidated in case of a contradiction with the injunctions of Islam as arbitrarily decided by judges on an ad hoc basis. The consequence has been ongoing chaos and confusion in the legal and political culture of Pakistan since Zia. Frequently, the limits placed by this on an interpretation of Islam have been used to enforce archaic readings of the Sharia and to justify a host of controversial Zia-ist laws including the Hudood, Qisas and Diyat and blasphemy laws. Indeed, the insertion of Article 2A served precisely that purpose for Zia by dampening the force of fundamental rights under the revived constitution. On June 5, 2010, Chief Justice Iftikhar Chaudhry lauded Parliament for undoing Zia's deletion of the word "freely" from the text of the resolution in the Eighteenth Amendment and referred to the 1985 Parliament's failure to notice this change as "criminal negligence." Once again, the text reads, "Wherein adequate provision shall be made for the minorities to freely profess and practice their religions and develop their cultures." as was intended by the framers of the 1949 Objectives Resolution.

While Parliament's effort to restore the original wording of the Objectives Resolution is welcome, the principle piece of Zia-ist mischief has been left undressed. In order for fundamental rights to reign supreme within Pakistani law, it is absolutely essential that Article 2A be repealed and the Objectives Resolution be restored to its rightful place as a guiding principle in the preamble rather than operative law under Article 2A.

The fact is that the very nature of the text of the Objectives Resolution stands in the way of treating it as enforceable law in and of itself in any capacity. To do so actually distorts the basic structure of the Constitution by allowing for abusive laws promulgated in the name of Islam and the consequent curtailment of fundamental rights. As has been evident in the last 25 years, it also facilitates an inexorable slide towards a sectarian state. Until such time as the legal quagmire spawned by this misuse of the Objectives Resolution is addressed, Pakistan's courts will find it difficult to end the legal discrimination it engenders.

An Exploration of Pakistan's Minority Communities

Christians

Christians in Pakistan, both Catholics and Protestants, constitute the country's second largest religious community. Christianity has a long history in the region; with communities dating back centuries in Goa and Cochin, for example. In the Punjab and other regions in present day Pakistan, the missionary projects initiated by the British played a considerable role in spreading the religion. The first Anglican Bishop of Lahore, Reverend Thomas Valpy French, was appointed in 1877; large churches, such as St. Patrick's in Karachi, were also founded by the British.

Upon Independence in 1947, the Christian involvement in the creation of Pakistan was evidenced by the support of Christian leaders for the Muslim League and Jinnah. Today, the cultural and social contribution of Christian communities is manifest in educational establishments – universities and schools – that rank as some of the best in Pakistan. The nationalization of private schools and colleges in 1972 caused the deterioration of several Christian-run schools and took them out of the mainstream. It also resulted in the expropriation of properties such as school buildings belonging to the Christian community.

Today, church groups in the country are organized in much the same way as in many other South Asian countries⁷⁴ with a religious practice specifically oriented towards a Pakistani cultural and linguistic form. Church services in most provinces have a high attendance with services and hymns in local languages.

The varied experience of Christians in Pakistan is evidenced by their contribution to contemporary Pakistan. While it is a stereotype that many Christians are employed in menial work, they are robustly represented in a variety of positions across the cultural and professional spectrum. They are active in teaching, social work, the arts and institution building. Prominent Christian figures include a former Chief Justice of the Supreme Court, AR Cornelius. It is a matter of some pride that the Bishop of Rochester, Michael Nazir Ali, is a native of Pakistan.



Sadly, the situation for Christians in Pakistan has become increasingly difficult in recent years. They are on the frontline⁷⁵ of the persecution and violence against minority communities. From interviews conducted with Christians from a variety of professions and ages, it is clear that many feel they are treated as second-class citizens and discriminated against in all aspects of life. Those who can migrate tend to leave Pakistan. Those who stay do so either from necessity or a strong sense of commitment to the country and being “Pakistani.”

According to Asif Aqeel, Director of the Community Development Initiative, a Lahore based NGO, the most serious cases of persecution faced by Christians today are seen in the Punjab. His team of lawyers and paralegals manage a caseload of at least fifty cases at any one time relating to issues of discrimination faced by Christians in cities such as Faisalabad, Sheikhpura, Lahore, Kasur, Gujranwala and others.⁷⁶ In rural Punjab, a substantial proportion of the discrimination against the community has been correlated to land grabbing. It was noted that after some of the more serious mob attacks such as Gojra, Christian residents often did not return to their homes. Personal property and land, was in most cases, taken by local Muslim residents.

Farzana and Pervez Masih, residents of Akhtar Colony in Karachi, told us about their sixteen-year-old son Waqqas. He was abducted, raped, tortured and murdered by a local police constable in January 2011. Waqqas is not the only Christian victim of this kind. The family is convinced that Christian young men like their son are easy targets for this type of crime. The police rarely take investigations in to crimes against members of minority communities seriously and often no legal action is taken against the perpetrators. Reprisals from within the local Muslim community are also a problem. In the current climate, the possibility of a false blasphemy charge brought against them for attempting to challenge powerful Muslim authorities in the area is a reality few Christians would want to deal with.⁷⁷ Now, Waqqas’ family prefer to keep their other children at home and try to balance keeping a low profile while at the same time seeking justice for their son. Such evidence makes it clear that Christians across Pakistan live in a state of constant fear and insecurity.



Hindus

The shift in population during Partition led to the migration of many Hindus in Punjab to India, and a large proportion of the highly educated, urban Hindu elite (who tended to be economically advantaged) immigrated to India after 1947. Of those that chose to remain, many were of lower castes, poor and lived in rural areas. Now, approximately, ninety-four percent of Pakistan's Hindu population lives in Sindh,⁷⁸ and this region provides a more varied Hindu experience than the other provinces.

A large proportion of Sindh's Hindu population lives in Tharparkar, with a ratio of about sixty percent Muslims and forty percent Hindus. Before 1971, the Hindu population in this area was more than sixty-five percent, and thirty-five percent was Muslim. During the 1971 war, half of the Hindu population was captured by the Indian army, and after the war, there was further migration of Hindus to India, particularly the Brahmins and Thakurs. A Hindu resident of the area told us that initially

*There was no migration in this area. The people of Tharparkar have always lived here, were born here and raised here but our settlement patterns are marked. [However, they note a tendency for segregation.] One side is a Muslim neighborhood, one is a Hindu one, and we are not together. My home will not be opposite a Muslim home, it can't be. We are here and they are there.*⁷⁹

According to Baanhn Beli⁸⁰, an NGO based in Tharparker, eighty percent of the Hindus living in Sindh are agricultural labourers and are victims of caste and wider religious discrimination. They are disenfranchised, landless peasants from lower castes such as Meghwaars, Kohli and Bheel who work on daily wages because they don't have any permanent settlement. "One day, they are with one landlord, the next day with another. And this is how they spend a life of debt, with no accountability or education."⁸¹ We were also told that the caste system has translated into daily life. For example, there may be a separated well of water for the lower castes in a school from which even the Muslims will not drink; dishes are separated and marked, and Hindus are employed in lower status jobs.

Case Study: Roop Chand Bheel

This case study reveals an example of violence against a lower caste Hindu⁸² labourer, who was burnt alive by a Muslim landlord, Mir Abdul Rehman Talpur. Roop Chand Bheel, an unemployed, 22-year-old had come to a village in Mirpur Khas to work as a cotton picker at a farm. He was subsequently accused of stealing cotton and “detained” by the landlord. His uncle told us that, *“First, he was buried in the ground up to the waist and gashed on different parts of the torso with a sharp-edged object. Then he was pulled out, and an attempt was made to burn him to death.”* Roop Chand was taken to Karachi for treatment but died after three days. His family lodged an FIR at the Kot Ghulam Mohammad police station and carried the corpse to the press club to demonstrate and demand the arrest of the landlord involved.

According to Roop Chand’s uncle, these sorts of crimes against Hindu peasants are common, and, though the other men involved in the crime were arrested, the landlord remains at large. He went on to say that, *“Regarding civil society, I will say that we do not know what civil society is.”*

The remaining twenty percent of Hindus in interior Sindh are from the Brahmin and higher castes. They face a different set of problems. They have security issues due to an increase in incidents of kidnapping for ransom. Lakki Chand Garji, the 82-year-old “maharaja” of the Kali Mata Mandir in Kalat town in Balochistan, considered to be one of Pakistan’s most revered Hindu spiritual leaders, was kidnapped by a gang of armed men December, 21st 2010. He is yet to be traced and rescued.⁸³

It is evident that the security and status of Hindus in Pakistan is influenced, at a certain level, by what happens across the border in India. Interviews with Hindus reveal that they dealt with the repercussions of the destruction of the Babri Masjid across the border in India in 1992. Although research undertaken in Karachi revealed that in general Hindus felt that they “feel free to worship in the city,”⁸⁴ residents of predominantly Hindu colonies⁸⁵ in Karachi recounted how their homes and temples were attacked by angry Muslim mobs as a direct response to the situation across the border. No support, financial or otherwise, was provided by the government or other sources to rebuild their homes and rectify the damage that had been done. It was almost as if the Hindu community in Pakistan was seen as an extension of the Indian state. Most people contend that they have just fallen back into daily routine and rebuilt their lives after the attacks, but many are still in trauma. One interviewee told us that, “During the 1947 Partition in Sindh, no one even felt any violence or barbs directed at them. Punjab was the one affected, but after Babri, things were different.”⁸⁶ This is not to deny that cultures of vigilantism were already embedded in the everyday lives of Pakistan’s citizens, but events like the Babri incident provide an impetus for an expression of this phenomenon.

A twenty-six-year-old cleaner at a hospital told us that her Muslim colleague and

friend, repeatedly asks her if she likes Hindustan. She cannot understand the point of this question as she was born in Pakistan; her whole family is from here. She tends to brush off the question but knows that she is asked because she is a Hindu.⁸⁷ Another interviewee said, "It is our bad luck that our Muslim friends don't accept us as Pakistanis or join us with this land. Our culture from the sub-continent is the same but the Muslims associate themselves with the Arabs."

Hindu interviewees also suggested that they are suspected of being agents of the Indian government. As a result, they are discriminated against both politically and economically. We were told by the resident of a town in Interior Sindh, "After the Afghan War and increasing tension in Kashmir, the Lashkar-e-Tayyaba recruited and trained many young men from the area. These young Muslim men have now returned to their original jobs like teaching, tailoring but tend to feel feeling threatened by the Hindus and in turn threaten them. Madrassas are operating discreetly in the area. Even in a Hindu neighborhood of 500 homes there is a madrasa and a mosque and residents wonder why it is there when Muslims don't even live or come here."⁸⁸

Some Hindu interviewees felt that their community is marginalized politically. They have no national political party but have, in some cases, forged alliances with other religious minorities to lobby for their rights. The All Pakistan Minorities Alliance (APMA) was formed in 2002 to help resolve problems faced by minorities groups such as Christians, Ahmadis and Hindus. Other organizations, such as the Pakistan Hindu Welfare Association and coalitions of Hindu panchayats (local councils of elders), are also active in politics.

Pakistan's blasphemy laws disproportionately affect Hindus, Christians and Ahmadis. Hindus have been arrested and abused in recent years due to their religious identity. They have also been subject to violence by Muslim radicals. For example, in 2005 and 2006, there were a number of noted kidnappings of Hindu girls who were then forced to convert to Islam and marry Muslim men. Also noted were kidnappings of successful Hindu businessmen who were held for ransom.

The registration of National Identity Cards (NIC) is also cited as a problem, particularly for lower caste Hindus, thus denying them the vote and access to funds such as the Benazir Bhutto Income Support Scheme. We were told that, "Because they are not literate [lower castes] they don't understand the importance, need of registering. They have no interest because they know they will not be allowed to enter the polling stations. They say, someone else will cast my vote so why should we get into these situations."⁸⁹ Initiative has now been taken by the government to assist with registration.

Migration by members of the Hindu community in Pakistan is on the rise⁹⁰. In March 2011, Ram Singh Sodho, PML(Q)'s minority MPA for Sindh, chose to migrate to India.⁹¹ The impetus for the move to another country was threats that he was receiving and victimization of his community. However, when asked if they would leave Pakistan, all of our interviewees answered in the negative saying, "Hum apni

ma ko kyun chore?" or "Why should we leave our mother?" One Hindu resident of Nagarpakar, who had spent one year as a missing person, accused of being an Indian agent, court martialled and finally released as it was found that the charges against him were fabricated, when asked if he would migrate to India told us "I am committed to this land. My heart says to leave Sindh for Hind, but I cant."⁹²

Ahmadis

The Ahmadiyya Muslim Community (the official name of the community) is a contemporary messianic movement founded in 1889 by Mirza Ghulam Ahmad (1839–1908), who was born in the Punjabi village of Qadian, now in India. The relevant discriminatory laws in the Pakistani Constitution and extremist Islamist groups derogatorily refer to the Ahmadiyya community as the "Qadiani" community, a term derived from the birthplace of the founder of the movement. In 1889, Ahmad declared that he had received divine revelation authorizing him to accept the *baya'ah*, or allegiance of the faithful. In 1891, he claimed to be the expected *mahdi* or messiah of the latter days, the "Awaited One" of the monotheist community of religions, and the messiah foretold by the Prophet Muhammad (Peace Be Upon Him). Ahmad described his teachings, incorporating both Sufi and orthodox Islamic and Christian elements, as an attempt to revitalize Islam in the face of the British Raj, proselytizing Protestant Christianity, and resurgent Hinduism. Thus, the Ahmadiyya community believes that Ahmad conceived the community as a revivalist movement within Islam and not as a new religion.

Members of the Ahmadiyya community ("Ahmadis") profess to be Muslims. They contend that Ahmad meant to revive the true spirit and message of Islam that the Prophet Muhammad (Peace Be Upon Him) introduced and preached. Virtually all mainstream Muslim sects believe that Ahmad proclaimed himself as a prophet, thereby rejecting a fundamental tenet of Islam: *Khatme Nabuwat*, literally, the belief in the "finality of prophethood" or the belief that the Prophet Muhammad (Peace Be Upon Him) was the last of the line of prophets leading back through Jesus, Moses, and Abraham. Ahmadis respond that Mirza Ghulam Ahmad was a non-law-bearing prophet subordinate in status to Prophet Muhammad (Peace Be Upon Him); he came to illuminate and reform Islam as predicted by Prophet Muhammad (Peace Be Upon Him). For Ahmad and his followers, the Arabic *Khatme Nabuwat* does not refer to the finality of prophethood in a literal sense - that is, to prophethood's chronological cessation - but rather to its culmination and exemplification in the Prophet Muhammad (Peace Be Upon Him). Ahmadis believe that "finality" in a chronological sense is a worldly concept, whereas "finality" in a metaphoric sense carries much more spiritual significance.

The exact size of the Ahmadiyya community worldwide is unclear, but estimates suggest they number under 10 million, mostly concentrated in India and Pakistan but also present in Bangladesh, Indonesia, Ghana, Burkina Faso, Gambia, Europe, Canada and North America.



As explained in the historical background, Ahmadis have played a pivotal role in the creation of Pakistan. Despite the problems faced by the community in the 1950s, it was not until 1974 that they were officially declared non-Muslims minority under the Constitution. Ordinance XX served as the real nail in the coffin for the Ahmadi community in Pakistan and, as a result, thousands of Ahmadis have fled Pakistan to seek asylum abroad.

Those who have chosen to remain in Pakistan comprise a well-educated and affluent community. Many of Pakistan's Ahmadis have chosen to live in Rabwa.⁹³

Violence against Ahmadis has increased over the past three years and⁹⁴, targeted killings are on the rise. This is because maulvis are promoting such attacks and inciting violence in their sermons and in the media. In a program aired on 7 September 2008,

the anchor of a popular religious program, who had previously also served as Minister for Religious Affairs, declared members of the Ahmadi sect *wajib-ul-qatl* (declared it obligatory for Muslims to kill members of the Ahmadi sect). Within forty-eight hours of the pronouncement on television, 2 prominent Ahmadis were gunned down.

On May 28, 2010,⁹⁵ armed gunmen attacked two Ahmadi mosques in Garhi Shahu and Model Town in Lahore. Ninety-six people were killed. This attack received global and national attention⁹⁶, and was condemned by organizations such as Amnesty International⁹⁷ and the United Nations⁹⁸, as well as the National Assembly of Pakistan, which moved a unanimous resolution condemning the attack. The graves of victims just outside Rabwa bears witness to the scale of the massacre, and locals confirm that there has been no official investigation into the attack. In fact there has been no official visit to the site. Nearby, the grave of Professor Abdul Salaam - Pakistan's only Nobel Laureate - stands desecrated by local fanatics.

Despite this, all the people we spoke to at Rabwa keep an optimistic outlook and reiterate their commitment to Pakistan with their motto "Love for all, hatred for none."

Other Issues Affecting Minority Communities

This section provides an overview of some domestic legislation which provides for minority rights and considers the controversial “blasphemy laws” which have received international attention over the past year after the case of Aasia Bibi and the assassination of Salmaan Taseer, the governor of Punjab.

Personal Laws

These are some examples of legislation relating to minorities in Pakistan:

- Hindu Disposition Of Property Act 1916
- Hindu Gains Of Learning Act 1930
- Hindu Inheritance (Removal Of Disabilities) Act 1928
- Hindu Law Of Inheritance (Amendment) Act 1929
- Hindu Marriage Disabilities Removal Act 1946
- Hindu Married Women’s Right to Separate Residence and Maintenance Act 1946
- Hindu Widows Re-Marriage Act 1856
- Hindu Women’s Rights to Property Act 1937
- Sindh Hindu Heirs Relief Act 1866
- Protection of Communal Properties of Minorities Communities Rules 2003
- Protection of Communal Properties of minorities Ordinance 2001
- Christian Marriage Act 1832
- Christian Marriage Act 1872
- Parsi Marriage and Divorce Act 1936

There has been little change since Partition to the personal laws relating to Christians, Hindus and other minorities.⁹⁹ The Hindu community, in particular, does not have any specific codified laws relating to family matters, which are instead governed by customs and traditional laws. Although members of minority communities can approach the country’s regular family courts since the

Family Courts Act 1964 does not restrict its jurisdiction to Muslims alone, but the religiously motivated environment of the Pakistani judicial system push them to adopt their own customs or traditional laws.

As far as family matters are concerned, minorities in Pakistan are primarily governed by customs. Most of the issues are settled through different community forums.

The Council of Islamic Ideology

The Council of Islamic Ideology (CII) is Pakistan's top constitutional advisory body on Islamic injunctions. The council's current functions include recommending laws to the Parliament and Provincial Assemblies that conform to the Quran and Sunnah, making recommendations to bring current laws to conform to Islamic injunctions and advising the Parliament, provincial assemblies, or other government functionaries on proposed laws and whether they are in accordance with Islamic injunctions or not. The role of the CII is advisory and its recommendations are not binding on any arm of government.

It was established as the Advisory Council of Islamic Ideology on August 1, 1962 under General Ayub Khan to serve as an advisory body. The 1973 Constitution under Articles 228-31 gave the Islamic Advisory Council (also known as the Council of Islamic Ideology (CII)) the job of identifying laws repugnant to Islam and then recommending ways to bring them in conformity with Islamic principles. General Zia-ul-Haq increased the importance of the council and used it to legitimize and promulgate controversial legislation like the Hudood Ordinance.

Constitutionally, the council must have a minimum 8 and a maximum of 20 members (including the Chairman) and they must represent various schools of thought and they must possess sound knowledge of the principles of Islam as outlined in the Quran and Sunnah. The constitution also requires that at least two of the members to be sitting or retired judges of the Supreme Court/a High Court, at least one female member and a minimum of four Islamic scholars engaged in Islamic research/instruction for at least 15 years.

While the CII has been associated with controversial legislation, under the leadership of Dr. Khalid Masood (Chairman CII 2004 – 2010), the Council supported a number of progressive reforms such as the passage of the women's protection act despite opposition from traditional and conservative segments of society. It was under the chairmanship of Dr. Khalid Masood, that the council was asked to review the controversial blasphemy laws and suggest changes to prevent abuse of the laws.

In response, the Council recommended certain procedural changes to ensure that the laws are not misused. However, it remains opposed to their repeal. In its proposed changes, the CII has recommended that capital punishment be retained for offenders.

The Blasphemy Laws

This section considers the development of the blasphemy laws and their misuse in the context of recent cases. Attempts at amendments of the law are also discussed.

The prohibition of blasphemy, or irreverence towards holy persons, religious beliefs, customs and artefacts as currently articulated in Pakistan's Penal Code (PPC), finds its roots in colonial legislation drafted in 1860. This Indian Penal Code 1860, prepared by the First Law Commission chaired by Lord Macaulay, criminalised the act of damaging or defiling a place of worship or a sacred object under section 295. Section 295A was added to provide for the offence of "*outraging religious feelings*". Penalties for such offences, included imprisonment for a term extending up to two years, a fine, or both. Pakistan inherited this code at independence and amendments made over the years transformed the legislation into the Offences Relating to Religion as set out in the Pakistan Penal Code (PPC).¹⁰⁰

It was under Zia's regime, that severe penalties including life imprisonment and the death penalty were drafted into the legislation. The PPC Ordinance 1982 amended section 295-B to include life imprisonment, providing that, "Whoever wilfully defiles, damages or desecrates a copy of the Holy Quran or any extract thereof or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life." Ordinance XX, which added sections 298 B and C to the PPC, sealed the expulsion of Ahmadis from the Pakistani state in 1984. An Ahmadi, calling himself a Muslim, or preaching or propagating his faith, or outraging the religious feelings of Muslims, or referring to herself or himself as a Muslim is now liable to three years imprisonment.

In 1986, the Criminal Law Act III provided a further amendment to section 295 C, by criminalising defamation against the Prophet (Peace Be Upon Him) and providing that, "Whoever by words, either spoken or written, or by visible representation, or by any other imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (Peace Be Upon Him) shall be punished with death or imprisonment for life, and shall also be liable to a fine." It is under this section that Asia Bibi became the first Christian woman to be sentenced to death for blasphemy.

In 1992, Nawaz Sharif's government in Pakistan removed the option of a life sentence from section 295-C and imposed a mandatory death sentence, thereby giving more power to those who wished to use this law. One of the first fatal attacks against Pakistan's Christian minority community triggered by the blasphemy laws took place soon after the enactment of the 1992 amendment. A Christian teacher and poet in Faisalabad, Punjab was accused of blaspheming against the Prophet (Peace Be Upon Him). He was subsequently stabbed to death by a member of the Anjuman-e-Sipah-e-Sahaba.

On a country visit in 1995, the UN Special Rapporteur to Pakistan provided a recommendation in relation to blasphemy that:

Blasphemy is an offence against belief may be subject to special legislation. However, such legislation should not be discriminatory and should not give rise to abuse, nor should it be so vague as to jeopardize human rights, especially those of minorities. If offences against belief are made punishable under ordinary law, then a procedural guarantee must be introduced and a balanced attitude must be maintained. While protecting freedom of conscience and freedom of worship is clearly a necessity, applying the death penalty for blasphemy appears disproportionate and even unacceptable.¹⁰¹

Despite these recommendations, the blasphemy laws remain unchanged and are used to persecute religious minorities in an alarming number of cases. Drafted in their current form in 1986 under Zia, they have eroded the notion of a rights-based structure, which the Constitution attempts to protect.

The vague terminology of the current legislation enables the misuse of Sections 295-298 PPC, and has allowed the persecution of minorities and the poor by providing unscrupulous complainants with a mechanism for settling personal vendettas through the justice system. The law has manifested in society as a tool for promoting intolerance. Even though a majority of those charged under this law are Muslims, the law has made non-Muslims even more vulnerable. In addition, the manner in which the law is propagated by the religious groups in Pakistan has led to vigilantism and mob violence. The state has consistently failed to intervene and protect anyone against violence by maliciously motivated elements and the certainty of impunity has encouraged them to commit lawlessness. Reported incidents reveal that those accused of blasphemy are killed in jail often even before they are sentenced. As recently as November 14, 2010, the accused in a blasphemy case was shot dead near his house in Lahore after being granted bail. Other examples include incidents on July 30th and August 1, 2009, when seven Christians were burnt alive in Gojra, Punjab and dozens injured after riots broke out over to allegations of blasphemy against the Holy Quran. This incident is referred to in detail in the case studies.

Since 1986, nearly a thousand cases of blasphemy have been registered in Pakistan. Of these, 476 have been registered against Muslims, 479 against Ahmadis and 180 against Christians. In 2010, over 32 people were killed extrajudicially by angry mobs or individuals on the basis allegations of blasphemy and 64 people were charged under the blasphemy law.¹⁰²

In March 2011, Qamar David, a 55-year-old Christian man serving a life sentence for blasphemy died in prison under strange circumstances. At the time of his arrest in 2006, David was working as a cosmetics salesman in Karachi. A rival businessman claimed that David had sent him text messages insulting the Prophet (Peace Be Upon Him) and the Quran. David was subsequently charged with blas-

phemy under Section 295 C of the Pakistan Penal Code. He had spent several years in jail on remand awaiting trial. His case received international attention as many considered the allegations against him to be false and the result of personal enmity.

When the trial was eventually held in February 2010, David was convicted and sentenced to life imprisonment. At the time of his death, David was serving a life sentence in a “Christian only” block in Central Jail and awaiting an appeal hearing. It is reported by prison hospital staff that he suffered a heart attack. However, his lawyer, Pervez Chaudhry, is convinced that David did not die of natural causes, “he was a healthy man in perfect condition” the last time they met. His untimely death is considered to be part of the nationwide hate campaign driven by extremist groups against members of minority communities. It is not uncommon for the accused in a blasphemy case to be killed when they are awaiting trial in prison or out on bail. David’s family is convinced that he did not die a natural death. Despite requesting help for several years to secure a fair trial and David’s release, his family is now left to ensure the safe passage of his corpse from the prison in Karachi to his hometown, Lahore.¹⁰³

Another high profile case involved two illiterate Christian children, Salamat Masih, and Rehmat Masih¹⁰⁴, who were sentenced to death for blasphemy by a lower court in Lahore in 1995 for allegedly writing words against the Prophet (Peace Be Upon Him) on the walls of a mosque. They were also sentenced to two years’ hard labour and fined 25,000 rupees each. The children’s uncle was shot dead outside court and violent threats were made against their lawyer. In 1997, over two years after the case, the Lahore High Court judge Justice Arif Iqbal Bhatti, who presided over the case was assassinated for his role in acquitting the boys.

Recently in December 2010, Dr Naushad Ali Valliani, an Ismaili physician from Hyderabad was accused of blasphemy¹⁰⁵. He was arrested for throwing a visiting card belonging to a Muhammad Faizan in the dust-bin. The guilty act was throwing a card bearing the name ‘Muhammad’. Dr Valliani apologized for throwing the card in the dust bin, insisting that he had no intention of insulting the Holy Prophet (Peace Be Upon Him), but local religious leaders insisted on further action and an FIR under Section 295-C of the Pakistan Penal Code was registered against him. This blatant abuse of the law against innocent people only highlights the necessity for reform and increased scrutiny.

As part of a series of attempts to reform the law, The Pakistan Law Commission recommended a review of Section 295-C in 1994 and Benazir Bhutto’s government agreed to reform. This was met with demonstrations across the country and amendments were abandoned. It was not long after this in 1998 that Father John Joseph, a Roman Catholic Bishop and human rights campaigner committed suicide in protest when he failed to find a lawyer willing to take the case of Ayub Masih, a Christian convicted for blasphemy. This tragic episode led to international debate about the laws and discussion on potential amendments.

The private members bill, the Blasphemy Laws Amendment Bill, submitted by Member National Assembly Sherry Rehman at the end of last year was intended to clarify the law in order to avoid miscarriages of justice. The amendments are essentially to the Pakistan Penal Code (PPC) and Criminal Procedure Code (CPC), the legislation which provides for the law and procedure in relation to blasphemy. The proposed amendments included the requirement for the complainant to demonstrate premeditation or malicious intent by the accused. The current absence of the requirement to demonstrate premeditation in blasphemy means that those accused of the crime can be charged for a crime with no substantive evidence against them, and convicted with no proof of intent. The Bill re-drafts Sections 295 and 298 of the PPC to include acts done “maliciously, deliberately and intentionally,” thus codifying this essential aspect of intentionality in criminal law.

Other amendments included that penalties for each crime should be reduced proportionately and the life sentence and death penalty are removed entirely. The Bill included an additional section (203A), which ensures that anyone making false or frivolous accusations under the legislation is penalised as befitting the section under which the original claim was made. This was intended as a preventive measure to promote justice rather than open doors to religious persecution. The government disallowed the bill after violent protests demanded the bill be withdrawn and the committee set up under Minister for Minorities, Shahbaz Bhatti, to review the laws be disbanded. Both Rehman and Bhatti were declared “liable for murder” by the rallies.

The Asia Bibi Case

The case of Asia Bibi, a Christian farm hand and mother of five, sentenced to death under the Blasphemy Law by a court in the Nankana Sahib district of Punjab received international attention. Asia was the first woman to be sentenced to death under the Pakistan Penal Code (PPC) and was to be hanged on November 8, 2010. Her crime was that she had allegedly uttered blasphemous words against the Prophet Muhammad (Peace Be Upon Him). Mohammad Salim, an imam at a local mosque near Asia’s village, explained that she worked with other Muslim women picking berries at a nearby farm. A dispute arose amongst the women while they were eating their afternoon meal.

Asia said, “I’ll go get the water,” and other women said they will get it themselves. When they brought the water back, Asia used one of their cups to drink the water, and they refused to drink from that cup after that. Then, Asia said derogatory things against Muslims while all of them resumed work.¹⁰⁶

Another man from Asia’s village said in an interview that, “If someone wants, they can share things with Christians. Islam allows that, but if someone does not want to share things with Christians they don’t have to.”

Mohammad Salim continued to tell us:

She [Aasia] used words that I cannot repeat. When she used these words, the women got angry, and said, "How can you talk about our prophet like that?" The field owner was standing nearby, and when he heard the noises, he came to the spot... I found out and thought I would ask her myself. She admitted she said all that. That's when we decided we must give her to the police. It was necessary because otherwise it was possible someone would kill her here. She has even admitted to the farm owner. When the police arrested her, she even confessed to them. Before this, we never had such a problem with the Christian community. We have lived together. We had no religious confrontation in the past. The punishment is death. That is the only punishment. There should be no relaxation in the punishment. If you insult the prophet, punishment is death.

In December 2010, a leading Urdu daily published an editorial in support of a Peshawar cleric's call for head money on Aasia Bibi. Maulana Yusuf Qureshi, a cleric of the Mohabat Khan mosque in Peshawar, announced a reward of Rs. 500,000 for anyone who would kill Aasia Bibi. The contentious editorial praised the cleric's move, stating, "What the government couldn't do after a court decision, the nation will." The government did not take any action against the cleric and his incitement to murder, nor against the irresponsible and inflammatory language in local media.

Aasia Bibi continues to languish in jail and has expressed sadness at the violent death of two of her ardent supporters and concern for her own safety. She is currently incarcerated in an isolation cell at Sheikhpura Jail, Punjab, where posters bearing images of Taseer and Bhatti with a large question mark and the caption "Who will be next?" are plastered on the walls. Given that she may be the next target of radical Islamic groups, Aasia's enhanced sense of fear is justified.

Case Studies: Examples of Discrimination

Mob Violence Against Members of Religious Minorities

Bahmni Wali

On June 30, 2009, an armed mob attacked the Christian community in Bahmni Wali, Kasur, Punjab. The incident was triggered by a trivial disagreement between an influential landowner and a Christian farmer. Members of the Muslim and Christian community in this area are mainly cultivators, peasants and labourers, though the Muslims tend to be wealthier. According to eyewitnesses¹⁰⁷, Sardar Masih Bhola, a Christian farmer was driving home on his tractor through the land he had leased from a local landowner. A motorcycle was blocking his path. When he asked the owner of the cycle, a local influential landowner, to move the vehicle so he could get past, he was met with abuse. He retaliated with abuse, and this exchange led to an attack on his family and, later, one hundred and forty Christian families in the area were attacked by a mob of approximately eight people.

Bhola explained that, "In spite of being tortured, our elders tried to conciliate and end the dispute. Our union counsel leader Basher Masih approached their union counsellor Shafiq and asked him that the dispute should be solved immediately, and both communities should not approach the police...Later they went to the police and got a criminal case registered against us."¹⁰⁸

After the FIR had been registered, a local cleric made an announcement on a loudspeaker that the Christians of the village had committed blasphemy and should be punished accordingly. Later that same evening, a larger mob of about one thousand people attacked Christian homes, chanting slogans, burning personal belongings and beating people.

Sardaran Bibi a 65-year-old resident told us her story:

When the Muslim mob proceeded to our houses, the men, women and children ran in to the field to save their lives. I am weak and old and could



not run away. So they (Muslims) trapped me and abused me, tortured me and tore my clothes. One of them sprinkled acid on me, seriously injuring me. They then set fire to our furniture and bed sheets, broke our doors, demolished our walls and looted our cash and other precious belongings. I was scared they would kill me but, thank God, they did not.¹⁰⁹

When asked if the Muslim women expressed sympathy towards her, she said, “Not a single woman dared to condemn this brutality...Christians should just hear and bear whatever Muslims say to them.”

Local police also took no action and “played the role of a silent bystander...Police did not provide us with any protection,” said Mushtaq Masih. However, after the attack was publicized, the Minister for Minorities, Shahbaz Bhatti and other officials did attend the scene and condemn the attack.

This episode has left the local community feeling helpless and victimized. One victim said,

We and Muslims have been living here for generations. Both communities were on good terms, but, due to this incident, we have disconnected forever. In the past, we were friends. Now we are enemies. This incident has left long lasting effects. It is not possible for us to forget what Muslims have done to us. A personal dispute was turned in to a communal dispute and as a result, unending enmity and abhorrence has emerged in the heart of both communities.¹¹⁰

Gojra

Another extreme example of mob violence against the Christian community in Punjab occurred in August 2009 in Gojra. A blasphemy case under section 295B PPC was registered against Mukhtar Masih, Talib Masih and his son Imran Masih following rumours that a Quran had been desecrated by the three men during a Christian wedding ceremony. A mob, including hooded young men, gathered on August 1 2009, setting 40 houses and a church on fire. Eight victims were burnt

alive¹¹¹, including four women and a child, and 18 others were injured. The HRCP has concluded that the attacks were premeditated and that local officials were fully aware of the threat but chose to take no action.

Mukhtar Masih, one of those accused in the blasphemy case, who has since moved away from Gojra, lost his young daughter in the attack. He told us that,

It was my daughter's wedding. The mehndi (henna) was brought on the 25th, and we decided to have a quiet celebration. There were no loud, disturbing sounds coming from us. Young Muslim boys crumpled up pages from the Quran, threw them over the wall and then accused us of blaspheming. We know these people. They are Jats. For eight days, no one said anything to us, but when my daughter arrived with her in-laws to meet her own family, they called us and then attacked. They beat us. We were barely able to walk or run, and in the chaos, we left my small child there. She was 14 months old. By the time we got there and brought her back, our houses had been burnt. My 3 sons and 3 daughters were left with nothing.

After the attack, Mukhtar Masih left his village and went to live with relatives. He says he has no knowledge of what happened to the others in his village as after the attack they just ran. His legal counsel told us that:

This case was quite famous; the media gave it a lot of coverage too. I was helping these people file their FIRs. There were 25 accused in the FIR. Most of the accused were given bail before arrest and some after. I opposed the bail and so some pre arrest bails were rejected and the accused were, in fact, arrested. Any other bail that comes up will also be contested. The hearing was at the anti-terror court in Faisalabad.

In relation to the current situation he told us that,

Those arrested are going through their trials. However, there is still fear in the locality of 'choudryism' and there is a possibility that they might go quiet after some gratification. It is not confirmed which route they may choose keeping in mind further fears of their security in the future. Having said that, there are still many willing to face the trial as witnesses.

It was recently reported that the one hundred and fifty cases against the Gojra mob were withdrawn by the families involved.¹¹² Mukhtar Masih and the remaining members of his family have been left destitute. Forced to leave their village, they are now living in abject poverty in a new city. He says:

I want to live here and never look back. I just want to settle here. We can never go back there again. We need a place of our own where we don't have to pay rent. The compensation of 5 lakhs from the government that was due for us has not yet been given. The DCO has kept our cheques say-

ing he will not give them because he believes we burnt pages from the Quran. Everyone else whose houses were burnt have received the compensation money except Talib Masih and me.

Umerkot

On March 11, 2010, at about 2pm, an armed Muslim mob attacked the Hindu community in Udhepuri, Umerkot. Eyewitnesses recounted that a mob equipped with iron rods, clubs, explosive material and guns had gathered after an alleged incident of blasphemy was committed. Apparently, unknown persons had written the name of the Prophet (Peace Be Upon Him) on a road. It was assumed that culprits must be from the Hindu community.

The Muslim mob assaulted members of the Hindu community while chanting slogans like "Hindus are infidel, death is their destiny." Many Hindus, including women and children were injured, and Hindu owned businesses were set on fire.

Laal Malhi¹¹³, a local Hindu businessman, politician, journalist and human rights activist and Saroop Chand Malhi, a Hindu shopkeeper think that this whole episode was a conspiracy carried out to destabilize religious harmony among Hindus and Muslims in Umerkot. The Malhi community was a target because they are politically aware and economically secure.

Laal Malhi told us that:

The protesters were mainly Urdu speaking attacked my house and targeted my petrol pump, which is situated more than two kilometers away from the Udhepuri Mohala. Some months before this incident we had a quarrel with some Muslim youngsters of the area. Although the issue was resolved through negotiation at that time, they did not forget that dispute and planned to teach us a lesson.

With regard to the allegations of blasphemy, like so many cases of blasphemy brought against members of minority communities, the allegations were found to be false. A peace committee comprising of 28 members including local religious leaders, police officials, and personnel of district administration, local political leaders and social activists was set up to investigate the incident. Police registered an FIR under Section 295-C against unknown accused persons, which was later dismissed because the accused could not be traced despite a thorough investigation.

Laal Malhi is convinced the incident was carefully planned "to create insecurity among Hindus and exploit Islam to do so. The attackers had a political agenda to destroy the religious harmony of Umerkot. Hindus and Muslims have been living in a peaceful environment and always celebrate their religious festivals jointly. Vested interests groups who want to compel Hindus to migrate have planned this."

Saroop Chand, whose father, Panjo Mal, was killed 23 years ago at an attack on the Shiv Jo Mandir suffered physical injuries during the attack. He was tortured

with iron rods and clubs. He also thinks “There is a plot against the minority members who are being targeted for various reasons. There was a conspiracy to grab our property and business.”

Following this attack, Hindu-Muslim relations have deteriorated in the area. The lack of official assistance or any support from civil society means that the Hindus in the area feel victimized and threatened.

Attacks on Places of Worship

Massacre at two Ahmadi places of worship in Lahore¹¹⁴

Seventeen-year old Waqar lost his father during the May 28th attacks. He now faces persecution on a regular basis at his college and from the general public for being an Ahmadi. The imam of the village has also declared him *wajib-ul-qatl*. “I was preparing for my intermediate examinations when this barbaric attack took place,” Waqar told us.

At the time the attack took place, we were in the middle of our prayers...Two armed men sadistically gunned down 93 people in our mosque. There were dead bodies everywhere. We caught the two men and handed them to the police on the expectation that justice will be served. Had we wanted, we could have done as we pleased with them, killed them even. There were people in the mosque whose entire families were wiped out in this savagery yet they remained calm.

A few days after Waqar’s father, Chaudhry Muhammad Ashraf’s death, Nawa-i-Waqt, an Urdu daily publication, published an article, condemning anyone who attended the funeral prayers by declaring that their marriage contract would be annulled. Waqar’s best friend refused to attend the funeral on the pretext that he would be foregoing Islam, and his father’s best friend had his *nikkah* read again after attending his funeral.

Waqar’s father was buried at the graveyard at Rabwa where the other “martyrs” of May 28 are buried. A wall at the museum at Rabwa carries photographs of those who were killed. The youngest was 17 and the oldest, a retired army officer in his nineties.

Waqar told us that:

It took us four days to bury our martyrs at Rabwa. We began at dawn after Fajr and continued till Maghrib. Our community directed the traffic and ensured nobody took part in any activities, which would hurt national interests. Our community took care of everything. The police as usual did not help us at all. It all went smoothly and no untoward incident took place.

Waqar now faces discrimination in his village. He told us that, “The absurdity of this matter only grew... The maulvi at our village mosque declared in his fatwa that our whole family should be assassinated at any cost.”



After the 2010 massacre:
Ahmadi graves at Rabwa

He describes the morbid celebration after the massacre and how “people danced and distributed sweets to commemorate this tragedy.”

Similarly, when he returned to college five days after his father’s funeral, he suffered harassment from students and teachers. Nineteen students left his classroom in protest when they discovered that he was an Ahmadi. “People do not talk to me because I am an Ahmadi. I have changed schools twice, only to face the same persecution over and over again. It only gets worse with time. From verbal abuse it has elevated to physical abuse. The teachers turn a blind eye to this.”

Demolition of Churches

According to Amer Masih, a 28-year-old labourer, on November 15, 2010, a notorious land-grabber and armed men dressed in police uniforms attacked the King of Kings Church in Wasan Pura, Lahore. Other eyewitnesses describe how the attackers were armed with guns and used a crane and a bulldozer to demolish the church.¹¹⁵ The church was razed to the ground, and items such as crosses and Bibles were destroyed during the attack. The local Christian community responded by arranging a demonstration and blocking the main Raiwind Road. From about 1pm to 8:30pm, the crowd grew from forty to three thousand people.

Amer told us that, “Representatives of various civil society organizations came to us and uttered sympathetic words and condemned the incident but nobody helped us practically regarding arrest of the accused or rebuilding the church. Only some members of the Communist Mazdoor Kisaan Party (CMKP) participated in the protest demonstration...”¹¹⁶

The protestors demanded that a criminal case be registered against the attackers. An FIR was eventually registered. However local residents explain that since attending the protest and lodging the FIR, they have received death threats and fear that the investigation is not being conducted properly. Latif Masih told us that the night after the incident, “The accused, along with some clerics, convened a religious congregation near the destroyed church.”



Amir went on to tell us “We are facing a lot of problems in this country because of our minority status...Muslims are unsupportive to us in every matter. They considered us people of low rank. We are not allowed to preach our religion. We do not have freedom of expression. We do not feel security. Even we are anxious about our existence in Pakistan.”¹¹⁷

A similar incident took place near Kalar Kahar, about an hour away from Islamabad. The Christian community, comprising of about 30 homes, many of whom had fled persecution in Punjab, were allotted 17 canals of land by President Zardari to erect a church in December 2009.

Riaz Masih,¹¹⁸ a local sanitation worker, explained that:

As soon as maulvis heard about this, they freaked out and many Christian people decided to leave the area. We stayed. There were demonstrations and uproar. I stayed there because I have a job and family in the area, I cannot afford to leave. Adverts were printed against us in local papers and express. They were against the building of the church. Banners against us have only now started to be ripped down.

Riaz is very worried about his situation and feels he and his family have to hide. Now there are still about twenty houses there. Since this interview, Riaz Masih has fled this home as well due to fear of violence and further persecution.

Employment

Daily problems at work

Interviews were conducted with Christians working in a range of professions in urban centres from politicians, social workers, architects and lawyers to domestic staff and those employed in more menial vocations such as sweepers. The general view expressed was that there was a sense of discrimination in the work place. Often Muslim colleagues will not share crockery with Christian colleagues at break-time, or refuse to socialize with them. Access to employment was also

cited as a serious problem. Well-educated, young Christian men and women are not able to find employment.

At Father's Colony in Maripur, where approximately 600 Christian families have been living since 1947, interviewees expressed the view that because their community is educated, they tend to face less discrimination on a daily basis, and they tend to feel more empowered¹¹⁹. The community is assisted, to a large extent, by funds directed by the PPP for developing the area. For example the local church, St Mathews, is in the process of being rebuilt. There is relative peace in this area, though concern was expressed about the incidents of discrimination in Punjab against Christians.

Georgie Bernard, a teacher, expressed concern about the discrimination faced by students in admissions to both schools and universities. She cited examples of young Christian students who, despite obtaining high grades, were refused places at colleges; they are convinced that this is because of their religion. Similarly, her nephew had applied to the air force and passed the requisite test twice but not been taken on.

Stephen Peter, an architect, expressed frustration at the fact that his daughter had not been admitted to medical school despite her high grades and qualifications.

Arif Sadiq, a 35-year-old framer from Neelam Colony, Karachi, told us about his difficult situation in the period during Aasi Bibi's sentencing. He said:

When Aasia Bibi was being sentenced, my employers started telling me to convert to Islam. They bribed me with property, a bike and getting me married a second time. I refused each time saying I was happy the way I was born. I was born Christian. Some days later, when they realized I wasn't going to listen to them they started threatening me. They told me they would tie me to a tree and beat me till I gave in. I was so helpless and angry at the same time, I would cry myself to sleep every night, praying for my protection and that of my loved ones. I left the job. Now I numb all frustration by smoking charas [a local narcotic] all day. The pressure got to me.

Bonded labour and brick kiln workers¹²⁰

In August 2009, about 350 to 400 Christian brick kiln workers in Arifwala, Pakpattan lost their jobs. They explained:

We were employed at three brick kilns situated at Kumharanwala Chowk. The Arifwala. Kilns were owned by [names removed] belonging to the Muslim community. We were paid 100 rupees per 1000 bricks. The government rate at the time was 350 rupees per 1000 bricks. We were ordered by our owners to remain within the premises of kilns twenty-four hours. We were not allowed to see our relatives and friends. The number of Christian workers at the kilns was 350 to 400. Our women and children were forced to work with us without compensation. We

had not been paid for five years and were owed 1,596,000 rupees. We requested them again and again to pay arrears but every time they denied and abused us in return.

We are a disadvantaged and deprived class in our economic, social, political and religious status and have worked as brick kiln workers for decades. Now, it has become our hereditary profession because our children are also born into this industry and our grand children will also come in this field. It is disheartening for us that we are not given brick kiln worker status. This is our first demand: we should be recognized as brick kiln workers. We make this demand again and again, but nobody takes note.

Apart from the insecure working conditions, these men work 14-hour shifts in poor working conditions. A limited number of the workers have a written contract, and the rest have informal “verbal understandings.” They are paid low wages and live below the poverty line without running water at home, sanitation, proper drainage and depend upon wood as a fuel for cooking. Due to their financial difficulties, they take informal-sector loans and are therefore even more dependent on their employment at the kiln. Many, especially the women, are not officially registered for NICs.

When the workers challenged their employers with court action and filed an application in the court requesting an order that the kiln owners pay their arrears, they were fired. The kiln owners contacted the Kiln Owners Association in Pakpattan and convened a meeting during which it was decided that no kiln owner in Pakpattan should offer employment to Christian kiln workers. As a result, all the kiln owners in the district refused to employ Christians. More severe action was taken against those Christians who filed the applications for compensation in court. They were arrested by local police who had apparently been bribed. They were denied bail and remained in jail for one year on false charges. During that period, the kiln owners asked them again and again to withdraw the compensation application and threatened their family members. They believed this “was a tool to teach us a lesson for demanding our rights and pressurize us to apologise to kiln owners.”

Many of the workers were forced to migrate to other districts to earn a livelihood with most of the families moving to Sahiwal to work at different kilns for meagre compensation. Most of them are still working there. They tried to contact social organizations and kiln unions working for rights of workers but have had little support. Even their legal counsel was bribed by the kiln owners.

After nearly two years, the kiln owners of Pakpattan ended their economic boycott and offered them employment. They now receive 180 rupees per 1000 bricks. The current government rate is 546 rupees per 1000 bricks. Their application regarding arrears and compensation is pending in court.

The workers tell us that physical abuse is common punishment for failure to produce enough bricks, disobedience towards the employer or foreman or attempts

to organize other workers. The forms of abuse include being beaten with sticks, whipped, and roughed up to the point of injury.

Rahat Bibi, Rafique Masih's fifty three year old wife who works along side her husband at the kiln told us¹²¹ that:

The owners of the kiln treat women very badly. They often abuse us, even in the presence of our husbands and children. Our conditions are much worse. We are forced to work without compensation or for very low payment. We are not allowed to go out of kiln premises. We work all day long, but we don't get drinking water and toilet facilities at our workplace...In certain cases, marriages of women workers are arranged by the owner of the brick kiln against their own will. Moreover, we are not given any maternity leave and are expected work throughout our pregnancy and two to three days after giving birth. Not only us, but our children are also forced to do bonded labor at kilns... Most frightening thing for me is that my teen daughters also are bound to work to help us in affording family expenses. Higher authorities should take notice of our troubles. We are exploited both by authorities and society.

Education

A number of interviewees spoke of discrimination at schools and colleges. It is common for Ahmadi students to be ostracized by students and teachers¹²². When filling out admissions forms, Ahmadi students cannot write "Muslim" even though that is what they consider themselves. Since more and more Ahmadi students enroll each year, members of organizations such as the Jamat-e-Islami, who have infiltrated universities and colleges, gather lists of all Ahmadi students enrolled to assist with targeting them for discrimination.

Ahmadi students at Punjab Medical College

Two young Ahmadi students, in their twenties, who did not want to disclose their identity, told us what happened to them at the Punjab Medical College, Faisalabad in June 2008. One student told us:

We were getting ready for bed, dressed in our night suits at our hostel room, when, in the middle of the night, some people burst into our room and carried my brother away. These people were our fellow students and we had known them the past three years. There was another Ahmadi student about six rooms down from ours. The students broke his windows and also carried him out.

The students think the attack was premeditated as there had been speculation that something like this would happen for about six months previously. Trouble started in the girls' hostel where the faculty and students singled out Ahmadi girls and made their food and accommodation separate from everyone else.

Derogatory posters about Ahmadis were put up on the walls stating condemnation for Ahmadis for preaching their religion and demanding that all Ahmadis be thrown out of the college for being sacrilegious.

We brought this to the attention of administration immediately. The response of the Warden was appalling. She said that Qadiani and Muslim students should not be living together. She kept separate registers for Ahmadi students...The anatomy professor also actively took part in this discrimination stating time and again that the Ahmadis did not deserve to study with Muslim students and had absolutely no right to spread their religion.

Then on the 5 February, an angry mob of over a thousand people came to the college to protest against Ahmadis. Ahmadi students were dragged out of their rooms and made to assemble in the area outside the hostel while their rooms were searched.

Ultimately, intimidated by the mob, the college administration rusticated the Ahmadi students on the grounds of spreading Ahmadiyyat. Not a single member of the mob was investigated.

“Even after nothing could be proved against us, the principal transferred us to colleges of lower rankings despite the fact that we had enrolled entirely on merit. Six months of our education was wasted due of this situation, as we were not allowed to attend class.” Even at the new colleges, Quaid-i-Azam Medical College and Shaikh Zayed Medical College, the administration expressed anti-Ahmadi views, and the students faced discrimination.

The father of one student told us that they wrote to the Ministry of Health to voice their concerns. They received no response. Eventually, they wrote to Salmaan Taseer, Governor of Punjab at the time, explaining their case and requesting him to intervene. He replied the next day saying that their exams would be held in Lahore, and they would be transferred to Allama Iqbal Medical College in Lahore. He requested Punjab Medical College, Faisalabad to provide a full report of the incident within twenty-four hours.

When asked about the future of their community in Pakistan, the students told us:

We don't think discrimination against Ahmadis will end in our lifetime, unless the state drastically changes its discriminatory policies against us. We have no hope in the people. There are people who are sympathetic to us, and we are grateful to them. Even though we want equal opportunities we primarily want security, if anything that is the one thing the state should ensure us. This is a right available to all citizens. The future seems bleak right now, but we are hopeful. Hope is what drives us. We will always live by our slogan 'Love for All. Hatred for none.'

Abduction and Forced Conversions

Incidents of forced conversions of Hindu women¹²³ to Islam are reported on a regular basis in Sindh and can be correlated to gender based violence¹²⁴. In April 2009, it was reported that 18 Hindu women were forced to convert to Islam, and a more recent report in February 2010 hold the number at 25.¹²⁵

*In Pakistan we have been subjected to every humiliation, but this phenomenon of abduction of women had shattered us. We are dealing with an environment of fear. Who, in the world, will take notice of these atrocities? The Pakistani government should legislate to end forced conversions and ensure the protection of women and young girls belonging to minority groups, who are particularly at risk.*¹²⁶

Forced conversion of a Hindu girl in Sindh

Lakho Bheel, a 40-year-old shopkeeper from Umerkot told us what happened to his daughter, Chandra Bheel, when she was abducted from her home in June 2010 by a local Muslim landowner¹²⁷:

We filed a report with the police that our daughter had been kidnapped. We got no help from the district administration. In a rare show of duty, the police registered an FIR against accused persons. Later on, we were informed that Chandra had married a Muslim boy, Asif, and converted to Islam, so we should not pursue the matter. We continue to insist that our girl was forcibly abducted. The abductors also told us that our girl had converted to Islam and she had married one of them.

We were told we could not meet our daughter as she was no longer willing to associate with infidels, but that we would be able to see her in court some days later, where she would make a declaration of her new faith. At court, Chandra repeated a prepared declaration of her conversion to Islam. The crowd assembled in the small court roared in applause, chanting slogans of 'Nara-e-Takbir, Allah-o-Akbar.' The crowd consisted of about 300 people including several maulvis. Afterwards, Chandra was whisked away to an unknown destination. We are poor and helpless so justice is denied to us.

Lakho's lawyer, Kanji Rano Bheel, explained, "Some similar events might be the result of love affairs. We do not have objections over their becoming Muslims but we have objections over the method through which they had been 'converted'"

He went on to tell us that often Hindu women belonging to lower castes are the most vulnerable and considered "sexually available" by men of Muslim-dominated communities. In Friday sermons at mosques in many areas of Sindh, *jihad* is often declared against Hindus. Muslims are exhorted to convert Hindu women to Islam by marrying them. When forced conversion cases make it to court, lawyers themselves avoid taking them up, fearing a backlash from maulvis.

Other problems include the supremacy of sharia law. Kanji told us that:

According to the injunctions of Islam, any previous marriage under the Christian or Hindu Marriage Act stands dissolved ipso facto. Why, because she has now embraced Islam and thus her personal law shall prevail. Islam does not allow a Muslim woman to get married to a non-Muslim man. If the first husband is a non-Muslim, the marriage is automatically annulled. This situation creates serious problems regarding custody and guardianship of minor children born out of non-Muslim marriages. In this case, no one was ready to plead their case due to fear of feudals and maulvis.

Inter-faith marriages

Then, there are cases of marriages between members of minority communities and Muslims. One interviewee told us about a marriage between a Hindu boy and Muslim girl in a village called Gadapur, near Karachi.

The boy and girl ran away. When it was discovered she had run off with a Hindu boy, about two hundred armed Muslims landed up at all Hindu homes in the area to pick up their girls. Hindu people started fleeing to a nearby village. Eventually, the boy and girl were found and presented to the local sardar, Malik Asad Sikander. The girl admitted to running away of her own free will and said that she would do it again if she had to. However, she soon she realized that the boy's community was being persecuted and was finally convinced that this union was too dangerous and would put the lives of the whole community at risk. Since she was from an influential tribal family, she requested that the local Hindus be allowed to return safely to their homes.

Last month, the boy's family left Gadapur and have not been allowed to return to their homes or businesses. Slowly, almost all Hindu families in the area decided to leave the area in fear that their young could be picked up.

Rape and Abduction of Hindu Girls¹²⁸

Kasturi Kohli¹²⁹ was abducted and raped by a local politician. Locals claim the rape and abduction of Hindu girls is commonplace in the region. Her father Novo Bajelo, a 47-year-old labourer, spoke to one of our researchers at his village Mokrya, Taluka Nangarparkar, District Tharparkar.

My daughter Kasthuri Kolhi, 17-years-old, was raped by a local Pakistan People's Party (PPP) leader, Ramzan Khoso and three of his associates Habibullah Khoso, Ghulam Nabi Khoso, and Veero Maharaj on January 24, 2010. She had gone to collect fodder for their animals when she was kidnapped and raped. After being taken in the evening, she was recovered the next day from the mens' residence by a group from our community, where she was found tied up.¹³⁰

Novo Bajelo tried to register an FIR on January 26 at Nagarpakar police station, but the police refused. The family was, therefore, unable to obtain the important



medical check-up for her at the civil hospital or the Nagarpakar hospital. They have rejected an out of court settlement offered by the father of the three perpetrators, Muhammad Bachaal Khoso, who is an office bearer for the ruling political party and wields political influence. A jirga (an illegal tribal court) was arranged on February 9 with the knowledge of Nagarpakar police officers. The jirga members pressured the family to accept the marriage of the victim to her rapist and her conversion to Islam.

The family rejected this proposal and continued to try to use legal channels for redress. They filed a petition with the Sindh High Court on February 12, which ordered the filing of an FIR and a medical examination on February 17. But due to the length of time since the rape, it could not find the necessary evidence. Although an FIR was finally lodged on February 17 under Section 365-B PPC, the perpetrators were not arrested because they had successfully applied for pre-arrest bail from the sessions court in Mithi.

By February 18, Novo Balejo and his relatives were arrested by local police for stealing valuable sap from a Guggal plant, although Guggal is not cultivated in the area. Moreover, they threatened the family's lives. Due to severe political and social pressure the family decided to withdraw the case.

A Biased Media

As the number of media houses grew rapidly over the last decade in Pakistan, competition for viewership and advertisement revenue pushed news groups to relax controls on responsible reporting and adherence to best practices. Pressure to “break the story” and grab the highest ratings has compromised the media’s commitment to providing accurate and unbiased reportage. Coupled with weak self-regulation and the lack of a unanimously agreed upon code of ethics or conduct, the Pakistani media has been guilty of promulgating sensational programming at the cost of disseminating credible information. This has had an adverse affect on the status of religious minorities in Pakistan.

In a program aired on 7 September 2008, the anchor of a popular religious program, who had previously served as Minister for Religious Affairs, declared members of the Ahmadi sect *wajib-ul-qatl* (declared it obligatory for Muslims to kill members of the Ahmadi sect). Within forty-eight hours of the pronouncement on television, two prominent Ahmadis were gunned down.

In December 2010, a leading Urdu daily published an editorial¹¹⁹¹ in support of a Peshawar cleric’s call for head money on Aasia Bibi. Maulana Yusuf Qureshi, a cleric of the Mohabat Khan Mosque in Peshawar, announced a reward of Rs. 500,000 for anyone who would kill Aasia Bibi. The contentious editorial praised the cleric’s move, stating, “What the government couldn’t do after a court decision, the nation will.”

Incidents such as these, while not common at present, should be dealt with severely to discourage an increase in their number and frequency. So far, authorities have not taken action against hate mongering and incitement to violence by the media, despite constitutional provisions that prohibit them. If the present trend continues unchecked, the media could become an instrument of social and political unrest and exacerbate the trend of intolerance toward religious minorities. With the reach and power of the media to influence mindsets, the media could instead propagate dialogue and understanding between different religious communities and encourage peaceful relations.

Local Voices Against Discrimination and Oppression

Despite the facts above, the narrative on religious discrimination is not as one-dimensional as it seems at first glance. There is a voice of dissent against acts of discrimination and violence coming from the Pakistani public, albeit cautious. Ordinary citizens and key religious scholars do courageously speak of reform, maintaining that Islam is a peaceful religion that prohibits injustice and compulsion in religion. It is interesting to note, that in an attempt to best the religious parties and their hardliners on their own turf, many urban Pakistani activists have begun to appropriate Islamic discourse in order to ensure protection for minorities. Most religious scholars not associated with a religious political party have taken strong reformist positions with respect to the blasphemy laws in particular. Dr Farooq Khan¹³² paid the price for his outspoken stance by losing his life to a militant's bullet, while another, Professor Ghamdi, immigrated to safer Muslim shores in Malaysia. He continues to speak out bravely against extremism and violence in the media and regularly takes on clerics supporting extremist views in publicly broadcast television debates. Despite these challenging conditions, fuelled by growing militancy and religious extremism, pockets of resistance against oppression and solidarity with minorities in Pakistan ensure some level of protection to these communities, as well as provide hope for the future.

Neighbours for Neighbours

In a reaffirmation of strong inter-faith traditions in South Asia, when a group of Hindus was attacked recently in district Umerkot, Sindh, on charges of alleged blasphemy, it was their Muslim neighbours who stood guard at their houses

and provided protection to them. Two years ago, Holi and Eid Miladun Nabi fell close together in Pakistan. In Umerkot, which is one of the Hindu-majority districts of Pakistan, residents decided to celebrate both. One man suddenly claimed that someone had written 'Muhammad' on the ground with gulaal (colours used for Holi), and as such, the Prophet Muhammad's (Peace Be Upon Him) name had been desecrated.

While the population reeled from shock, members of religio-political parties initiated riots and started attacking the Hindu residents of main Umerkot city. The Muslims of the area decided to guard the houses of their neighbours. Eventually, an investigative team from Hyderabad found that the initial claim of blasphemy was false and had been instigated by "malicious elements" who did not belong to the city. The man who had cried wolf was named and shamed, and shunned by residents.

Anti-Ahmadi Clauses in Passport Forms

It remains a cause for worry that the Pakistani state still expects key affirmations of citizenship, such as applying for a passport, to include a deliberate othering of Ahmadis, by disavowing them in a separate clause. While this clause has repeatedly come up for discussion for removal in Parliament, the religious lobby has been successful in silencing its critics. However, the notion that it is essential to sign an anti-Ahmadi clause on forms used for issuing or renewing passports is not entirely correct. A small, but growing number of citizens have reportedly refused to sign the clause, yet succeeded in obtaining a passport.

This route is one that only some activists are taking in order to denounce the requirement of declaring Ahmadis as non-Muslims. Despite harassment by passport officials, this is not an impossible stance to take. It must be encouraged as peaceful public resistance to discriminatory laws until the state takes its responsibility for non-discrimination on the basis of religious belief seriously.

Citizens for Democracy

The case of Aasia Bibi brought to light several inconsistencies in the blasphemy laws of the country, and many decided to bolster the government's efforts at the time of reforming these laws. Citizens for Democracy (CFD) was one such people-led initiative. Formed in Karachi, the group works on a one-point agenda: highlighting the abuse of blasphemy laws and lobbying for reform. Despite the shrinking space for liberal and progressive discourse in the country, CFD has had its share of success, particularly in highlighting abuse and bringing progressive ideas out of elite circles and to "the people."

In the aftermath of two high-profile murders, namely Governor Taseer's and Minister Bhatti's, CFD mobilized a core group of committed volunteers to lead a mass-signature campaign for the reform of the blasphemy laws. It was notable that the campaign moved beyond online social networking sites like Facebook or Twitter to the Pakistani street. The group was therefore able to



engage an average low-income citizen with low or medium literacy and little knowledge of the debates on secularism raging in the English press.

CFD's latest initiative, *Jashn-e-Faiz* (celebrating Faiz), a celebration of one of Pakistan's most famous secular poets and champions of human rights causes, attracted around 30,000 visitors to Karachi from all walks of life. People braved threats of violence to come together at the KMC (Karachi Municipal Corporation) Stadium in Karachi and celebrate the life and work of Faiz Ahmed Faiz – a celebrated poet of South Asia – and reaffirm their solidarity with progressive ideals.

Conclusion

This report has focused on certain minority communities, such as the Christian, Hindu and Ahmadi communities, because they are the most visible and most targeted communities for discrimination and violence. However, we recognise all minority communities in Pakistan as sovereign citizens of the state who deserve equality, justice and dignity. As such, our proposed recommendations extend to all minorities in Pakistan.

Our research indicates that minorities identify strongly with a Pakistani national identity, even as they are persecuted on the basis of their religious identity. Minorities who have a historical connection to this land and have been contributing members of society are now being targeted for their beliefs. In concluding this report, we revisit the question: will the Pakistani state continue to discriminate against its own citizens and turn a blind eye to the growing culture of extreme intolerance, persecution and vigilantism – and will the general populace lend its support to the same? In doing so, the state is complicit in promoting the culture of violence against minorities. Civil society has also condoned and at times colluded in the marginalisation and persecution of minorities.

However, there has also been a positive civil response to this issue and there are movements in Pakistan to engage various stakeholders in conversations about the blasphemy law and other laws that are skewed against minorities. There have been grassroots movements to promote justice, peace and progressive democratic ideals. Many sections of the country's "silent majority" have been shamed into taking action at the community and national level, with the English print media taking a lead in reminding its readers about the lack of support Pakistan has traditionally shown for religious political parties by consistently voting them out of a majority in Parliament. Shaken by the murder of two senior government officials, and the lionization of Taseer's murderer by a section of the

usually progressive lawyers' community, leaders of key political parties have indicated their desire, albeit cautiously, to revisit discriminatory laws and at least ensure that they are not so flagrantly abused or incorrectly implemented. In keeping with Islamic ideals of justice and peace, with the Constitution of Pakistan, and with international covenants signed by the state, we stress that particular attention needs to be given to amending such discriminatory laws. Concurrently, Pakistan needs to address and take measures to rectify the widespread bigotry and intolerance within the government, the judiciary, law enforcement, the media, as well as society at large. Ultimately and fundamentally, we support a transition from Pakistan's currently institutionalised "two-tiered" citizenship, i.e., Muslim and non-Muslim, into one that ensures equality of all citizens and the plurality that was envisioned by Mohammad Ali Jinnah.

It is not in the scope of this report to include a discussion on the connection between the impact of militant ideologies, religious extremism and the advance of terrorism in the region, but the state would do well to bring policy reform out of separate compartments with reference to these challenges. In particular, there must be a recognition that the government and mainstream political consensus to reverse the tide of militancy and terrorism cannot be pursued purely as a military tactic, but must embrace a larger strategy of wider reform that counters religious discrimination and extremism, supported by an exercise of just political will. Public commitments to protect minorities will never go too far in an environment where the state's monopoly on the use of force to prosecute policy and enforce laws is increasingly and audaciously challenged by terrorists, militants and "political activists".

Armed demonstrations by religious parties that demonised the Minister for Minorities, Bhatti, in open pamphlets and incited violence against him a few weeks before his death with complete impunity, declaring all those who seek reform as blasphemers, (thus making them targets for extra-judicial killings) provided a turning point for Pakistan's mainstream discourse on religious extremism to review its retreat. It also provided a dangerous example of a slide into killings sanctioned by religion and state inaction. This report therefore, strongly urges the government of Pakistan to take the extremist challenge as a serious threat to stability, state cohesion, inclusive democracy and its officially articulated identity as a modern nation-state.

Endnotes

- 1 JI interview with Mukhtar Masih 17 December 2010
- 2 JI interview with Sroop Chand Malhi 4 March 2011
- 3 Sections 295-298 of the Pakistan Penal Code, which are commonly referred to as the "Blasphemy Laws".
- 4 JI interview with Napoleon Qayyum, Social Worker and Activist, 22 February 2011
- 5 JI research indicates that in terms of absolute numbers, the blasphemy law is invoked more frequently against Muslims than it is used against members of the minority community. The misuse of the law effects citizens of all religions. However, minority communities are more vulnerable to abuse and deeply entrenched discriminatory attitudes in the criminal justice system make access to justice harder for minorities.
- 6 JI interview with Peter Jacob, National Secretary NCJP, 28 February 2011
- 7 In January 2005, Advocate M.D Tahir filed a petition in the Lahore High Court claiming that the festival of Basant should be banned on the basis that it was 'totally un-Islamic, illegal and unlawful tradition and custom of Hindu religion'. The petition was subsequently dismissed. '*LHC moved against basant*' The Daily Times 28 January 2005.
Despite being celebrated across Punjab for centuries, it has been banned recently citing concerns over public safety.
- 8 '*Lahore mourns as death toll rises to 80*' 29 May 2010 accessed January 15 2011
- 9 JI interview with Waqar, Student, February 2011
- 10 '*Gojra riots: case against 150 people to be withdrawn.*' Dawn 12 February 2011
- 11 Romana Bashir, Director Christian Study Centre considers that "For members of the minority communities it as if the state has disowned them and many feel they have two options. They can migrate, which the majority can't. When they can't migrate, they can change their faith, or people will keep being killed on a daily basis." JI interview with Romana Bashir, Director Christian Study Centre, 28 March 2011
- 12 World Bank, World Development Indicators <http://data.worldbank.org/country/pakistan>
- 13 Attempts were made to contact members of the Jewish community in Pakistan with no success. For more information see '*In search of the Jews of Karachi*' by Huma Imtiaz, The Express Tribune Magazine, February 6-12 2011 pp18-25
- 14 www.census.gov.pk/religion.htm
- 15 For further discussion see '*The State of Human Rights in 2008*' Human Rights Commission of Pakistan p.73
- 16 Rehman, J, 2000 '*The Weaknesses in the International Protection of Minority Rights*' Kluwer Law International, p.27
- 17 see Foucault, M. 2000 '*The Essential Works of Foucault (Volume 3, Power)*' New York: The New Press
- 18 Note that this organization ceased to exist in 2006 and was replaced by the United Nations Human Rights Council
- 19 *Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities* (1979) E/CN.4/Sub.2/384/Rev.1
- 20 Capotorti, F. 1979, '*Study of the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*' New York, United Nations
- 21 Deschenes, J '*Proposal Concerning a Definition of the Term 'Minority*' E/CN.4/Sub.2/1985/31, 14 May 1985 para 30
- 22 Henrard, K. 2000 '*Devising an adequate system of minority protection*' Martinus Nijhoff Publishers p.46
- 23 Sardar Ali and Rehman argue in their study 'minorities are mainly interpreted as religious minorities.' 2001 Ed. Shaheen Sardar Ali & Javaid Rehman '*Indigenous Peoples and Ethnic Minorities of Pakistan: Constitutional and Legal Perspectives*' p21
- 24 JI Interview with Mirza Usman Ahmed, Rabwa, January 11 2011
- 25 Asbjørn Eide, Working Definition of Minorities, *Possible Ways and Means of Facilitating the Peaceful and Constructive Solution of Problems Involving Minorities*, E/CN.4/Sub.2/1993/34, 10 August 1993, SCPDPM (45th Session), para 29
- 26 'Disadvantaged ethnic, national, religious, linguistic or cultural groups who are smaller in number to the rest of the population and who may wish to develop and maintain their identity.'
<http://www.minorityrights.org/566/who-are-minorities/who-are-minorities.html>
- 27 See also foreword by UN Special Rapporteur Asma Jahangir in '*State of the World's Minorities and Indigenous Peoples 2010*' Minority Rights Group International 2010 at p.5
- 28 From the Statement of Heiner Bielefeldt, UN Special Rapporteur on Freedom of Religion or Belief at the 65th Session of the General Assembly, 21 October 2010
- 29 Rehman, J. 2000 '*The Weaknesses in the International Protection of Minorities*' Kluwer Law International p37

- 30 Ringelheim, J. 21 January 2010 'Minority Rights in a Time of Multiculturalism – The evolving scope of the Framework Convention of National Minorities' *Human Rights Law Review* (2010) 10(1) pp 99-128
- 31 See Advisory Opinion of PCIJ in *Albania Schools Case* 1935 P.C.I.J. (ser. A/B) No.64 (Apr 6)
- 32 Ed. Sardar Ali and Rehman 2001 '*Indigenous Peoples and Ethnic Minorities of Pakistan: Constitutional and Legal Perspectives*' p23
- 33 Buergethal, Shelton and Stewart 2009 '*International Human Rights in a Nutshell*' 4th Edition Sweet and Maxwell p13
- 34 Ed. Sardar Ali and Rehman 2001 '*Indigenous Peoples and Ethnic Minorities of Pakistan: Constitutional and Legal Perspectives*' p25
- 35 Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide provides as follows:
In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
(a) Killing members of the group;(b) Causing serious bodily or mental harm to members of the group;(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;(d) Imposing measures intended to prevent births within the group;(e) Forcibly transferring children of the group to another group.
- 36 Pakistan has ratified the two Optional Protocols to the CRC
- 37 see '*Status of ratification of major international and regional instruments relevant to minority and indigenous rights as of 17 February 2010*' in '*State of the World's Minorities and Indigenous Peoples 2010*' Minority Rights Group International 2010 p.208. See also and <http://hrcpblog.wordpress.com/2010/06/07/hrcp-welcomes-ratification-of-iccpr-cat/>
- 38 International Covenant on Civil and Political Rights 1966 Article 18
- 39 Ibid. Article 19
- 40 Ibid. Article 20
- 41 See also '*Fact Sheet No.18 (Rev.1), Minority Rights*' Office of the High Commissioner for Human Rights <http://www.ohchr.org/Documents/Publications/FactSheet18rev.1en.pdf>
- 42 For full text see <http://www.ohchr.org/Documents/Publications/GuideMinoritiesDeclarationen.pdf>
- 43 Extract from Muhammad Ali Jinnah's speech '*On His Election as First President of the Constituent Assembly of Pakistan at Karachi: 11 August 1947*'. See Burke, S.M. (Intro) 2000 '*Jinnah Speeches and Statements 1947-48*' Oxford University Press p25. See also Dawn, Independence Day Supplement, August 14, 1999
- 44 Malik, I.H. 2002 '*Religious Minorities in Pakistan*' Minority Rights Group International p6
- 45 Ali, C.M. 1967 '*The Emergence of Pakistan*' University of the Punjab p.239
- 46 Extract from Muhammad Ali Jinnah's speech '*On His Election as First President of the Constituent Assembly of Pakistan at Karachi: 11 August 1947*'. See Burke, S.M. (Intro) 2000 '*Jinnah Speeches and Statements 1947-48*' Oxford University Press p25
- 47 A tax imposed on non-Muslims dating from Mughal period
- 48 Salim, A. 2006 '*Role of Minorities in Nation Building with focus on Karachi*' Church World Service Afghanistan/Pakistan p109
- 49 The Ahrar were a Congress splinter group of Indian nationalist Muslims with a particular ideological hatred of the Ahmadis. They disagreed with Jinnah and the Muslim League's liberal stance and re-established themselves in 1949 as the All Pakistan Majlis-i-Ahrar, taking on the role of a religious as opposed to political party.
- 50 Ibid. p112
- 51 The Pakistan (Provisional) Constitution Order 1947
- 52 Khan, H. 2009 '*Constitutional and Political History of Pakistan*' Oxford University Press p.58 with reference to Constituent Assembly Debates Volume V 1949 p8
- 53 see Ibid. pp 58-59 Birat Chandra Mandal, a minority representative said in his speech against the Resolution that '*Individuals might have religion but the state has got no religion*.' Also see Constituent Assembly Debates Volume V 1949 pp 48-9
- 54 Mr Prem Hari Barma, Prof. Rak Kumar Chakravarty, Sri Chandra Chattopadhyaya, Mr Akshay Kumar das, Mt Bhupendra Kumar Datta, Mr Jnanendra Chandra Majumdar, Mr Birat Chandra Mandal, Mr Bhabesh Chandra Nandy, Mr Dhananjoy Roy and Mr Harendra Kumar Sur .See Ibid. pp 57-63
- 55 '*Report of the Court of Inquiry constituted under Punjab Act II of 1954 to enquire into the Punjab disturbances of 1953*.'
- 56 See '*Munir Report*' for further details
- 57 Pakistan People's Party '*creed*' see www.pppuk.com
- 58 Constitution of Pakistan Article 2
- 59 Ibid. Article 3
- 60 Ibid. Articles 20-22
- 61 JI interview with Romana Bashir, Director CSC, 28 March 2011 '*My Constitution says that a non-Muslim can*

never be President. This chain does not break here, this is just what is written, but if you read between the lines, then the oath statement of the Prime Minister says that a non-Muslim cannot be Prime Minister either. And then take the chain further; in the absence of the President the Chairman of the Senate replaces the President then this means even he cannot be a non-Muslim. In the same way the Speaker of Parliament cannot be a non-Muslim. The Chief of Army Staff, can also replace the President in certain circumstances and therefore cannot be a non-Muslim. So these key positions in the administration cannot even be considered by a non-Muslim. If a citizen is not enabled by the Constitution to play a role in their country then what else do you mean by discrimination?"

- 62 Ibid. Article 106(3)
- 63 Malik, I.H. 2002 *'Religious Minorities in Pakistan'* Minority Rights Group International p17
- 64 'Muslim' means a person who believes in the Unity and Oneness of Almighty Allah, in the absolute and unqualified finality of the Prophethood of Muhammad (Peace Be Upon Him) the last of the prophets, and does not believe in, or recognize as, a prophet or religious reformer, any person who claimed or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad (Peace Be Upon Him).
- 65 'Non-Muslim' means a person who is not a Muslim and includes persons belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani group or the Lahori group (who call themselves 'Ahmedis' or by any other name) or a Bahai and a person belonging to any of the scheduled castes.'
- 66 The statement that "there is no god but Allah, Muhammad (PBUH) is Allah's prophet," the principal creed of Muslims
- 67 M. Nadeem Ahmad Siddiq, *Enforced Apostasy: Zaheerudin v. State and the Official Persecution of the Ahmadiyya Community in Pakistan*, (14 Law and Inequality: 1995), p. 275-89. In Mujibur Rahman v Government of Pakistan, the Federal Shariat Court was asked to exercise its jurisdiction under Article 203D of the constitution to rule whether or not Ordinance XX was contrary to the injunctions of the Qur'an and Sunnah. The court upheld the validity of Ordinance XX and ruled that parliament had acted within its authority to declare Ahmadis as non-Muslims. Ordinance XX, the court maintained, merely prohibited Ahmadis from "calling themselves what they [were] not," namely Muslims. See Mujibur Rehman v Gov't of Pakistan, 1985 S.D. Vol. II (Fed. Shariat Court) 382, 473 (Pak.).
- 68 Pakistan Penal Code Section 295-C "Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (Peace Be Upon Him) shall be punished with death, or imprisonment for life, and shall be also liable to fine."
- 69 Pakistan Penal Code Section 295-C (part of the Criminal Law Amendment Act of 1986, which amended the punishments enumerated in Sections 298-B and 298-C to include death).
- 70 For a more detailed examination of these issues see and "Crime or Custom? Violence Against Women in Pakistan", Human Rights Watch, 1999, accessible at <http://www.hrw.org/en/reports/1999/10/19/crime-or-custom>
- 71 See Shaikh, F. 2009 *'Making Sense of Pakistan'* Hurst & Company, London p79
- 72 Khan, H. 2009 *'Constitutional and Political History of Pakistan'* Oxford University Press p403
- 73 In the 2008 General Election, the religious parties polled only 2 % of the national vote, although the Jamaat –e-Islami's boycott of this election was also responsible for bringing some of their combined strength down.
- 74 Malik, I.H. 2002 *'Religious Minorities in Pakistan'* Minority Rights Group International p 10
- 75 JI interview with Romana Bashir Director Christian Study Centre, 28 March 2011
- 76 JI interview with Asif Aqeel, Director Community Development Initiative, Lahore
- 77 JI interview with Pervez and Farzana Masih 3 February 2011
- 78 Pakistan Hindu Council: <http://www.pakistanhinducouncil.org/hindupopulation.asp>
- 79 JI interview with Krishan Sharma 20 February 2011
- 80 'Baanhn Beli' literally means 'a helping hand' or 'friend forever'
- 81 Ibid and JI interview with Yusuf Bhandari, Director Baanhn Beli 20 February 2011
- 82 JI interview with Malhar s/o Dedo, 7 February 2011
- 83 <http://tribune.com.pk/story/100713/minorities-being-targeted-baloch-hindus-threaten-to-migrate-from-pakistan/>
- 84 JI interview with Kumar 31 January 2011
- 85 JI interviews in Narainpur and Kemari 2-3 February 2011
- 86 JI interview Anon 9 February 2011
- 87 JI Interview with Paras 10 February 2011
- 88 JI interview, Anonymous 17 February 2011
- 89 JI interview with Krishan Sharma 17 February 2011
- 90 According to the HRCP, 500 Hindu families from Balochistan migrated to India because of threats to their lives and security. See 'State of Human Rights in 2010' 2011 HRCP
- 91 http://www.dailytimes.com.pk/default.asp?page=2011\03\07\story_7-3-2011
- 92 JI interview Anonymous 17 February 2011

- 93 Rabwa is a city in Chiniot, Punjab. It was purchased by the Ahmadi Jamaat in 1948 has been developed to house approximately 70,000 (estimate) people. 95% of Rabwa's population is Ahmadi.
- 94 'Persecution of Ahmadi in Pakistan during the Year 2010 – A Summary' 2011 p.6
- 95 'Attackers target Lahore's Ahmadi worshippers; 70 dead' Dawn, 29 May 2010
- 96 http://www.dailytimes.com.pk/default.asp?page=2011\02\16\story_16-2-2011_pg3_6
- 97 <http://www.amnesty.org/en/library/asset/ASA33/006/2010/en/14da9249-4598-424e-ba48-9b4550ff976e/asa330062010en.html>
- 98 'UN calls for minorities' protection in Pakistan' Dawn, 29 May 2010
- 99 Family Laws and Minority Women in Pakistan, www.hisoft.us/sites/mrcpak/publications/minority_women/
- 100 For the full text of 'Offences Relating to Religion' see Appendix A
- 101 See 'Report submitted by Mr Abdelfattah Amor, Special Rapporteur, in accordance with Commission on Human Rights resolution 1995/23' E/CN.4/1996/95/Add.1
<http://www1.umn.edu/humanrts/commission/country52/95-add1.htm>
- 102 'State of Human Rights in 2010' 2011 Human Rights Commission of Pakistan p.7
- 103 <http://www.dawn.com/2011/03/16/blasphemy-convict-dies-in-prison.html>
- 104 <http://www.dawn.com/2010/12/08/high-profile-blasphemy-cases-in-the-last-63-years.html>
- 105 <http://www.jinnah-institute.org/issues/secular-space/207-outrage-against-mistreatment-of-doctor-under-qblasphemyq-charges>
- 106 Interviews courtesy of Ziad Zafar
- 107 JI interviews Ghulam Muhammad, Samuel Masih, Bashir Masih, Mustaq Masih 25 January 2011
- 108 JI interview with Sardar Masih Bohla 25 January 2011
- 109 JI Interview with Sardaran Bibi 25 January 2011
- 110 JI interview with Samuel Masih 23 January 2011
- 111 Hameed Maseeh (50) Asia Bibi (20,)Asifa Bibi (19) Imamia Bibi(22) Musa (7) Akhlas Maseeh (40) and Parveen, (50)
- 112 <http://www.dawn.com/2011/02/12/gojra-riots-case-against-150-people-to-be-withdrawn.html>
- 113 JI interview with Laal Malhi 4 March 2011
- 114 <http://www.hrw.org/en/news/2010/05/31/pakistan-massacre-minority-ahmadis>
- 115 JI Interview with Ajmal Masih, date: 28 January 2011
- 116 JI interview with Amer Masih date: 28 January 2011
- 117 Ibid
- 118 JI interview with Riaz Masih 2 February 2011
- 119 JI interviews with Mrs Georgie Bernard, Mrs Ayub Lal Deen, Mrs Althea Williams, Mrs Maria Johnson, Mrs Augusta Richards, Ayub Lal Deen, Daniel, David Samuel and Stephen Peter 8 February 2011
- 120 See also NCJP report 'A Report on the Religious Minorities of Pakistan 2009-10' pp33-35
- 121 JI interview with Rahat Bibi 8 February 2011
- 122 JI interviews at Rabwa 12-13 January 2011
- 123 *Krishan Lal v Imdad* 1995 Karachi High Court – a habeas corpus petition for a married law Hindu woman who was allegedly abducted by the Muslim defendant and forcibly married. She did not denounce her faith and requested to return to her Hindu husband with her child. Court took measures to return the woman and her child.
- 124 Minority Rights Group International 2010 report page number
- 125 <http://www.topix.com/forum/world/pakistan/TI50TC053PULSMUHO>
- 126 JI interview with Kanji Rano Bheel 4 March 2011
- 127 JI Interview with Lakho Bheel 4 March 2011
- 128 Also see NCJP report pgs 86-93
- 129 http://www.dailytimes.com.pk/default.asp?page=2010\08\31\story_31-8-2010_pg3_3
- 130 JI interview with Novo Balejo 6 February 2011
- 131 <http://www.nawaiwaqt.com.pk/E-Paper/Lahore/2010-12-05/page-14/detail-7>
- 132 <http://www.allvoices.com/contributed-news/6911432-dr-farooq-khan-renowned-religious-scholar-and-university-chancellor-assassinated-in-mardan>
- 133 <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

Appendix A

Pakistan Penal Code Sections 295-298 ¹³³

OF OFFENCES RELATING TO RELIGION

295. Injuring or defiling place of worship, with Intent to insult the religion of any class:
Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction damage or defilement as an insult to their religion; shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.
- 295-A. Deliberate and malicious acts intended to outrage religious feelings of any class by insulting Its religion or religious beliefs:
Whoever, with deliberate and malicious intention of outraging the 'religious feelings of any class of the citizens of Pakistan, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.
- 295-B. Defiling, etc., of Holy Qur'an:
Whoever wilfully defiles, damages or desecrates a copy of the Holy Qur'an or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.
- 295-C. Use of derogatory remarks, etc., in respect of the Holy Prophet (Peace Be Upon Him):
Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (Peace Be Upon Him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.
296. Disturbing religious assembly:
Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.
297. Trespassing on burial places, etc.:
Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sculpture, or any place set apart for the performance of funeral rites or as a, depository for the remains of the dead, or offers any indignity to any human corpse or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.
298. Uttering words, etc., with deliberate intent to wound religious feelings:
Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year or with fine, or with both.
- 298-A. Use of derogatory remarks, etc., in respect of holy personages:
Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of any wife (Ummul Mumineen), or members of the family (Ahle-bait), of the Holy Prophet (Peace Be Upon Him), or any of the righteous Caliphs (Khulafa-e-Rashideen) or companions (Sahaaba) of the Holy Prophet (Peace Be Upon Him) shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

298-B. Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places:

- (1) Any person of the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name who by words, either spoken or written, or by visible representation-
 - (a) refers to or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (Peace Be Upon Him), as "Ameer-ul-Mumineen", "Khalifatul- Mumineen", Khalifatul-Muslimeen", "Sahaabi" or "Razi Allah Anho";
 - (b) refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (Peace Be Upon Him), as "Ummul-Mumineen";
 - (c) refers to, or addresses, any person, other than a member of the family "Ahle-bait" of the Holy Prophet Muhammad (Peace Be Upon Him), as "Ahle-bait"; or
 - (d) refers to, or names, or calls, his place of worship a "Masjid"; shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.
- (2) Any person of the Qadiani group or Lahori group (who call themselves "Ahmadis" or by any other name) who by words, either spoken or written, or by visible representation refers to the mode or form of call to prayers followed by his faith as "Azan", or recites Azan as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

298-C. Person of Qadiani group, etc., calling himself a Muslim or preaching or propagating his faith:

Any person of the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name), who directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

Select Bibliography

- Ali, C.M. *The Emergence of Pakistan* (University of the Punjab 1967)
- Ali, Tariq *Military Rule or People's Power?* (Jonathan Cape 1970)
- Barth, F. *Pathan Identity and Its Maintenance in Ethnic Groups and Identities: The Social Organisation of Culture and Difference* pp117-134 (Waveland Press Inc 1998)
- Bhasin, K *In the Making: Identity Formation in South Asia* (Three Essays Collective, India 2007)
- Burke, S.M. (Intro) *Jinnah Speeches and Statements 1947-48* (Oxford University Press 2000)
- Donnelly, J. *Universal Human Rights: In theory and Practice* (2nd Edition Cornell University 2003)
- Ferrie, J *Pakistan: Minorities at Risk in the North-West. Minority Rights Group International Briefing* (Minority Rights Group International 2009)
- Hasan, A. *The Constitution of Pakistan: Defiled-Defaced* (Asia Law House 1995)
- Henrard, K. *Devising an Adequate System of Minority Protection* (Martinus Nijhoff Publishers 2000)
- Jalal, A. *Self and Sovereignty: Individual and Community in South Asian Islam since 1850* (Sang-e-Meel Publications 2001)
- Khan, H. *Constitutional and Political History of Pakistan* (OUP 2009)
- Malik, J *Religious Minorities in Pakistan* (Minority Rights Group International 2002)
- Noman, O. *Pakistan: Political and Economic History since 1947* (Kegan Paul International 1988)
- Qureshi, I.H *The Struggle for Pakistan* (University of Karachi, reprint, First Edition 1965)
- Raza, R. *Zulfikar Ali Bhutto and Pakistan 1967-77* (Oxford University Press 1998)
- Rehman, J *The Weaknesses in the International Protection of Minority Rights: A study with particular reference to the State of Pakistan* (Kluwer Law International 2000)
- Ringelheim, J. *Minority Rights in a time of Multiculturalism – The Evolving Scope of the Framework Convention on the Protection of National Minorities* (Human Rights Law Review 21 Jan 2010)
- Rizvi, S.S.R *Constitutional Law of Pakistan. Text, Case Law and Analytical Commentary. Volume Three* (Vanguard 2002)
- Salim, A. *Role of Minorities in Nation Building with focus on Karachi* (Church World Service Afghanistan/Pakistan 2006)
- Shaikh. F. *Making sense of Pakistan* (C.Hurst & Co (Publishers) Ltd. 2009)
- Shaikh, Hina *Status of Minorities in Pakistan in 2009 Annual Report* (South Asian for Human Rights 2009)
- Schofield V. *Bhutto Trial and Execution* (Agha Mir Hussain Classic 42 - The Mall Lahore 1990)

Other Reports

- The State of the World's Minorities and Indigenous People 2010* (Minority Rights Group International 2011)
- Human Rights Monitor: A report on the Religious Minorities in Pakistan 2009-10* (National Commission for Justice & Peace Pakistan Catholic Bishop's Conference 2010)
- Persecution of Ahmadis in Pakistan during the Year 2010: A Summary* (Jamaat Ahmadyya 2011)