

Pakistan: Religious freedom under attack

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CSW everyone
free to believe



The situation of human rights in Pakistan is bad.

It is worse for the poor and even worse for the poor who belong to minority communities.

Religious freedom affects everybody but affects the poor more than the wealthy and affects women more than men. There is a class, a caste and a social dimension to discrimination on the basis of religion which is a very deep rooted problem.

I. A. Rehman, former Secretary General, Human Rights Commission of Pakistan



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Executive summary

The situation for freedom of religion or belief (FoRB) in Pakistan continues to deteriorate. Multiple violations continue to take place under the leadership of Prime Minister Imran Khan, whose Pakistan Tehreek-i-Insaf (PTI) party broke the political stranglehold of the Pakistan Muslim League-N (PML-N) led by Nawaz Sharif; against an increasingly precarious political backdrop, after the Supreme Court removed former prime minister Nawaz Sharif from office in 2017 over corruption allegations. The death on 11 February 2018 of Asma Jahangir, one of Pakistan's most prominent human rights lawyers and activists, left a gaping hole in the country's human rights community.¹ Mrs Jahangir was outspoken on issues affecting religious minorities and women, and was a fierce critic of Pakistan's militant Islamist groups.

Political controversy surrounded the country's general elections on 25 July 2018, which marked the second time a civilian government handed power to another after serving a full term. Amid violent attacks, allegations of voter rigging and suppression of the media, the PTI, led by Imran Khan, emerged victorious despite falling short of the 137 seats needed for a simple majority.²

Blasphemy cases, sectarian violence and targeted attacks on religious minorities and human rights defenders continue to erode religious freedom, creating space for greater influence by groups with an Islamist agenda such as the Tehreek-i-Labbaik Pakistan (TLP). The TLP is led by the latest proponent of the blasphemy laws, Khadim Hussain Rizvi, a hardline preacher propagating a more radical, Sunni Barelvi sectarian movement. The country has moved further away from its secular and pluralist roots, with religious minorities facing increasing discrimination, hostility and injustice.

CSW is concerned about the increasing weaponisation and politicisation of the blasphemy laws: Sections 295(A), 295(B) and 295(C) of the Pakistan Penal Code (PPC); and the anti-Ahmadiyya legislation: Sections 298(B) and 298(C) of the PPC including Ordinance XX, which are being used by Islamist groups not only to persecute religious minorities but also to gain political ground. Concessions made by Imran Khan's PTI government to the demands of religio-political groups such as the TLP, following Asia Bibi's acquittal, continue to challenge the state and its institutions, highlighting the weaknesses of both. These developments have cast doubt on Imran Khan's 'Naya Pakistan' (New Pakistan) and his commitment to promote tolerance and protect minorities, as judgement over blasphemy cases has moved from the court to the streets.

A disproportionate number of blasphemy accusations are lodged against religious minorities: these accusations have an extremely detrimental effect on the lives of the accused and their families. The shocking and brutal murder on 13 April 2017 of Mashal Khan, a university student who was accused of posting blasphemous content online, signalled a new low in Pakistan's history.³ Though his murder reignited the debate to reform the blasphemy laws, the state has been reluctant to introduce reforms due to strong societal resistance and vehement opposition from Islamist groups unwilling to accept any such reforms.

Religious minorities and progressive thinkers continue to suffer targeted attacks against a backdrop of ongoing communal violence stoked up by Islamist groups. The murders of several activists including Khurram Zaki⁴ and Sabeen Mahmud⁵ sent shockwaves through society, and illustrated the determination of Islamist groups to silence those who defend human rights and challenge the extremist ideology.

Several factors have contributed to the increase in religious intolerance.

Hate speech by extreme Muslim clerics, Islamist religious groups and conservative television anchors is on the rise; meanwhile, young Pakistanis are being radicalised through biased curricula. These portray religious minorities as second class citizens, and breed intolerance, prejudice, bigotry and discrimination towards religious minorities and other countries.

1 Guardian, 'Prominent Pakistani rights activist Asma Jahangir dies aged 66', 11 February 2018 www.theguardian.com/world/2018/feb/11/asma-jahangir-pakistan-human-rights-activist-lawyer-dies-aged-66
2 Dawn, 'PTI largest party with 115 NA seats as ECP releases final tally two days after polls', 29 July 2018 www.dawn.com/news/1423442
3 Dawn, 'Mardan university student lynched by mob over alleged blasphemy: police', 13 April 2017 www.dawn.com/news/1326729
4 CSW, 'Pakistan urged to protect human rights defenders', 15 July 2016 www.csw.org.uk/2016/07/15/press/3177/article.htm
5 Al Jazeera, 'Pakistani rights activist Sabeen Mahmud shot dead', 25 April 2015 www.aljazeera.com/news/2015/04/pakistani-rights-activist-sabeen-mahmud-killed-150424210251526.html

Christian and Hindu communities remain particularly vulnerable, especially women and girls. Each year hundreds are abducted and forced to convert and marry Muslim men. Victims have little or no hope of being returned to their families due to the serious threats and intimidation from abductors against the girls and their families. This is compounded by the lack of police will to take action, weaknesses in the judicial process and discrimination from both police and judiciary towards religious minority victims.

Pakistan continues to struggle in the grip of terrorism. The US government announced plans to end security assistance to Pakistan over Islamabad's failure to confront domestic terrorism.⁶ Ongoing attacks by extremist groups amplify the predominant sense of insecurity and fear, and restrict the ability of religious minorities to practise and propagate their beliefs. During the week beginning 12 February 2017, Pakistan suffered one of its worst weeks of violence:

- 13 February: A suicide attack outside the Punjab Assembly in Lahore kills 13 and injures 85.
- 14 February: A bomb explodes in Quetta killing two police officers.
- 15 February: Two suicide attacks take place in the Peshawar and Mohmand tribal areas, where six people are killed.
- 16 February: A devastating attack on a Sufi shrine in Sindh claims over 88 lives.⁷

The Pakistani government took some positive steps to support the human rights framework at the national level by establishing the National Commission on Human Rights (NCHR) in 2017. The establishment of this Commission was initiated by the National Commission for Human Rights Act 2012⁸ with a mandate to investigate and prevent human rights violations as well as to create awareness of human rights in the country. At the international level, though Pakistan engaged with the third cycle of the Universal Periodic Review (UPR) in November 2017, the Human Rights Commission of Pakistan (HRCP) in its 2015 mid-term assessment of the 2012 UPR,⁹ reviewed 69 accepted recommendations and found that 39 had not been implemented at all, 30 had been partially implemented, and not a single recommendation had been implemented in full.

Pakistan's second UPR in 2012 included 22 recommendations relating to the rights and freedoms of religious minorities, out of which Pakistan accepted 15 recommendations and noted seven. The noted recommendations asked for the amendment of legislation discriminatory to religious minorities, with a particular emphasis on the blasphemy laws.¹⁰ During the third UPR in 2017 the Pakistani delegation maintained that freedom of religion or belief was being respected. However, the summary report of stakeholders' submissions noted that, though Pakistan had agreed to adopt measures to prevent abuse of blasphemy laws and stop forced conversions, 'since 2012 religious minorities had faced sharply increased insecurity and persecution, such as attacks on Shi'a mosques and Sufi shrines and against Ahmadis and Christians.' The report also stated that religious minorities were not allowed to openly profess their beliefs, and that their properties and even graves were vandalised by fundamentalists.¹¹

CSW continues to urge the government to provide protection for religious minorities as directed by the Supreme Court's June 2014 judgement; to comply with its obligations under international law; and to implement the recommendations made in the 2017 UPR in regard to religious minority communities.



6 Reuters, 'UK places Pakistan on watch list for religious freedom violations', 4 January 2018 www.uk.reuters.com/article/uk-usa-religion/u-s-places-pakistan-on-watch-list-for-religious-freedom-violations-idUKKBN1ET2BI

7 Al Jazeera, 'From Lahore to Sehwan, Pakistan's week of violence', 19 February 2017 www.aljazeera.com/indepth/interactive/2017/02/lahore-sehwan-pakistan-week-violence-170219181601253.html

8 Senate of Pakistan, An Act to provide for the establishment of a National Human Rights Commission www.senate.gov.pk/uploads/documents/1358919417_548.pdf

9 Human Rights Commission of Pakistan, Oral Statement of the Human Rights Commission of Pakistan (HRCP) in the General Debate under Agenda Item 6, the Universal Periodic Review (UPR), 26 June 2015 <http://hrcp-web.org/hrcpweb/wp-content/uploads/2015/06/Oral-statement-UPR-June-26.pdf>

10 Human Rights Commission of Pakistan (2015), Pakistan's Universal Periodic Review: A look back at our promises: Civil society mid-term assessment report <http://hrcp-web.org/hrcpweb/wp-content/uploads/2015/09/A-look-back-at-our-promises.pdf>

11 Summary of Stakeholders' submissions on Pakistan www.upr-info.org/sites/default/files/document/pakistan/session_28_-_november_2017/a_hrc_wg.6_pak_3_e.pdf

Recommendations

To the government of Pakistan

- Review Sections 295(A), (B) and (C) of the blasphemy laws and ensure procedural amendments are implemented, in order to minimise the abuse of these laws in the short term and move towards their full repeal in the long term.
- Repeal Sections 298(B) and 298(C) concerning the Ahmadiyya community, in line with constitutional commitments to equality and human rights.
- Fully implement the Supreme Court judgement of June 2014 to develop a strategy for promoting religious tolerance; develop appropriate curricula for primary, secondary and tertiary levels of education to promote religious harmony and tolerance; curb hate speech; constitute a national council for minorities; establish a special police force to protect the worship places of minorities; enforce the 5% minority quota in government jobs; and take action where the constitutional rights of religious minorities are violated or their worship places are desecrated.
- Stop all discriminatory adverts that target non-Muslims, and amend the provincial service rules document which specifies that only religious minorities can apply for jobs in the sanitation and cleaning sectors.
- Prosecute and bring to trial without delay all those responsible for committing violent attacks against minorities and other vulnerable groups.
- Ensure that rule of law is upheld and take appropriate action against any group that incites religious hatred and violent protests.
- Following the 2006 curriculum reform, intensify positive efforts to revise and eliminate bias from textbooks and ensure uniform implementation of unbiased curricula in all states.
- Rewrite textbooks so that they are based on scientific and empirical principles of thought and inquiry, and incorporate lessons on peace, tolerance, diversity and respect for human rights.
- Provide the necessary protections and safeguards to civil society activists and human rights defenders (HRDs) to enable them to speak out against violations without fear of being attacked themselves; and prosecute those who attack them.
- Prioritise reforms to the police and criminal justice system to ensure corruption, torture and illegal detentions are rooted out.
- Provide police with relevant human rights training and religious literacy to sensitise them on issues related to religious minorities and other vulnerable groups such as refugees, displaced persons, and women and girls.

- Ensure that the police respect the rights of women and children, and take measures to prevent and detect acts that violate these rights, particularly in instances of forced conversion and marriage.
- Pass legislation to prevent the abduction and forced marriage of religious minorities throughout all provinces, starting with the Sindh Criminal Law (Protection of Minorities) Bill.
- Prosecute all persons involved in the forcible conversion and marriage of minor girls.
- Return all schools and colleges that were nationalised to ownership of the Ahmadiyya Muslim community, who have complied with the conditions of transfer as prescribed by the Punjab government.
- Implement effective measures to eradicate the spread of hate speech and its dissemination. Investigate, shut down and prosecute all religious seminaries that are engaged in spreading hate speech and hate material.
- Ban all anchor persons who engage in false propaganda and incite hatred and violence against religious minorities and against HRDs; and take legal action where necessary.
- Shift its political narrative from being religious to being democratic, pluralistic, progressive and unbiased.
- Fully comply with its international commitments and ratify as follows: the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol; the International Convention for the Protection of All Persons from Enforced Disappearance (2006); the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (1999); the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2002).

To the European Union (EU)

In bilateral discussions, urge the government of Pakistan to:

- Fulfil its commitments to review the blasphemy laws, and ensure procedural amendments are implemented, which will minimise the abuse of these laws in the short term and work towards their full repeal in the long term.
- Implement the recommendations that it accepted in the 2012 UPR process, ensuring that those campaigning against the blasphemy laws are able to do so without fear of reprisals.
- Alongside its law enforcement agencies, provide adequate security measures and protection for those accused of blasphemy while investigations take place.

- Provide greater protections for the Ahmadiyya community so that they may fully practise and propagate their faith, as guaranteed in Article 2 of the constitution and in international treaties ratified by Pakistan.

The EU should also:

- Continue to raise the cases of blasphemy victims including Sawan Masih, Patras Masih, Shagufta Kauser and Shafqat Masih, and Taimoor Raza.
- In any dialogue with Pakistan on counter-terrorism and countering violent extremism, raise the importance of strengthening of religious tolerance for all, which is critical to the long-term fight against religious extremism and related terrorism activities.
- Support improvements in the public education system by continuing to support the development of non-discriminatory curricula for schools and colleges across the country; these curricula should promote a culture of religious and social tolerance and include the positive contributions of religious minorities.
- Urge Pakistan to comply with the international commitments it accepted when it signed and ratified the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).
- Enhance its European Instrument for Democracy and Human Rights (EIDHR) support to civil society, including media, think tanks and NGOs.

To the government of the United States of America

- Use targeted tools such as the Specially Designated Nationals List maintained by the Treasury Department's Office of Foreign Assets Control, visa denials under Section 604(A) of the IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act, against specific officials and agencies in Pakistan identified as having participated in or being responsible for serious violations of FoRB.
- Ensure that FoRB and protection for religious minorities are included in all human rights dialogues and other bilateral meetings.
- Engage with international partners to jointly raise FoRB concerns with officials in Islamabad and in multilateral settings.
- Encourage Pakistan to invite the UN Special Rapporteur on freedom of religion or belief to visit Pakistan, with unhindered access to all parts of the country.

- Ensure a portion of existing US security assistance is used to help Pakistani police put in place an effective plan for the dedicated protection of religious minority communities and their places of worship.

To the United Nations (UN) and UN member states

- Monitor the FoRB and human rights situation carefully, and strongly urge Pakistan to implement the above specific recommendations.
- Urge Pakistan to fully cooperate with all Special Procedures and issue a standing invitation to the Special Procedures to visit Pakistan with unhindered access to all parts of the country.
- Urge Pakistan to implement the recommendations of the first, second and third UPR cycles, relating to freedom of religion or belief and protection of human rights defenders.
- Ensure that freedom of religion or belief and freedom of expression are consistently raised both in public and in private in all engagements with Pakistan, including during high-level visits and other bilateral exchanges as well as during Human Rights Council and General Assembly sessions.
- Engage regularly with in-country civil society, including HRDs and NGOs, and support civil society initiatives to promote freedom of religion or belief.

To the government of the United Kingdom

- Prioritise freedom of religion or belief in bilateral discussions including trade, education, human rights and cooperation with Pakistan.
- Ensure the UK Special Envoy on Freedom of Religion or Belief raises FoRB violations and seeks to promote FoRB with the government of Pakistan.
- Encourage DFID to conduct a spending review of UK Aid and review its funding to education programmes in Pakistan, to ensure it is not supporting the publication of biased textbooks.
- Ensure that DFID incorporates human rights and religious literacy training for students and teachers in its provincial education programmes in Pakistan.
- Ensure that DFID works with Pakistani civil society, NGOs and educationists to understand the issue of biased education and formulate textbooks free from biased and discriminatory content.
- Urge Pakistan to invite the relevant UN Special Rapporteurs to review the human rights situation in Pakistan.

Introduction

Pakistan is a diverse country divided along ethnic, religious and linguistic lines. The seeds of sectarian and religious extremism sown by former president General Zia-ul-Haq's regime are bearing fruit, and the current state of human rights is concerning. Michelle Chaudhry, president of the Cecil & Iris Chaudhry Foundation (CICF) told CSW, 'Religious intolerance and the extremist mindset is so deep rooted in today's Pakistan that a person can get killed for the personal way they choose [to] worship God. Religious minorities live a life of constant fear.'

The right to religious freedom intersects with many other fundamental rights and freedoms such as freedom of expression or the right to education, and the politicisation of religion has intensified religious hatred and violence and led to continued violations of the rights of religious minorities. Religious freedom violations are manifold and continue unabated. They include:

- Sectarian and targeted violence
- Blasphemy accusations
- Forced conversion and marriage
- Hate speech
- Biased education

The country is continually on high alert as it staggers from one violent tragedy to the next, with ongoing FoRB and human rights violations perpetrated by non-state actors including extremist groups and individuals, and by the state through its application of discriminatory legislation and tacit support of the religious right. Violations against religious minorities are made worse by existing legislation being poorly implemented, weaknesses in police investigative procedures and judicial processes, and widespread perpetrator impunity.

The failure of present and former governments to effectively prevent religiously-motivated or sectarian violence and prosecute those responsible, and stop perpetrator impunity, has led to an environment in Pakistan that has normalised and enabled FoRB violations. This not only threatens religious minorities and human rights defenders but creates divisions and intolerance in society as a whole.



After the Supreme Court disqualified former prime minister Nawaz Sharif from office, following allegations of corruption, the political situation continued to be unstable.¹² The ten-year disqualification interrupted Mr Sharif's third term as prime minister and leader of the Pakistan Muslim League Nawaz (PML-N).

Towards the end of 2017 the inordinate influence of Islamist groups on the government became apparent when the army brokered a deal between the government and leaders of fundamentalist Islamist groups to end the protests and violent clashes which had paralysed Islamabad for weeks.

Religious groups including Tehreek Labbaik Ya Rasool Allah (TLY), the Tehreek-i-Khatm-i-Nabuwat, and the Sunni Tehreek Pakistan (ST) were protesting against a change in the Elections Act 2017 in which the words 'I solemnly swear' were replaced with 'I believe', in a clause relating to belief in the finality of the Prophethood. The protesting groups called for the removal of Minister for Law and Justice Zahid Hamid, claiming the wording change was a conspiracy against religious values and an attempt at softening the state's position towards the Ahmadiyya community. Mr Hamid was forced to resign on 27 November 2017.

The PML-N government was subsequently criticised for signing an agreement with the TLY, some of whose demands included setting up an inquiry board to investigate the government's action against the protesters, action to be taken against those found responsible, and Asia Bibi to be immediately 'punished as per court orders' – in other words calling for her execution. The government's decision to bow to the demands of Islamist groups was perceived as a weakening of its authority and set a concerning precedent of fringe groups bending the state to their will by citing blasphemy.

The government took some positive steps in regard to religious freedom with the introduction of new legislation such as the Hindu Marriage Bill 2017, which for the first time defines personal law for the Hindu community, and aims to protect Hindu girls and women from forced marriage and conversion. However, legislation such as the Prevention of Electronic Crimes Act 2016 raised concerns among civil society due to the restrictions it places on free speech. Human rights lawyer Asad Jamal said that the Act is drafted in such a way as to place greater curbs on freedom of expression, while actively supporting the idea that liberal expression of critical thought and religious and political dissent is blasphemous.¹³

While the establishment of the National Commission for Human Rights (NCHR) in 2016, led by retired Justice Ali Chowhan, was a welcome albeit long overdue step to address human rights violations, particularly for Pakistan's religious minorities, the current NCHR tenure ended on 30 May 2019. The selection of the new chairperson and members of the commission is still pending. Civil society organisations are concerned that the government is either not keen to renew the NCHR's tenure or, if renewed, to have more control over it. This is because of the Commission's past engagement with the UN that has brought embarrassment to the government's human rights record.

Despite these limited improvements, the international community continued to highlight FoRB violations in Pakistan. Since 2002, the United States Commission on International Religious Freedom (USCIRF) had lobbied the US State Department to designate Pakistan a Country of Particular Concern (CPC) under the International Religious Freedom Act (IRFA),¹⁴ noting that Pakistan continued to 'perpetrate and tolerate' systematic religious freedom violations.¹⁵ Finally on 11 December 2018, the State Department designated Pakistan as a CPC under the IRFA 1998 for having engaged in or tolerated 'systematic, ongoing, [and] egregious violations of religious freedom.'¹⁶ Pakistan's Foreign Affairs ministry immediately countered with a statement that Pakistan is a multi-religious and pluralistic society where people of diverse faiths and denominations live together. 'Ensuring equal treatment of minorities and their enjoyment of human rights without any discrimination is the cardinal principle of the Constitution of Pakistan.'¹⁷

CSW continues to monitor the FoRB situation in Pakistan together with partners, and carried out fact-finding assignments between 2016 and 2018 to Islamabad, Punjab and Sindh to investigate the state of freedom of religion or belief, to understand the nature and scope of violations, and to gather first-hand reports from victims and witnesses. Meetings were held with victims of religious and sectarian violence, families affected by blasphemy and forced marriage and conversion, faith leaders from religious minority communities, teachers and students affected by biased education, as well as human rights activists.

12 Guardian, 'Pakistan court removes PM Nawaz Sharif from office in Panama Papers case', 28 July 2017 www.theguardian.com/world/2017/jul/28/pakistani-court-disqualifies-pm-nawaz-sharif-from-office

13 World Watch Monitor, 'Pakistan government to Facebook, Twitter: Remove insults to Islam', 17 March 2017 www.worldwatchmonitor.org/2017/03/pakistan-government-facebook-twitter-remove-insults-islam/

14 United States Commission on International Religious Freedom, Pakistan www.uscirf.gov/sites/default/files/Pakistan.2017.pdf

15 ibid.

16 United States Commission on International Religious Freedom, 'State Department Names the World's Worst Violators of Religious Freedom', 12 December 2018 www.uscirf.gov/news-room/press-releases-statements/state-department-names-the-world-s-worst-violators-religious

17 Associated Press of Pakistan, 'Pakistan rejects external profiling on religious freedoms', 12 December 2018 www.app.com.pk/pakistan-rejects-external-profiling-on-religious-freedoms

Political landscape

Religious freedom for minority groups deteriorated to worrying levels during the PML-N tenure. Pakistan has been under either direct or indirect military rule and subject to political engineering since independence, and the hegemony of the military is a dominating factor within the political arena, as the army ensures its preferred players run the civilian government to guarantee military stranglehold over policymaking.¹⁸

Former prime minister Nawaz Sharif was plagued by accusations of corruption and fraud which resulted in his disqualification from office for life by the Supreme Court; this development significantly reshaped the political environment ahead of the elections. On 6 July 2018 he was given an 11-year sentence after the Accountability Court found he owned assets beyond his declared income.¹⁹

18 The Diplomat, 'Why the Pakistan Army Is Vying to Influence the General Elections', 20 July 2018

<https://thediplomat.com/2018/07/why-the-pakistan-army-is-vying-to-influence-next-weeks-general-elections/>

19 Dawn, 'Avenfield verdict: Nawaz to serve 10 years in jail for owning assets beyond income, Maryam 7 for abetment', 6 July 2018
www.dawn.com/news/1418326



The elections on 25 July 2018 were mired in controversy amid violence targeting political parties, party leaders and candidates; accusations of voter rigging; severe media suppression; allegations of interference in the electoral process by the military-led establishment, and the role the judiciary played as a political actor mainly through its special 'suo moto'²⁰ jurisdiction of the military.²¹ Several attacks took place during pre-election campaigning. On 10 July a suicide attack killed at least 20 people including Haroon Bilour, a leader of the Awami National Party (ANP), at an election rally in Peshawar.²² The banned Tehreek-i-Taliban Pakistan (TTP)²³ claimed responsibility for the attack. Several other attacks took place, the worst being a suicide attack on 13 July 2018 in Mastung, Balochistan at a rally for the Balochistan Awami Party (BAP); 130 people were killed including the party's provincial assembly candidate Siraj Raisani. On election day, a suicide attack outside a polling station in Quetta killed 31 people and injured more than 30. Daesh claimed responsibility.²⁴

During the elections the emergence and political mainstreaming of a number of religious parties, some associated with banned terrorist groups, threatened the democratic space and prompted serious concern.²⁵

Groups involved in terrorist activities and spreading intolerance against minorities were given a legitimate platform to participate in the elections, calling into question the state's anti-terrorism activities. One such banned group, Ahle-Sunnat Wal Jamaat (ASWJ),²⁶ had over 150 candidates running in the elections. The Election Commission of Pakistan (ECP) included some 925 extremist-linked candidates in the final candidate list.

Several interlocutors and media reports noted how the ECP implemented scrutiny procedures on candidate nomination and accepted those candidates. On 24 July the ECP allowed three Allah-o-Akbar Tehreek (AAT)²⁷ candidates on the UN sanctions list to compete in the elections, stating that, were they to win, they would be disqualified if found ineligible.²⁸ The Human Rights Commission of Pakistan (HRCP) issued a statement saying that 'The stealthy reappearance of banned outfits under other names and the fact that the state has conferred political legitimacy on them by allowing them to contest the elections...and that their campaigns have consistently misused religion to peddle a dangerous, divisive rhetoric is cause for serious concern.'²⁹

The Pakistan Tehreek-e-Insaf (PTI) party led by Imran Khan, who was touted as the army's preferred candidate for prime minister, claimed victory in the elections. He articulated his vision for a 'Naya Pakistan' (New Pakistan) – free of corruption, respecting rule of law, creating opportunities for employment and education, lifting citizens out of poverty, and where 'women, minorities, the poor are not exploited by the powerful or discriminated against'.³⁰ Despite maintaining in his manifesto that he would protect the rights of religious minorities, his campaign rhetoric was criticised when he spoke at a rally of Muslim leaders on 7 July saying he would defend Section 295(C) of the blasphemy laws.³¹

20 Suo moto ('on its own motion') describes an act of authority taken without formal prompting from another party. The term is usually applied to actions by a judge taken without a prior motion or request from the parties.

21 European Union Election Observation Mission Islamic Republic of Pakistan, 'Preliminary Statement', 27 July 2018

https://eeas.europa.eu/sites/eeas/files/eu_eom_pakistan_2018_-_preliminary_statement_on_25_july_elections.pdf

22 Dawn, 'TTP claims responsibility for Peshawar blast; ANP's Haroon Bilour laid to rest', 10 July 2018 www.dawn.com/news/1419202

23 Tehreek-e-Taliban Pakistan (TTP), famously known as the Pakistani Taliban, is the deadliest among all indigenous militant outfits. The inception of TTP goes back to the days of NATO operations in Afghanistan after 9/11, when after the American intervention in Afghanistan a group of radicals started a movement inside Pakistan to support the Taliban. The transition from being Taliban supporters and sympathisers to becoming a mainstream Taliban force occurred following the Lal Masjid (Red Mosque) incident in July 2007. In December 2007 the existence of the TTP was officially announced under the leadership of Baitullah Mehsud. Thirteen groups united under the leadership of Baitullah Mehsud to form the TTP, in an undisclosed location in South Waziristan Agency of Federally Administered Tribal Areas (FATA). The sole objective of the *shura* (a meeting in which Muslims decide their affairs in consultation with those who will be affected by that decision) was to unite the small militant factions under the leadership of TTP against NATO forces in Afghanistan, and to wage a defensive jihad against Pakistani forces.

24 Dawn, '31 killed in suicide blast outside Quetta polling station', 25 July 2018 www.dawn.com/news/1422529

25 CNBC, 'Bomb attacks and extremist candidates stain the run-up to Pakistan's election', 24 July 2018

www.cnbc.com/2018/07/24/bomb-attacks-and-extremist-candidates-stain-the-run-up-to-pakistans-e.html

26 In Pakistan ASWJ advocates for Shi'ites to be legally declared non-Muslim and has a violent offshoot that targets Shi'ite mosques. ASWJ was formed after the government of former president General (ret'd) Pervez Musharraf banned a handful of religious parties including the Sipah-e-Sahaba Pakistan (SSP) in 2002. Since that time ASWJ has operated covertly with SSP's offshoot, another strongly anti-Shia group, Lashkar-e-Jhangvi (LeJ).

27 Allah O Akbar Tehreek, a new political wing with links to Jamaat-ud-Dawa and the Milli Muslim League, which is on the UN's list of banned organisations.

28 European Union Election Observation Mission Islamic Republic of Pakistan, Preliminary Statement, 27 July 2018 https://eeas.europa.eu/sites/eeas/files/eu_eom_pakistan_2018_-_preliminary_statement_on_25_july_elections.pdf

29 Forum Asia, 'Attempts to maneuver polls unacceptable: HRCP' www.forum-asia.org/uploads/wp/2018/07/Attempts-to-manuever-polls-unacceptable.pdf

30 Pakistan Tehreek-i-Insaf, 'The Road to Naya Pakistan: PTI Manifesto 2018', 2018 www.scribd.com/document/383487528/PTI-Manifesto-Final-2018#from_embed

31 Pakistan Today, 'Imran Khan vows to defend blasphemy law', 8 July 2018 www.pakistantoday.com.pk/2018/07/08/imran-khan-vows-to-defend-blasphemy-law/

Soon after the PTI took office, concerns were raised about the country's beleaguered Ahmadiyya community. The new government seemed to espouse more of the same anti-Ahmadi rhetoric to which the former government had lent tacit approval. The appointment of renowned economist Professor Atif Mian, an Ahmadi, to the PTI's newly constituted Economic Advisory Council (EAC), drew hostility and a backlash from Muslim clerics and their supporters, who threatened to stage mass protests. Fawad Chaudhry, the Federal Minister for Information, strongly defended the appointment saying, 'Should we impose a ban on all sorts of responsibilities our minorities perform towards the development of the country? Pakistan belongs to minorities as equally as it belongs to the masses.'³² However, this stance was short-lived.

Despite the outcry from civil society within Pakistan as well as the international community, Professor Mian, against the pressure from the Islamist lobby, withdrew from the council several days later. This was followed by the resignation of Asim Ijaz Khwaja, professor of Public Policy at the John F. Kennedy School of Government at Harvard University. The third international member of the council, Dr Imran Rasul, professor of economics at University College London then also resigned, saying, 'Basing decisions on religious affiliation goes against my principles, or the values I am trying to teach my children.'³³



National and international obligations

Pakistan was declared an Islamic republic in 1956, with Islam as the state religion. Shari'a law was given legal status by its incorporation into the legal code in 1991. Article 25 of the constitution states that all citizens are equal before law and are entitled to equal protection of law.

The right to freedom of religion or belief is set out in Article 20 of the Fundamental Rights chapter, and guarantees every citizen the right to profess, practise and propagate his religion, and every religious denomination and every sect the right to establish, maintain and manage its religious institutions.³⁴ Further safeguards in Article 22³⁵ state that no person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.

The preamble states that adequate provision shall be made for minorities freely to profess and practise their religions and develop their cultures.³⁶ Article 36 pertains specifically to the protection of minorities, and maintains that 'The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services.'³⁷

In terms of its international commitments, Pakistan is one of the few Muslim-majority nations to fully accept the Universal Declaration of Human Rights (UDHR). Pakistan is also a signatory to several international human rights treaties including:

- Convention on the Rights of the Child (CRC) on 12 November 1990
- International Covenant on Economic, Social and Cultural Rights (ICESCR) on 17 April 2008
- International Covenant on Civil and Political Rights (ICCPR) on 23 June 2010.

Individuals from religious minorities are entitled, as equal citizens, to equal protection by law. However, failure to ensure the full application and implementation of guarantees to protect the rights of religious minorities has resulted in a general mistrust of the judicial system, a culture of impunity in which perpetrators are rarely prosecuted for crimes they commit, and heightened vulnerability for religious minorities.

32 The News, 'Fawad Chaudhry defends Atif R Mian's appointment as economic advisor', 4 September 2018

www.thenews.com.pk/latest/363833-fawad-chaudhry-defends-appointment-of-atif-r-mian-as-economic-advisor

33 Dawn, 'Love Pakistan a great deal, deeply desired to deserve it: Atif Mian', 7 September 2018 www.dawn.com/news/1431524

34 National Assembly of Pakistan (2012), The Constitution of the Islamic Republic of Pakistan http://na.gov.pk/uploads/documents/1333523681_951.pdf

35 ibid.

36 ibid.

37 ibid.

Blasphemy laws

Pakistan's blasphemy laws continue to be a source of controversy and suffering, having extremely adverse effects on the accused and their families. Although blasphemy accusations are frequently levelled against Muslims, religious minorities are disproportionately accused, and the law is often misused to lodge false cases against them. A false accusation can be a punishment in itself, since a number of cases have elicited brutal mob violence against the accused and their families.

The laws criminalise anyone who insults Islam and include: Sections 295(A), outraging religious feeling; 295(B), defiling the Qur'an; and 295(C), defiling the name of the Prophet Mohammed, which carries the death penalty or life imprisonment. Bail is not a right, but is granted at the discretion of the court. The law itself is poorly defined and has low standards for evidence, as it does not require specific proof of intent to commit blasphemy; as a result spurious accusations are commonplace. It is clear that the blasphemy laws are not a deterrent – they are indiscriminately used as a weapon of revenge against both Muslims and non-Muslims to settle personal scores or to resolve disputes over money, property or business, under the guise of insults to religion.

According to the latest figures (1987-2018) from the National Commission for Justice and Peace (NCJP), a total of 776 Muslims, 505 Ahmadis, 229 Christians, 30 Hindus and 11 of unknown religion have been accused under various provisions on offences related to religion since 1987.³⁸

Recent blasphemy cases include:

- June 2019: Sunny Waqas, a 19-year-old student, is charged under 295-C for allegedly having blasphemous pictures of the Holy Prophet, after a dispute with some Muslim friends during a cricket match.³⁹
- May 2019: Ramesh Kumar Malhi, a Hindu veterinary surgeon from Mirpurkhas in Sindh, is accused of blasphemy for wrapping medicines in pages containing verses from the Qur'an. Protestors burned down the veterinary clinic and other shops belonging to the Hindu community.⁴⁰
- August 2018: Farhan Aziz, a 25-year-old Christian man from Muslim Town, Gujranwala is accused of sending blasphemous text messages and charged under Section 295(C) of the PPC. Local Muslims who saw the messages became angry and gathered around the street where a number of Christian families live, threatening to set fire to their homes.⁴¹
- August 2018: A 19-year-old-Hindu from the Mirwah Gorchani area of Mirpurkhas, Sindh Province was charged under Section 295(A) of the PPC after a local prayer leader alleged he had hurt the religious sentiments of Muslims by posting controversial messages on Facebook on 30 July. Locals said that the young man had become upset after his sister converted to Islam and married a Muslim man.⁴²
- September 2017: Nadeem Masih, a 24-year-old Christian from Gujrat, Punjab Province, is sentenced to death for allegedly sending messages which defamed the Prophet Mohammed via WhatsApp to a Muslim friend.⁴³ He was initially accused of blasphemy on 10 July 2016.
- February 2017: Mukhtar Masih, a 70-year-old Christian from Gujranwala, Punjab is accused of writing letters with derogatory remarks about the Qur'an and the Prophet Mohammed.⁴⁴
- September 2016: Nabeel Masih, a 16-year-old Christian boy from Kasur, is accused of blasphemy for 'liking' an image of the Kaaba on Facebook.⁴⁵

Religious minorities are particularly vulnerable when it comes to blasphemy cases. In addition to the burden of the accusation itself, the accused often faces threats and discrimination from the community and even

38 BBC, 'What are Pakistan's blasphemy laws?', 6 November 2014 www.bbc.co.uk/news/world-asia-48204815

39 Claas, 'Pakistani Christian high school student charged with blasphemy', 18 July 2019 www.claas.org.uk/news/pakistani-christian-high-school-student-charged-with-blasphemy

40 New York Times, 'Hindu Veterinarian Is Latest to Face Blasphemy Charges in Pakistan', 30 May 2019 www.nytimes.com/2019/05/30/world/asia/pakistan-blasphemy-law.html

41 Claas, 'Pakistani Christian charged with sending blasphemous texts in Gujranwala', 8 August 2018 www.claas.org.uk/news/pakistani-christian-charged-with-sending-blasphemous-text-in-gujranwala/

42 Dawn, 'Teenage Hindu boy arrested for allegedly posting blasphemous content on social media', 1 August 2018 www.dawn.com/news/1424257

43 Dawn, 'Christian man in Lahore sentenced to death over blasphemous WhatsApp text', 15 September 2017 www.dawn.com/news/1357850

44 Morning Star News, 'Christian, 70, Charged with Blasphemy in Pakistan as 106 Muslims Are Acquitted', 6 February 2017 <http://morningstarnews.org/2017/02/christian-70-charged-with-blasphemy-in-pakistan-as-106-muslims-are-acquitted/>

45 The Nation, 'Blasphemy law: Nabeel Masih, a Christian teenager, has been arrested for liking the Kaaba's picture on Facebook', 20 September 2016 <http://nation.com.pk/blogs/20-Sep-2016/blasphemy-law-nabeel-masih-a-christian-teenager-has-been-arrested-for-liking-the-kaaba-s-picture>

prejudice from police authorities handling cases. Patras Masih, a 17-year-old Christian living in Shahdara Town in Lahore, was allegedly accused of sharing 'blasphemous content' on Facebook and was charged on 19 February. Tehreek Labaik Ya Rasool Allah (TLYR) and other religious parties blocked the Shahdara intersection in Lahore and demanded the arrest of Patras Masih, while inciting violence against his family. Christian residents of Shahdara fled their homes due to fears of communal violence.

After pressure from TLYR, an FIR was registered against Patras Masih by a TLYR supporter under Section 295(C) of the PPC on 19 February 2018. The Federal Investigation Agency (FIA) took Sajid Masih, the accused's cousin, into custody for questioning on 23 February 2018.

The investigation ended when Sajid Masih jumped from the fourth floor of the FIA building to escape, after he was subjected to torture and humiliation by being ordered to have sex with his cousin, Patras Masih. Sajid Masih suffered broken legs and serious head injuries and an FIR was filed against him for attempted suicide. The incident was initially denied by the police officials. CSW received reports that even when he was being treated in hospital the doctors discriminated against him and were reluctant to treat him. Patras Masih, who was a minor at the time of the incident (17 years old according to his birth certificate) was tried as an adult because his national ID card showed his age as 21; it had been changed so he could get a job and support his family. The disturbing nature of this case highlights serious concerns over the ill-treatment of marginalised groups by law enforcement agencies, and also a disregard of their international commitments under the CRC, to which Pakistan is party.

The prolonged misuse of the blasphemy laws over the last three decades, combined with the rise of extremism, has had a damaging normative impact on social harmony. The sensitive nature of blasphemy cases serves to heighten religious fervour and has created an environment of mob violence in which people take matters into their own hands, often with fatal consequences.

One such case is the murder of 23-year-old Mashal Khan, a journalism student at Abdul Wali Khan University in Mardan, north Pakistan. He was beaten to death and shot in the head on 13 April 2017 after being accused of posting blasphemous content on Facebook – a claim which the police later confirmed was false. University staff and students were involved in inciting the violence which led

to the student's death, with five members of staff being arrested in connection with the incident. A report by the joint investigating team found that the murder of Mashal Khan, who had been vocal about student rights at the university, was premeditated.⁴⁶ An anti-terrorism court inside Haripur Central Jail announced on 7 February 2018 that 57 of the 61 suspects had been charged. Imran Ali, another student and the individual who shot Mashal Khan, was sentenced to death; while five were given life in prison, another 25 at least three years' imprisonment, and 26 suspects were acquitted.⁴⁷ However, on 27 February 2018, the Peshawar High Court acquitted the 25 people sentenced to three years' imprisonment after the submission of surety bonds.

Arif Khan, a member of the Pakistani Tehreek-i-Insaf (PTI) youth wing, was witnessed congratulating the people responsible for the killing and warning them not to reveal the identity of the person who shot Mashal Khan. He subsequently fled the area and was finally arrested ten months later on 8 March 2018.⁴⁸ On 21 March 2019, Arif Khan and university employee Asad Khan Katlang were given four counts each of life imprisonment by the Anti-Terrorism Court (ATC).⁴⁹

Mashal Khan's death was a shocking reminder of the devastating consequences of blasphemy accusations, and prompted calls for an urgent and critical review of the blasphemy laws. However, these calls were met by resistance from religio-political parties and extremist elements who again brought the debate for blasphemy reforms to a halt.

On 10 June 2017 Taimoor Raza,⁵⁰ a Shi'a Muslim, became the first person to be sentenced to death by the ATC for allegedly committing blasphemy online.

Despite tragedies such as the Mashal Khan killing, in March 2017 the government approached Facebook to assist them with investigating blasphemous content posted on the social media site.⁵¹ The decision appears to be part of a wider crackdown against online freedom of expression, especially anti-military and anti-government

46 Dawn, '58th suspect in Mashal Khan murder arrested by Mardan police', 4 January 2018

www.dawn.com/news/1380736/58th-suspect-in-mashal-khan-murder-arrested-by-mardan-police

47 Al Jazeera, 'Man sentenced to death over Mashal Khan lynching', 7 February 2018

www.aljazeera.com/news/2018/02/man-sentenced-death-mashal-khan-lynching-180207123250726.html

48 Dawn, 'Mardan police admit PTI councillor involved in Mashal Khan lynching still at large', 3 May 2017

www.dawn.com/news/1330821/mardan-police-admit-pti-councillor-involved-in-mashal-khan-lynching-still-at-large

49 Dawn, 'Mashal's family files appeal in PHC against acquittal of 26 men in murder case', 14 February 2018 www.dawn.com/news/1389365

50 CSW, 'Pakistan: Death sentence for blasphemy on Facebook', 15 June 2017 www.csw.org.uk/2017/06/15/press/3585/article.htm

51 BBC, 'Pakistan asks Facebook to help fight blasphemy', 17 March 2017 www.bbc.co.uk/news/world-asia-39300270

dissent. Prime Minister Nawaz Sharif described blasphemy as an ‘unpardonable offence’ and ordered that any online material deemed blasphemous be immediately removed and blocked from being viewed in Pakistan.⁵²

He was arrested in 2016 after allegedly playing ‘offensive material’ on his mobile phone at a bus stop; police later found blasphemous messages on his Facebook profile and he was charged under Section 295(C) of the PPC and Sections 9 and 11(W) of the Anti-Terror Act (stirring up and disseminating material to incite sectarian hatred). Rana Fida Hussain, Taimoor Raza’s lawyer, told CSW that Mr Raza got into a discussion about religion with two people on Facebook, in which they made some comments about the Shi’a community. The two people warned him that they worked for the Counter Terrorism Department (CTD) and would take action against him so that he would spend the rest of his life in prison.

An FIR was filed against Mr Raza under Section 365 of the PPC, and he was later charged under Section 9 of the Anti-Terrorism Act⁵³ and Section 295(C) of the PPC. An expert witness, Dr Hafiz Iftikhar Ahmad, the chairman of the Department of Islamic Studies from the Islamia University of Bahawalpur said that the posts were blasphemous. However, the posts were not written by Mr Raza but were photographs of Islamic books which are readily available and not banned by the government. There are widespread concerns that the judgement sets a worrying precedent in regard to the violation of an individual’s freedom of religion or belief and freedom of expression. At the time of writing, the case continues in the High Court.

Mob violence instigated by false blasphemy charges (as with Mashal Khan’s murder) can endanger those accused. On 4 November 2014 Shama Bibi and Shehzad Masih,⁵⁴ a Christian couple from Kot Radha Kishan, Punjab Province who were working as bonded labourers, were brutally lynched and burned alive in a brick kiln by a violent mob. Shama Bibi was clearing out items belonging to her late father-in-law, and was burning papers with Arabic script on them. A local who saw this accused her of burning pages of the Qur’an. Once the news reached the local *maulvi* (Muslim scholar) an announcement was made from the mosque ordering action to be taken against those who desecrate the Qur’an.⁵⁵ A huge mob gathered and brutally attacked the couple.

Mukhtar Masih, Shama’s father, was head of the Brick Kiln Workers’ Association and told CSW about the horror of the attack on his daughter and son-in-law. The family tried to speak to the brick kiln owner to let them get away, but he was unwilling to do this because of the bond of 150,000 rupees which they owed. The couple were locked in the brick kiln worker’s office for two days while waiting for his return to resolve the matter; however, the mob was so violent that they broke into the office and viciously attacked the couple. Mukhtar Masih, who is the guardian of Shama and Shehzad’s three children, said, ‘This is the worst kind of violence that can happen to anyone. What my children and daughter have gone through is very brutal. It has mentally affected us and emotionally we are in a lot of stress.’

On 23 November 2016 five men were fined and sentenced to death by the ATC, and a further eight men sentenced to two years’ imprisonment, for the murder of the couple.⁵⁶ On 24 March 2018 an Anti-Terrorism Court (ATC) in Lahore acquitted 20 suspects who were involved in the lynching.⁵⁷ Perpetrator impunity is widespread and convictions for attacks on Christians are rare; the brick kiln owner, Yousuf Gujjar, who was the lead suspect, was released on bail.⁵⁸

Asia Bibi case

The case of Aasiya Noreen (commonly known as Asia Bibi) has dominated both national and international media, and highlights the considerable influence that religious clerics and their supporters wield on blasphemy cases. Asia Bibi is a Christian woman who was falsely accused of blasphemy in 2009 following an argument between herself and some Muslim co-workers, when she offered them water after she had drunk from the cup herself. She was convicted in 2010 and sentenced to death under Section 295(C) of the PPC.⁵⁹ Qari Muhammad Salaam,⁶⁰ the cleric who registered the First Information Report (FIR) in Asia Bibi’s case, was not even witness to the incident. As the first woman to be sentenced to death for blasphemy, her case garnered widespread publicity including from international media, when the former governor of Punjab, Salman Taseer, visited her in prison. He boldly spoke out about the controversial blasphemy legislation, describing it as a ‘black law’ and saying that ‘Islam calls on us to protect minorities, the weak and the vulnerable.’⁶¹ Mr Taseer was assassinated

52 Al Jazeera, ‘Nawaz Sharif orders ban on “blasphemous content” online’, 14 March 2017 www.aljazeera.com/news/2017/03/nawaz-sharif-orders-ban-blasphemous-content-online-170314092645327.html

53 Public Procurement Regulatory Authority, The Anti Terrorism Act (ATA), 1997 www.ppra.org.pk/doc/anti-t-act.pdf

54 CSW, ‘CSW calls for inquiry into Kasur lynchings’, 12 November 2014 www.csw.org.uk/2014/11/12/news/2370/article.htm

55 Al Jazeera America, ‘Blasphemy in Pakistan: Anatomy of a lynching’, 20 June 2015 <http://america.aljazeera.com/articles/2015/6/20/blasphemy-in-pakistan-anatomy-of-a-lynching.html>

56 CSW, ‘13 men sentenced for lynching of Christian couple’, 24 November 2016 www.csw.org.uk/2016/11/24/news/3356/article.htm

57 CSW, ‘Twenty Men Acquitted of Murder of Christian Couple’, 28 March 2018 www.csw.org.uk/2018/03/28/press/3895/article.htm

58 World Watch Monitor, ‘Pakistan court grants bail to chief suspect in oven killings of Christian couple’, 19 April 2016 www.worldwatchmonitor.org/2016/04/pakistan-court-grants-bail-to-chief-suspect-in-oven-killings-of-christian-couple/

59 CSW, ‘Death sentence for Asia Bibi’, 18 November 2010 www.csw.org.uk/2010/11/18/press/1052/article.htm

60 Reuters, ‘Guestview: The infliction of the blasphemy law in Pakistan’, 13 December 2010 <http://blogs.reuters.com/faithworld/2010/12/13/guestview-the-infliction-of-the-blasphemy-law-in-pakistan/>

61 Express Tribune, ‘Taseer’s remarks about blasphemy law’, 5 January 2011 <https://tribune.com.pk/story/99277/taseers-remarks-about-blasphemy-law/>

in 2011 by his bodyguard, Mumtaz Qadri, who claimed that his motivation was Mr Taseer's opposition to the blasphemy laws.

Mrs Bibi's final appeal in the Supreme Court was scheduled for 13 October 2016. The case was adjourned when one of the three judges, Justice Iqbal Hameed ur Rehman, recused himself, citing a conflict of interest due to his involvement in the Mumtaz Qadri case.⁶² The final Supreme Court appeal was eventually held on 8 October. The three-member bench reserved its verdict, with the Chief Justice warning the media not to discuss the case until the judgement by the Apex Court was issued.⁶³

Jan Figel, the European Union's Special Envoy for the Promotion of Freedom of Religion or Belief outside the EU, noted that EU countries had the impression that Pakistan's Supreme Court was intentionally delaying Asia Bibi's hearing in order to appease certain political and fundamental forces.⁶⁴ He linked her release to trade preferences for Pakistan, stating, 'The future continuity of the GSP+ status of Pakistan will be directly linked to the positive outcome of Asia Bibi's blasphemy case.'

The Supreme Court appeal was finally heard on 8 October 2018, although the three-member bench reserved its judgement. On 30 October the Supreme Court acquitted Asia Bibi after accepting the appeal against her sentence.⁶⁵ The detailed 56-page judgement reversed the earlier decisions by the High Court and Trial Court, and affirmed that the state must ensure that no innocent person is compelled to face an investigation or a trial on the basis of false or trumped-up allegations of blasphemy. It further noted that there were a number of material contradictions and inconsistent witness statements in Asia Bibi's case which cast doubt on the evidence, and that the prosecution 'has categorically failed to prove its case beyond reasonable doubt.'⁶⁶

Following the landmark judgement the Islamist political party Tehreek-e-Labbaik (TLP), led by cleric Khadim Hussain Rizvi, together with other far-right parties, instigated demonstrations in all major cities and openly incited violence against those involved in Mrs Bibi's case. On 2 November the government reached an agreement with TLP to end the protests. Their demands included that the government initiate a legal process to put Mrs Bibi's name on the exit control list (ECL) to prevent her leaving the country, and not to object to a review petition of the Supreme Court judgement in her case.⁶⁷

The three-day-long countrywide protests brought Pakistan to a standstill and caused damage to public and private property estimated at GBP 900 million. Amid further intimidation and incitement to violence against the Supreme Court judges and anyone involved in Mrs Bibi's case, her lawyer Saiful Malook fled to the Netherlands after receiving death threats.⁶⁸ The Human Rights Commission of Pakistan (HRCPC) condemned the government's agreement, saying 'The TLP called openly for murder and mutiny, made a mockery of the rule of law and fundamental rights enshrined in the Constitution, and appears to have assumed all the while that its methods were legitimate means of dissent.'⁶⁹

CSW is concerned that the agreement between the government and the TLP disregards both the rule of law and the primacy of the judiciary, while undermining the state's authority to counter extremist ideology and endangering the country's religious minorities who are already vulnerable. Sadly the religious right has become more emboldened, as their battle cry is to take to the streets and use blasphemy as a weapon of persecution, while the government resorts to the politics of appeasement.



62 CSW, 'Conviction of Mumtaz Qadri upheld by Supreme Court', 9 October 2015 www.csw.org.uk/2015/10/09/news/2803/article.htm

63 Dawn, 'Supreme Court reserves verdict on Aasia Bibi's final appeal against execution', 8 October 2018 www.dawn.com/news/1437605

64 Business Recorder, 'GSP Plus linked to Asia Bibi', 22 January 2018 <https://fp.brecorder.com/2018/01/20180122337506>

65 Dawn, 'Supreme Court acquits Aasia Bibi, orders immediate release', 30 October 2018 www.dawn.com/news/1442396

66 CSW, 'Pakistan Supreme Court frees Asia Bibi', 31 October 2018 www.csw.org.uk/2018/10/31/press/4156/article.htm

67 Dawn, 'Government, TLP reach agreement, state to "take measures" to place Aasia on ECL: reports', 2 November 2018 www.dawn.com/news/1443121/government-tlp-reach-agreement-state-to-take-measures-to-place-asia-on-ecl

68 Dawn, 'Aasia Bibi's lawyer leaves Pakistan citing threats to his life', 3 November 2018 www.dawn.com/news/1443317

69 Human Rights Commission of Pakistan, 'Appeasement of mob violence unacceptable', 4 November 2018 <http://hrcp-web.org/hrcpweb/appeasement-of-mob-violence-unacceptable/>

On 29 January 2019 the review petition was rejected by the Supreme Court, which upheld its earlier decision to release Asia Bibi.⁷⁰ She finally left for Canada in May after being held by authorities in protective custody while an asylum arrangement was agreed.⁷¹

Impact of blasphemy accusations

Blasphemy accusations have an impact beyond that on the accused individuals, having far-reaching consequences that can trigger mass violence against minority communities. The attack on the Christian neighbourhood of Joseph Colony on 9 March 2013 occurred after Sawan Masih, a young Christian man, was accused of blasphemy. He was given the death penalty under Section 295(C) of the PPC for insulting the Prophet Mohammed, after getting into an argument with a Muslim friend.⁷²



A mob torched over 170 houses in Joseph Colony, leaving more than 100 families displaced.

Sawan Masih was sentenced to death for blasphemy and fined PKR 200,000 (approximately GBP 1,157) on 27 March 2014.⁷³ On 29 January 2017 the ATC acquitted 115 suspects in the attack.⁷⁴ No one was charged despite the existence of video and photographic evidence.

Sawan Masih's seventh appeal hearing took place in the Lahore High Court on 17 September 2019. Mr Masih's lawyer informed CSW that Justice Mazhar Ali Akbar Naqvi referred the case to the Anti-Terrorism Court (ATC). During proceedings his lawyer argued that the case had already been referred to the ATC, where the presiding judge had flatly refused to hear the case and it reverted to the high court. Justice Naqvi insisted that the case would still need to go to the ATC, and he would hear the appeal in the high court only if the ATC judge decided again not to hear the case.

In May 2019 a Hindu man, Ramesh Kumar Malhi, from Mirpur Khas in Sindh, was charged with blasphemy after a local cleric, Muhammad Ishaq Nohri, said he had delivered medicine wrapped in verses from the Qur'an, and filed a complaint against Mr Malhi. The incident triggered riots in the area in which a doctor's clinic was burned down and property belonging to members of the Hindu community was also damaged.⁷⁵

Another case involves Aqib Saleem, an Ahmadi who was 18 years old when he was accused of uploading a blasphemous photo to Facebook on 24 July 2014. This sparked violence in Gujranwala, in Punjab. CSW interviewed Mr Saleem, who was in prison for one year and ten days. He said the issue started when someone uploaded an inappropriate photo of a woman sitting on top of the Holy Kaaba. When he posted a comment condemning the photo, his friends on Facebook, who assumed he uploaded it, informed two local mullahs. These mullahs announced over the loudspeakers that anyone who kills an Ahmadi will go to paradise and anyone who loots their houses will be blessed with money. The crowd that gathered were saying, 'They are not Muslim – they have no right to share the picture of the Holy Kaaba.' The mob forcibly entered homes, setting them alight, while armed men prevented the women from escaping. One Ahmadi woman, Bushra Bibi, and her two granddaughters died, while another woman suffered a miscarriage. According to Aqib Saleem, though the police were present they did nothing to help the Ahmadis. He told CSW that before the incident there was no hostility in the area, though Ahmadis faced prejudice from people who would not eat or socialise with them – a social boycott.

CSW has learned from blasphemy victims and lawyers taking blasphemy cases that once an accusation is made, the victim and their family live in a constant state of fear. They experience harassment and threats from their accusers, even when the allegation is found to be false. The accused and their family cannot resume normal life, as there is no safe place for them to live.

⁷⁰ BBC, 'Asia Bibi: Pakistan's notorious blasphemy case' www.bbc.co.uk/news/resources/idt-sh/Asia_Bibi

⁷¹ Dawn, 'Asia Bibi leaves Pakistan amid official silence', 9 May 2019 www.dawn.com/news/1481173

⁷² CSW, 'Blasphemy accusation triggers arson in Lahore', 9 March 2013 www.csw.org.uk/2013/03/09/news/1415/article.htm

⁷³ Dawn, 'Opposition cries foul at blasphemy sentence', 29 March 2014 www.dawn.com/news/1096379

⁷⁴ CSW, 'Court acquits 115 accused in Joseph Colony attack', 1 February 2017 www.csw.org.uk/2017/02/01/news/3445/article.htm

⁷⁵ Express Tribune, 'Hindu vet arrested over alleged blasphemy as violence rocks Mirpurkhas', 28 May 2019 <https://tribune.com.pk/story/1982163/1-hindu-vet-arrested-blasphemy-charge-violence-rocks-mirpurkhas>

Internal relocation is extremely difficult and even if victims do manage this, they are constantly pursued by their accusers. Zohra Yusuf, chairperson of the Human Rights Commission of Pakistan (HRCP), stated, 'Anyone even accused of blasphemy practically carries a death sentence even if they are released.'⁷⁶

Attempts to reform the blasphemy laws have made little or no progress. In November 2010 Sherry Rehman, former information minister and Member of the National Assembly (MNA) of the Pakistan People's Party, submitted to the National Assembly a private member's bill to amend the laws.⁷⁷ However, Sherry Rehman was herself accused of committing blasphemy when speaking about the laws, and was forced to withdraw the bill.⁷⁸ Debate was significantly stifled after the 2011 assassinations of Salman Taseer, governor of Punjab, and Shahbaz Bhatti, Federal Minister for Minorities, who also advocated for reform of the blasphemy laws. More recently, the National Commission for Human Rights (NCHR) has proposed procedural amendments to prevent the misuse of the blasphemy laws, including recommendations that investigations be conducted impartially in a way that respects and protects human rights; that complaints be investigated by no officer below the rank of superintendent; and that blasphemy-related offences including Sections 295 to 298(C) of the PPC be bailable.⁷⁹ In March 2018 the Senate Functional Committee on Human Rights reported on the misuse of the blasphemy laws, recommending that anyone who falsely accuses a person of blasphemy should be awarded a punishment similar to someone convicted of blasphemy and that the accuser should have two witnesses to corroborate the claim.⁸⁰ The report further advocated that members of district interfaith committees and key local people should be involved in the initial stages of investigation, and called for Section 156(A) of the PPC, carrying out of investigations by a superintendent of police, to be fully implemented.⁸¹

Analysis into the blasphemy laws by Pakistani researcher Arafat Mazhar examines the Hanafi perspective (one of the major Islamic schools of thought and widely followed by Muslims in Pakistan), and works of classical jurists, muftis, academics and legal experts, to highlight the factual inaccuracies in the judicial interpretation of the law. During the 1986 debate to amend Section 295(C), of the six parliamentarians, Muhammad Hamza was the only one who opposed the inclusion of the death penalty. He called for a comprehensive review

of the Islamic sources used to justify the death penalty by religious scholars and experts before any change in the law was passed. The other parliamentarians argued that there was a consensus or *ijma* [agreement] among the entire Muslim community, therefore no dissenting opinion and no need for further debate. However, according to Arafat Mazhar's extensive research in his report, 'The Untold Truth of Pakistan's Blasphemy Law',⁸² every text used by Parliament to support claims of consensus on capital punishment for blasphemy in fact reveals a caveat that non-Muslims should not be killed for insulting the Prophet.

The blasphemy laws violate multiple rights: freedom of thought, conscience and religion, the right to life and freedom of opinion and expression.

Although the laws are incompatible with international human rights standards and should be repealed, due to their sensitive nature and the pressure of religious hardliners there is reluctance to change the law since any change will be met with fierce opposition. According to CSW sources and civil society groups in Pakistan, the current religious and political climate will not permit a repeal of the laws; however, implementing urgent procedural amendments to curb false accusations would prevent misuse of the laws. According to Michelle Chaudhry, president of the Cecil & Iris Chaudhry Foundation (CICF) in Lahore, 'Pakistan's blasphemy laws are its most misused laws, used primarily to settle personal scores, vent hate and bigotry. Any voice raised for changes in these laws has ruthlessly been silenced. Furthermore when it comes to blasphemy accusations, anyone is free to act as a prosecutor, judge and executor and vigilante groups are repeatedly setting precedents of street justice. In order to create harmony and a peaceful co-existence among communities in Pakistan, it is absolutely pivotal that these laws are appropriately amended, its misuse has to be stopped.'

76 Al Jazeera, 'Disappeared: Silencing Pakistan's activists', 21 January 2017 www.aljazeera.com/indepth/features/2017/01/disappeared-silencing-pakistan-activists-170121074139848.html

77 Dawn, 'Sherry submits bill for amending blasphemy laws', 30 November 2010 www.dawn.com/news/587351

78 Express Tribune, 'Blasphemy law amendment: Sherry Rehman to withdraw bill, says PM', 3 February 2011 <https://tribune.com.pk/story/113445/blasphemy-law-amendment-sherry-rehman-to-withdraw-bill-says-pm/>

79 National Commission for Human Rights (2016), Submissions on Proposed Procedural Amendments to check the Misuse of Blasphemy Law in Pakistan http://nchr.org.pk/docs/reports/en1_1_Blasphemy.pdf

80 Express Tribune, 'Blasphemy: Senate committee suggests death for false accusers', 6 March 2018 <https://tribune.com.pk/story/1652775/1-senate-committee-suggests-death-false-accusers/>

81 Dawn, 'Senate panel forwards proposals to CII on misuse of blasphemy law', 7 March 2018 www.dawn.com/news/1393715

82 Engage Foundation for Research and Dialogue, 'The Untold Truth of Pakistan's Blasphemy Law: A reconciliation with the past and a way forward' <https://drive.google.com/file/d/1s3vHxRWDRlzOW6BO-lfYbLjjhLmcBc/view>

Discrimination against and attacks on religious minorities

Religious minorities face multifaceted discrimination which permeates all aspects of society from education to employment, but for the Christian community discrimination is deeply rooted and historic. According to the census conducted in 2018 there are under four million Christians in Pakistan, comprising around 1.6% of the population. Many Christians are descendants of low-caste Hindus who converted under British colonial rule to escape caste discrimination. When Hindus from lower castes such as the 'Untouchables' converted to Christianity, many took jobs as sweepers or cleaners, and the association of caste and being unclean persists among the majority community.

The legacy of the caste system means that Christians continue to face endemic discrimination and are often perceived as unclean by the Muslim majority, who describe them using derogatory terms such as *chura* or *kafir*, which means infidel. Christians are perceived to be sympathetic to the 'West' and this is why certain Islamist groups target them. A large proportion of the Christian community comes from lower socio-economic backgrounds, is poorly educated and takes up low-paid manual labour such as in brick kilns or the sanitation sector.



Pervasive institutional and societal bias is especially evident in the sanitation sector, in which approximately 90-95% of employees are Christians, and are woefully treated.

On 1 June 2017 Irfan Masih, a Christian sanitation worker from Umerkot City in Sindh Province, became ill while cleaning a manhole.⁸³ He was taken unconscious to Civil Hospital and subsequently died after being refused treatment by three doctors, one of whom said he was fasting and could not treat Mr Masih because he (Mr Masih) was *napaak* or 'unclean'. The doctors were accused of criminal negligence and manslaughter under Sections 319 and 34 of the PPC. The Municipal Committee Umerkot was also accused of failing to provide Mr Masih with any health and safety equipment.

Christians are severely inhibited in employment particularly by the government itself, which advertises for jobs in the sanitation sector which explicitly request non-Muslim applicants.⁸⁴ A number of provincial advertisements specifically advertise for Christian or non-Muslim sanitation workers. Civil society has consistently raised this issue with the Punjab government, and CSW has come to learn that the government service rules, namely the Punjab Health

Department, Miscellaneous Posts Service Rules 2003 (Appendix A), state that 'only non-Muslims/persons who belong to minorities will be accommodated'.

The government of Punjab issued a notification in November 2015 that the rules needed to be amended due to their discriminatory nature and violation of Article 27 of the Constitution (Appendix B). The former government was slow to make any amendments. The issue has been raised with the present Federal Minister for Human Rights, Dr Shireen Mazari, who agreed to look into the specific adverts; but so far no action has been taken.

Religious minorities face wider societal discrimination and in some instances from the state. As part of the China-Pakistan Economic Corridor (CPEC) agreement, a bilateral development project worth billions of dollars, the Punjab government is constructing a 27km metro to run through the centre of Lahore. The United Nations Educational, Scientific and Cultural Organization (UNESCO) and civil society groups in Pakistan warned that the controversial project raises grave concerns regarding its detrimental effect on historical sites, including those of religious significance such as St Andrew's Church and Lahore Cathedral.⁸⁵ Religious minority communities, residents and business owners have been displaced without adequate compensation by the forcible acquisition and demolition of houses and properties.

On 19 August 2016 the Lahore High Court barred the Punjab government from construction within 200 feet of 11 historic sites in Lahore.⁸⁶ The government appealed the decision, and the Supreme Court ruled on 17 April 2017 that further impact assessments should be conducted. It was alleged that the government had implied in various news articles that the World Heritage Committee (WHC) had endorsed the metro project.⁸⁷ This was untrue – in fact, the WHC had asked the government to invite a monitoring mission to complete a heritage impact assessment of the Fort and Shalamar Gardens.⁸⁸ The Punjab government stated that it was awaiting the Supreme Court decision before inviting the mission.⁸⁹ Civil



Destruction caused by the Orange Line Metro Train

83 CSW, 'Pakistan: Christian sanitation worker dies after being denied treatment', 9 June 2017 www.csw.org.uk/2017/06/09/press/3580/article.htm

84 Express Tribune, 'Ending discrimination: Eligibility rules changed for sanitation jobs', 30 November 2015 www.tribune.com.pk/story/1000860/ending-discrimination-eligibility-rules-changed-for-sanitation-jobs

85 United Nations Office of the High Commissioner for Human Rights, 'UN experts urge Pakistan to halt forced evictions and demolitions for new metro line in Lahore', 22 January 2016

86 CSW, 'Pakistan: High Court protects heritage sites', 23 August 2016 www.csw.org.uk/2016/08/23/press/3230/article.htm

87 Dawn, "'Govt lied to WHC about state of fort, Shalamar Gardens'", 11 July 2017 www.dawn.com/news/1344544

88 World Heritage Committee, 'Reactive Monitoring Mission to the Fort and Shalamar Gardens in Lahore, Pakistan', 12 January 2017 <http://whc.unesco.org/en/news/1616>

89 Dawn, "'Govt lied to WHC about state of fort, Shalamar Gardens'", 11 July 2017 www.dawn.com/news/1344544

society groups confirmed that the UNESCO mission is independent of the legal case, and could weaken the government's case by providing an independent expert opinion. On 8 December 2017 the Supreme Court dismissed the decision of the Lahore High Court (LHC) to halt construction of the Orange Line Metro Train (OLMT), granting authority to the Punjab government to resume work subject to certain conditions, some of which include strict monitoring of the construction; a trial period before train operations begin; and experts to monitor vibration levels and to inspect heritage sites for damage.⁹⁰

Farida Shaheed, the first UN Special Rapporteur in the field of cultural rights, stressed the importance of cultural heritage as a human right and said, 'The destruction and harm to these sites violates the right of residents and Pakistanis in general of hugely significant parts of their cultural heritage, which is an essential part of people's cultural identities. The government must remember and abide by its legal obligations under the international treaties to respect and protect people's cultural heritage, and uphold the rights of full participation of the concerned people in decision-making about all policies enshrined in these covenants and in the Universal Declaration of Human Rights.'⁹¹

Targeted attacks and perpetrator impunity

Though Pakistan is predominantly a Muslim country, societal divisions exist along lines of religion, caste, class, ethnicity, gender and wealth. Sectarian violence affects every religious minority group. One of the worst incidents occurred on 16 February 2017, when a suicide bomber attacked a Sufi shrine in Sindh Province visited by Hindus, Muslims and Christians: at least 88 people were killed and over 300 injured.⁹²

According to Amjad Nazeer, Executive Director of the Institute of Development Research and Corresponding Capabilities (IDRAC), an Islamabad-based research institute, 'The whole fabric of society is polarised in terms of religion as well as politics. Even within different Islamic schools of thought, hostile theological divides and mutual disagreements exist in which religious scholars of different sects and ideologies along with their followers assert their interpretation of Islam to be authentic and final, and accuse one another of "not being true Muslims"'

The various Islamic traditions – Sunni, Shi'a, Ahmadi, Wahhabi, Barelvi and Deobandi among others – each have their own ideological, regional and cultural differences.

A 2013 study by the Pew Research Center found that these diverse beliefs can cause extreme sectarian views, identities and intolerance, which in Pakistan are not only held by religious extremists, but are mainstream.⁹³

Within this divided environment religious minorities are especially vulnerable, and face ongoing targeted attacks and violence by Islamist groups including Jamaat-ul-Ahrar (JuA), Tehreek-i-Taliban (TTP), Sipah-e-Sahaba (SSP) and Lashkar-e-Jhangvi (LEJ). Officially all four have been declared terrorist organisations and are banned. When attacks take place, though the government is swift in condemning violence, perpetrators are rarely caught or prosecuted.

Christian community



The Christian community is deliberately targeted and continues to face sectarian militancy from extreme religious groups, so it is common for churches to be protected by high walls, security barriers and security guards. On 27 March 2016, Easter Sunday, a suicide bombing at the Gulshan-e-Iqbal Park in Lahore killed at least 72 people and injured around 300.⁹⁴ JuA, a faction of TTP, claimed responsibility and announced that this was a deliberate attack against Christians, with more

90 Dawn, 'SC sets aside LHC decision against Orange Line train, orders Punjab govt to complete project', 8 December 2017 www.dawn.com/news/1375327

91 CSW, 'Religious heritage sites face demolition', 11 March 2016 www.csw.org.uk/2016/03/07/news/3013/article.htm

92 Guardian, 'Pakistan launches crackdown as Isis shrine attack toll rises to 88', 17 February 2017

www.theguardian.com/world/2017/feb/16/thirty-killed-100-injured-isis-bomb-sufi-shrine-pakistan-sindh

93 Pew Research Center for Religion and Public Life, 'The World's Muslims: Religion, Politics and Society', 30 April 2013

www.pewforum.org/2013/04/30/the-worlds-muslims-religion-politics-society-overview/

94 CSW, 'Pakistan: Suicide attack targets Christians', 29 March 2016 www.csw.org.uk/2016/03/29/press/3037/article.htm

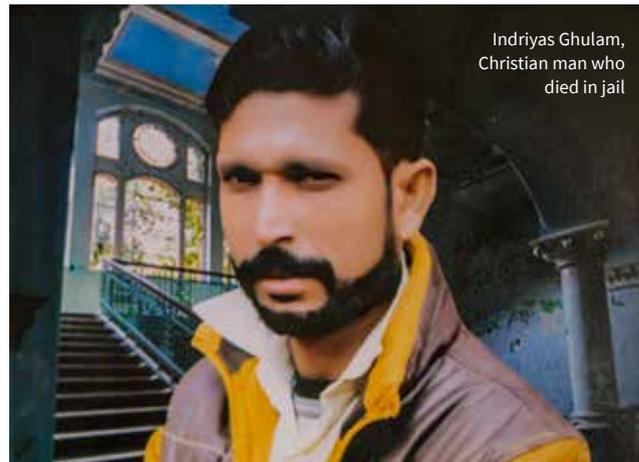


Nazbano Bashir, mother of Akash Bashir, who was killed in the Youhanabad bomb attack

to follow. The year before, on 15 March 2015, a double bombing at St John's Church and Christ Church in Youhanabad had claimed 14 lives and injured over 70.⁹⁵

CSW met the family of Akash Bashir, who had volunteered as a church security guard on Sundays and during other prayer meetings, and was killed in the 2015 attack. Akash was 20 years old and worked in a factory manufacturing jeans. His mother explained that Christians face multiple forms of discrimination because of their religion: she has another son who attends a Muslim school and is verbally abused because of his faith. She said that when Christians applying for jobs disclose their religion they are told there are no vacancies. Despite receiving compensation after Akash's death, Mrs Bashir was disappointed by the lack of government support. At the time of interview it had been two years, six months and one day since Akash died. She recalls telling him not to go to church, and he told her not to be afraid, saying, 'If God has chosen me for this purpose, if one person dies to save many people, don't stop me from going over there.'

Although no one was prosecuted for the church attacks in Youhanabad, two suspects who were being held by the police were released and subsequently lynched. Attention immediately shifted to those responsible for the lynching, and Christian men in Youhanabad were randomly picked up by police and arrested. Originally 42 Christian men were arrested and imprisoned after being accused of involvement in the lynching. Following the deaths of two of the accused, 40 men remain on trial.



Indriyas Ghulam, Christian man who died in jail

One of the accused, Indriyas Ghulam, a 33-year-old Christian man, died after contracting tuberculosis while in jail. CSW met Mr Ghulam's widow, who told us that her husband was not in Youhanabad but at a church in Dulan when the bomb blasts occurred. Mr Ghulam was picked up by two police officers three months later, on 15 June 2015, after he was accused of getting into a fight.

The police beat him on the spot, arrested him and then took him to Central Jail where he spent two years and four months, until he became ill. He fell ill one month before he died but was only informed that he was suffering from tuberculosis about four or five days before his death. The jail staff administered medicine for tuberculosis instead of taking him to hospital or having him checked by a doctor. The police told his wife that her husband was at the end of his life and said, 'If you want to do something for him, do it now.' He died two days after being admitted to hospital. Mr Ghulam's widow and three children are deeply distressed that he did not receive proper medical treatment much earlier.



Wife and family of Indriyas Ghulam

95 CSW, 'Pakistan: Two churches bombed in Lahore', 15 March 2015 www.csw.org.uk/2015/03/15/press/2511/article.htm

One month later, on 9 December 2017, another suspect, Usman Masih, 29, died in Central Jail in Kot Lakhpat. Mr Masih was married with two children. According to the police the cause of death was a heart attack. The remaining 38 Christian men are still in jail and continue to deny any involvement in the lynching.

The Christian community was targeted again on 17 December 2017 when two suicide bombers stormed the Bethel Memorial Methodist Church in Quetta, killing nine people and injuring over 30.⁹⁶ Though Daesh claimed responsibility for the attack, to date no one has been prosecuted.

Attacks continued throughout 2018. On 2 April four members of a Christian family from Punjab were killed when attackers on a motorbike opened fire on them as they travelled by rickshaw on Quetta's Shah Zaman Road. The family was visiting relatives in Quetta to celebrate Easter. On 15 April 2018 two Christians were killed and five injured after unknown gunmen fired on them as they left the Sunday service at a church in Essa Nagri in Quetta.⁹⁷ The attacks against Christians in Quetta signify a shift in sectarian violence, as Christians in this region have not previously experienced violence.

The government has repeatedly failed to bring to justice the perpetrators of violence on the Christian community, creating a culture of impunity which has led to an increase in attacks on minorities.

The South Asia Terrorism Portal reports that between 2001 and June 2018, 2,693 Shi'as were killed and 4,847 injured in Pakistan.⁹⁸

Shi'a community

The Shi'a community faces sectarian violence, systematic oppression, and persecution from extreme Sunni groups because of certain historical differences in Islamic tradition. Pakistan has long been a battlefield in a proxy war between Sunnis in Saudi Arabia and Shi'as in Iran, who have competed for influence in Asia and the Middle East since the Iranian revolution in 1979. Some Islamist groups believe it to be their religious obligation to kill Shi'as and other non-Muslims. LEJ believes it has a sacred calling to protect the legacy of the companions of the Prophet Mohammed, and views Shi'as as the main threat. Attacks on Shi'as escalate during the month of Muharram, when Shi'as mourn the martyrdom of the grandson of the Prophet by taking part in street processions. Militant Islamists attack Shi'as not only during their religious celebrations, but also while they are worshipping at mosques, travelling to work or shopping. Perpetrators of these attacks are indoctrinated through religious seminaries, hate speech and a biased education system which omits reference to Shi'a schools of thought.

⁹⁶ Dawn, '9 killed in suicide attack on Quetta's Bethel Memorial Methodist Church', 17 December 2017 www.dawn.com/news/1377184

⁹⁷ CSW, 'Pakistan witnesses attack on Christians in Quetta', 19 April 2018 www.csw.org.uk/2018/04/19/news/3930/article.htm

⁹⁸ South Asia Terrorism Portal, Shias killed in Pakistan since 2001 www.satp.org/satporgtp/countries/pakistan/database/Shias_killed_Pakistan.htm



One of the worst assaults occurred on 23 June 2017 when three attacks took place in a single day. LEJ claimed responsibility for two bomb explosions in Parachinar, a predominantly Shi'a area, in which at least 75 people were killed and over 200 injured. An earlier suicide bomb in Quetta killed at least 14 people.⁹⁹

The Shi'a Hazara have increasingly experienced sectarian violence. The community, whose members live mostly in Quetta, where regular attacks take place, have a distinct religious, linguistic and ethnic identity which makes them easily identifiable and therefore more vulnerable. Sajjad Changezi, a Hazara activist, said, 'As Hazaras, we cannot hide anything; we are like sitting ducks, waiting for bullets.'

Religious sectarian terrorism targeting Hazaras has resulted in increasing intolerance, alienation and social division. Hazaras employed in military, politics and corporate jobs have been deliberately targeted and killed, causing many to leave high-ranking posts. Private employers often refuse to hire Hazaras, worried about the risk of attacks on their business and staff if there is a Hazara employee. This marginalisation has resulted in lower participation of Hazaras, especially females, in education and other social spheres. Following the 18 June 2012 bomb attack on a bus belonging to the Balochistan University of Information Technology, Engineering and Management Sciences (BUIITEMS),¹⁰⁰ non-Hazara families requested separate school buses because they did not want their children to be put at risk by travelling with Hazaras.

Attacks against the Shi'a and Hazara communities have become routine. In January 2013 a series of bomb blasts around Alamdar Road in Quetta killed 108 people and injured over 120.¹⁰¹ A year later, a suicide attack on a bus with Shi'a pilgrims killed 22 people. LEJ claimed responsibility.¹⁰² During 2015 several attacks on Shi'a mosques took place; the worst was on 30 January, when at least 61 people died after an explosion at a mosque in Shikarpur.¹⁰³ Violence against Shi'as continued throughout 2016, with ongoing attacks including on four Shi'a Hazara women on a bus in Quetta in October of that year.¹⁰⁴ In June 2017 a Hazara brother and sister were killed by 'unidentified terrorists' on Spini Road, Quetta.¹⁰⁵

Targeted killings of Hazaras continued unabated in 2018:

- 1 April: A Hazara man is gunned down.¹⁰⁶
- 18 April: A shopkeeper is killed by a gunman on a motorbike.¹⁰⁷
- 22 April: Two Hazara men are killed and a third injured in Quetta.¹⁰⁸

After a further two Hazara men were killed on 28 April, Quetta's Hazara community staged a five-day sit-in led by activist Jalila Haider, who went on hunger strike in criticism of law enforcement and security agencies for their inaction and failure to prevent Hazaras from being murdered with impunity.¹⁰⁹ The government's failure to fully investigate and prosecute the perpetrators of attacks on the Hazara has been perceived as not only unwillingness but complicity in the attacks. Furthermore, police and security forces fail to adequately protect Shi'as despite intelligence regarding threats against them. The protest ended when General Qamar Javed Bajwa, Chief of Army Staff, met community leaders including Ms Haider. She declared that Hazara society and culture was being killed and their identity erased, with no future for Hazara children.¹¹⁰

On 12 April 2019, the community suffered another attack when a bomb exploded inside the Hazar Ganji, a fruit and vegetable market on the outskirts of Quetta.¹¹¹ At least 24 people were killed and almost 50 injured. Prime Minister Imran Khan, who visited the community, gave an assurance of eliminating the extremism and ensuring full implementation of the National Action Plan – which so far has been heavily criticised by civil society for being lacklustre, having achieved little by way of countering terrorism in the country.

Historically, the Shi'a community has rarely been considered a minority in Pakistan (at least in treatment, if not in number): Shi'as being targeted in the same way as other religious minorities is a relatively recent phenomenon. Though the government does not officially support discrimination against Shi'as, it is failing to effectively counter the influence of extremists and bring an end to violence against the community.

99 Dawn, '85 dead as terror strikes Parachinar, Quetta', 24 June 2017 www.dawn.com/news/1341501

100 Dawn, 'Four dead, 72 hurt as bomb rips through university bus in Quetta', 19 June 2012 www.dawn.com/news/727679

101 Hazara, 'Twin-blast in the heart of the Hazara area on Alamdar Road: 108 killed, 120+ injured', 10 January 2013 www.hazara.net/news/news2013/jan102013/alamdar_road_jan10_2013.html

102 Dawn, 'Blast on bus kills 22 Shia pilgrims in Mastung', 21 January 2014 www.dawn.com/news/1081751

103 Express Tribune, '61 killed, 50 injured in Shikarpur imambargah blast', 30 January 2015

<https://tribune.com.pk/story/830111/at-least-three-killed-40-injured-in-shikarpur-blast/>

104 Dawn, 'Four Hazara women killed as gunmen open fire on Quetta bus', 4 October 2016 www.dawn.com/news/1287981

105 Hazara.net, 'Hazara sibling gunned down by "unidentified" terrorists in Quetta', 12 June 2017

www.hazara.net/2017/06/hazara-sibling-gunned-down-by-unidentified-terrorists-in-quetta/

106 Dawn, 'Hazara man shot dead, another injured in Quetta attack', 1 April 2018 www.dawn.com/news/1398907

107 Dawn, 'Hazara shopkeeper gunned down in Quetta', 18 April 2018 www.dawn.com/news/1402346

108 Dawn, '2 Hazara men gunned down in "targeted attack" in Quetta: police', 22 April 2018

www.dawn.com/news/1403198/two-hazara-men-gunned-down-in-targeted-attack-in-quetta-police

109 Dawn, 'Hazara community's hunger strike in Quetta enters second day as protesters demand "right to life"', 29 April 2018 www.dawn.com/news/1404618

110 Al Jazeera, 'Pakistan: Hazara Shia Muslims end protest in Quetta over killings', 3 May 2018

www.aljazeera.com/news/2018/05/pakistan-hazara-shia-muslims-protest-quetta-killings-180502131145156.html

111 Dawn, '20 killed, 48 injured in attack targeting Hazara community in Quetta', 12 April 2019 www.dawn.com/news/1475621

The Hindu community

Pakistan's Hindu community constitutes around 1.6% of the population, with the majority living in Sindh Province in the south-east of the country.¹¹² Since the mass exodus of Hindus during Partition in 1947 there has been a further decline in numbers, with many Hindus migrating to India due to the rise in discrimination and religious polarisation. The majority of Hindus belong to the working class, live in poverty, are poorly educated and work as bonded, forced or landless labourers. Many come from the scheduled and lower castes so face deep rooted marginalisation due to the caste system.

The steady migration of Hindus is due to factors such as low economic status, a rise in forced marriages and conversions, abductions and rapes of Hindu girls and women, and false blasphemy accusations; in addition, the state's failure to deal with violations has increased the sense of insecurity within the community. Members of the Hindu community and activists told CSW that the situation is not getting better: daily the community faces more challenges, especially with forced conversion, harassment of minorities and attacks on temples. In April 2017 a Hindu temple in Gharo Town, Thatta District, Sindh Province was attacked when three unidentified

men desecrated idols belonging to the temple.¹¹³ Krishan Sharma, activist and Executive Director of the District Development Association, Tharparkar said that attacks on temples are often attempts at land grabbing to acquire property. As such the Hindu population has changed their practice; instead of building the whole temple they only construct small shrines. These, however, still suffer attacks.

Community members described how Hindus are continually reminded that Partition supposedly created Pakistan as a separate state for Muslims. As such textbooks contain hate material which target Hindus as well as other minorities, and historical narratives reinforce Islamic, Pakistani identity, with strong biases against the Hindu community. CSW's 2018 report 'Faith and a Future: Discrimination on the basis of religion or belief in education' found strong anti-Hindu and anti-India rhetoric in textbooks, and detailed the discrimination that Hindu students face in the classroom from Muslim students and teachers.¹¹⁴

¹¹² Pakistan Bureau of Statistics, Population by Religion www.pbs.gov.pk/content/population-religion

¹¹³ Express Tribune, 'Police register blasphemy case over Hindu temple attack in Thatta', 28 April 2017 <https://tribune.com.pk/story/1396116/police-register-blasphemy-terrorism-cases-thatta-temple-attack/>

¹¹⁴ CSW (2018), Faith and a Future: Discrimination on the basis of religion or belief in education http://faithandafuture.com/wp-content/uploads/2018/02/Faith_and_a_Future_HR.pdf



The Ahmadiyya community

'This has been going on for the past thirty, forty years. Everybody knows that the state is hostile to us and that they can get away with murder... with anything. Ahmadis continue to have difficulties in all fields of life, where their opponents are indecent enough to abuse them for being an Ahmadi.'

Senior Ahmadi community leader

Pakistan is the only country in the world that declares Ahmadis to be non-Muslims by law. The Ahmadiyya community is the most widely, institutionally and constitutionally persecuted religious group in the country, with Ahmadis facing persistent and systematic violence and structural discrimination that affects their economic, social and employment status, political life and educational activities, as well as their physical existence.

Electoral disenfranchisement, legal discrimination and social ostracism essentially leave the Ahmadiyya community in Pakistan today without a voice or the scope to construct their own public identity. Even within civil society, human rights defenders, activists, faith leaders or anyone else who attempts to speak up on behalf of the plight of the Ahmadis becomes a target for the extremist lobby.



Legislation

The Second Constitutional Amendment was introduced in 1974 by then prime minister Zulfikar Ali Bhutto, under mounting religious pressure that had been gathering force since the Lahore Riots of 1953, while the Jamaat-e-Islami (JE) movement threatened political action if the government did not declare Ahmadis as non-Muslim. The amendment legally defines Ahmadis as non-Muslims: 'A person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad (Peace be upon him)' or who recognises 'a claimant as a Prophet or religious reformer, is not a Muslim for the purposes of the Constitution or law.' This amendment, which 'symbolically (re)constructed the margins of the "Muslim nation"' to exclude the Ahmadiyya community,¹¹⁵ makes Ahmadis ineligible to become president or prime minister, and unable to marry a member of the larger Muslim community. It also criminalises the propagation and practice of their religious beliefs.

In 1984 then president General Zia-ul-Haq introduced Ordinance XX (20) which added Sections 298(B) and 298(C) to the PPC and imposed strict restrictions on Ahmadis, prohibiting them from 'indirectly or directly posing as a Muslim'. Ahmadis could no longer declare their faith publicly, propagate their faith, refer to their place of worship as a mosque or *masjid*, or make the Muslim call to prayer.

In short, virtually any public act of worship or devotion by an Ahmadi could be treated as a criminal offence.

The anti-Ahmadi laws directly undermine Pakistan's own constitutional protection of freedom of religion as set out in Article 20, which guarantees every citizen the right to profess, practise and propagate his religion and allows every religious denomination the right to establish, maintain and manage its religious institutions.

The legislation is also in direct contradiction of the almost universally recognised right to freedom of religion or belief, violating Pakistan's commitments under international law. The basic right to freedom of thought, conscience and religion was set out in the Universal Declaration of Human Rights (UDHR), and acquired binding status in the International Covenant on

Civil and Political Rights (ICCPR), which Pakistan signed in 2008 and ratified in 2010; its initial reservations to the covenant were withdrawn in 2011. Article 18 of the ICCPR upholds everyone's 'freedom to have or to adopt a religion or belief of his choice', and to publicly or privately manifest a religion or belief 'either individually or in community with others'. This right is bound by the right to freedom from discrimination set out in ICCPR Article 2, which reiterates that all rights must be recognised 'without distinction of any kind', including religion.

The 'Ahmadi question' deepened debates about the nature of Pakistani citizenship, and religious difference became politicised. The idea that Ahmadis were somehow not Muslims was set against the concept of the ideal Pakistan citizen, who was Muslim. The legislation imposed segregation, in what Ahmadis themselves and research by the International Human Rights Committee describes as a 'social boycott' by other Muslim groups.¹¹⁶ An Ahmadi found to be 'behaving as a Muslim' is liable to arrest, three years' imprisonment and an unlimited fine.¹¹⁷ A senior Ahmadi community leader described how the ordinance supported the most extreme anti-Ahmadi demands and transformed much of the daily life of the community into a criminal offence. 'The state of course facilitated it, the mullahs planned it thoroughly, and they have tried to harm the community in almost every way that they could think of. The most serious is killing people – murdering them for their faith.'¹¹⁸

The exclusionary politics of othering the Ahmadiyya, which has steadily grown since the creation of Pakistan, has played an important role in delineating Pakistani Muslim identities over time. The politicisation of religion and the construction of Ahmadis as 'non-Muslims' was influenced and enabled by the development of democratic instruments, and these exclusions have led to new expressions of political power such as those demonstrated by the fundamentalist lobby. Discussions of issues like the anti-Ahmadi and blasphemy legislation are currently inconceivable; nevertheless, measures such as reforming the biased education system and curricula, as well as moderating and banning media outlets that use hate speech to spread intolerance, could be steps towards generating debate, changing society's hostile mindset, and ultimately repealing the anti-Ahmadi legislation.

¹¹⁵ Saeed, Sadia (2007), 'Pakistani nationalism and the state marginalisation of the Ahmadiyya community in Pakistan', *Studies in Ethnicity and Nationalism*, Volume 7, Issue 3: 132-152

¹¹⁶ International Human Rights Committee (2018), Ahmadis in Pakistan face an existential threat: The growing violence, legal discrimination and social exclusion since 2015 www.hrc committee.org/wp-content/uploads/2017/06/Persecution-2017-Final-PRINT-COPYV2-.pdf

¹¹⁷ Pakistani.org, Pakistan Penal Code (Act XLV of 1860) www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html

¹¹⁸ Interview with Ahmadi community leader from Rabwah.

Blasphemy and hate speech accusations

Ahmadis are the frequent victims of blasphemy accusations, attacks and widespread hate speech by mullahs, extreme clerics and radical groups, who instigate discrimination and incite violence against them. Instead of putting a halt to this discrimination and intimidation, the law legitimises the individual and organised actions of religious extremists.

A disproportionate number of blasphemy cases are filed against Ahmadis. On 11 October 2017 three Ahmadi men, Mubasher Ahmad, Ghulam Ahmed and Ehsan Ahmed, were sentenced to death for blasphemy. Khalil Ahmed, a fourth accused, was shot and killed in police custody just days after the incident.¹¹⁹ The three men were arrested in May 2014 after they tore down religious posters calling for a boycott of the Ahmadi community in Bhoiwal, a village about 22km south-west of Lahore.

In 2016 CSW met victims of the Jhelum factory attack which occurred in November 2015 after the factory's head of security, Qamar Ahmed Tahir, was accused of desecrating pages of the Qur'an.¹²⁰ After local mosques announced that some Ahmadis had committed blasphemy, thousands of protestors assembled near the factory. The rioters, including people from the neighbourhood and from the factory, seized three Ahmadi men, threatening them, 'You people have blasphemed the Qur'an, you burned the Qur'an and you will be burned along with it now.' As tension escalated the crowd broke down the gate, and looted and burned the factory and several homes belonging to Ahmadis. The factory and several homes were burned down. A number of families who lost their homes and livelihoods were displaced and have not returned. Victims told CSW that they still receive threatening calls; many have been forced to remain in Rabwah as they received no relief or compensation from the government. The situation in Jhelum continues to be unsafe and the factory remains closed.

On 5 December 2016, in an unprecedented move by the government, the Punjab Counter Terrorism Department (CTD) raided the Ahmadiyya headquarters in Rabwah near Lahore without a warrant. Four Ahmadis were arrested on charges of hate speech related to the publication of their community magazine, with a further five charged under anti-Ahmadi laws and anti-terrorism laws.¹²¹

Ahmadis suffer relentless pressure from Islamist groups, some of who claim a mandate to eradicate them and their places of worship. On 12 December 2016 the Baitul Zikr mosque in Dulmial village, Chakwal district was attacked by a mob of over 1,000 people after the community refused to hand over control of the mosque to local clerics.¹²² Local Sunni Muslims had filed a case against the Ahmadis in 1996, claiming that since the law declares them as non-Muslim they had no right to worship in the mosque and it should be handed over to the Sunnis. The case was dismissed. Towards the end of 2016 a group of Sunni Muslims wrote to the police stating that the mosque should be handed to them otherwise they would take it by any means. The Ahmadiyya community informed the police in writing that an attack was imminent, but the police took no action.

During the December 2016 incident two people died: Khalid Javed Malik, an Ahmadi, and one of the attackers. Over 80 assailants spent several months in police custody; one of the alleged perpetrators, Rasheed Ahmed, originally from Dulmial, escaped from Pakistan to Toronto. Canadian intelligence authorities are investigating his involvement in organising and funding the attack. The 150-year-old mosque remains sealed off and guarded by armed police; many Ahmadi families have fled the area in fear of their lives, abandoning their homes and businesses.

Another mob attack took place on 23 May 2018 in Sialkot, Punjab Province, when the Baitul Mubarak mosque and nearby historic building where the founder of the Ahmadiyya Muslim community, Hazrat Mirza Ghulam, resided, were destroyed by a mob of between 600 and 700 people.¹²³ At around 11pm on 23 May a group of officials from the Municipal Committee of Sialkot City reportedly started to demolish the historic building. Neither the municipal representatives nor local police who were present had legal orders authorising the demolition of the property; however, the police said they would permit the demolition as law and order was threatened. Both buildings were over 100 years old and considered to be of historical significance to the Ahmadiyya community.

119 Rabwah Times, 'Pakistani court sentences three Ahmadis to death for blasphemy', 12 October 2017 www.rabwah.net/pakistani-court-sentences-three-ahmadis-death/

120 Dawn, 'Ahmadi place of worship set ablaze in Jhelum, riots erupt after blasphemy allegations', 21 November 2015 www.dawn.com/news/1221273

121 CSW, 'Nine Ahmadis charged after raid', 9 December 2016 www.csw.org.uk/2016/12/09/news/3378/article.htm

122 CSW, 'Ahmadi mosque attacked in Pakistan', 13 December 2016 www.csw.org.uk/2016/12/13/press/3385/article.htm

123 CSW, 'Pakistan Ahmadi mosque and building destroyed', 29 May 2018 www.csw.org.uk/2018/05/29/press/3999/article.htm

Killings

During 2016 there were five reported killings of Ahmadi:¹²⁴

- 1 March: Qamar ul Zia
- 25 May: Dawood Ahmad
- 4 June: Dr Hameed Ahmed
- 20 June: Dr Chaudhry Abdul Khaliq
- 27 November: Sheikh Sajid Mahmud.

CSW met the family of Qamar ul Zia, who was killed outside his home while on the way to collect his children from school on 1 March 2016. His brother, Mazhar ul Zia, told CSW that Qamar and his family had suffered a long campaign of intimidation and abuse. It started when members of the Almi Majlis-e-Tahaffuz-e-Khatme-Nabuwat¹²⁵ gathered outside their house abusing the family. Their father's name 'Muhammad Ali' was inscribed on an iron gate in front of their home, and the mob asked the police to remove the name because 'Muhammad' and 'Ali' are Islamic names which, according to Section 298(B) of the PPC, Ahmadi are not entitled to use. They filed an FIR against Mr Zia to charge him under Section 298(C) of the PPC; Mr Zia responded that the law should decide on any action to be taken.

After the incident, various people tried to persuade Mr Zia and his brother to change their faith. When they refused, the same people started to abuse Mr Zia and his brother on their way to work. On 1 March 2016 Mr Zia was brutally stabbed outside his home. One assailant was caught and the second escaped. The family continues to receive threats and endure intense psychological pressure.

During 2017 there was a spate of attacks against the Ahmadiyya community, with four killings taking place by May:

- 30 March: Advocate Malik Saleem Latif, cousin of Nobel laureate Dr Abdus Salam, is murdered.¹²⁶
- 7 April: Veterinarian Dr Ashfaq Ahmad is murdered on his way to an Ahmadi mosque in Lahore.¹²⁷
- 18 April: Retired professor Tahira Malik is stabbed to death by unknown assailants at her home in the Punjab University Housing Colony.¹²⁸
- 3 May: Basharat Ahmad is shot on his way to mosque.¹²⁹

On 25 June 2018 Qazi Muhammed Shoban, an Ahmadi, was shot dead in his home in the Nishtar Colony area of Lahore. Mr Shoban, who had become an Ahmadi 15 years before, had according to his wife been receiving death threats from local people in the previous few days.

The mood of aggression by certain Islamist groups towards the Ahmadiyya community shows no sign of improvement, while the government's lack of political will to offer any concession to the community is perceived as supporting their ongoing persecution and marginalisation.

In a rare acknowledgement of the contribution of the Ahmadiyya community, Prime Minister Nawaz Sharif announced at the end of 2016 that the National Centre for Physics at the Quaid-i-Azam University in Islamabad would be renamed after Professor Abdus Salam, an Ahmadi who won the Nobel Prize for Physics in 1979.¹³⁰ The announcement was met with protests by Muslim clerics and Islamist groups. A few months later Professor Salam's cousin, advocate Malik Saleem Latif, a prominent Ahmadi leader, was killed by a gunman on a motorbike while travelling to his office at Nankana Sahib Courts with his son, Malik Farhan.¹³¹

¹²⁴ The Persecution of Ahmadi, List of Ahmadi Murders for their faith www.persecutionofahmadis.org/list-of-ahmadis-murdered-for-their-faith/

¹²⁵ South Asia Terrorism Portal, Majlis Tahaffuz Khatme Nabuwat (The League to Protect the End of Prophethood)

www.satp.org/satporgtp/countries/pakistan/document/papers/Majlis_Tahaffuz_Khatme_Nabuwat_MTKN.pdf

¹²⁶ Dawn, 'Cousin of Nobel laureate Abdus Salam gunned down in Nankana Sahib', 30 March 2017 www.dawn.com/news/1323766

¹²⁷ Dawn, 'Ahmadi veterinary doctor shot dead in Lahore', 7 April 2017 www.dawn.com/news/1325500

¹²⁸ Dawn, 'Retired female professor from Ahmadi community found dead in Lahore', 18 April 2017 www.dawn.com/news/1327762

¹²⁹ Express Tribune, '62-year-old Ahmadi man shot dead in Rahim Yar Khan', 4 May 2017

www.tribune.com.pk/story/1400883/62-year-old-ahmadi-man-shot-dead-rahim-yar-khan/

¹³⁰ CSW, 'Nine Ahmadi charged after raid', 9 December 2016 www.csw.org.uk/2016/12/09/news/3378/article.htm

¹³¹ Express Tribune, 'Ahmadiyya community leader killed in gun attack', 30 March 2017 <https://tribune.com.pk/story/1369395/ahmadi-leader-gunned-near-lahore/>

Education and elections

In 1972 educational institutions in Pakistan were nationalised by then prime minister Zulfikar Ali Bhutto, including 10 institutions in Punjab belonging to the Sadar Anjuman Ahmadiyya. After the government concluded that the nationalisation policy had damaged education, it proceeded to denationalise institutions in 1996 and offered to transfer schools and colleges to private management.¹³² The Ahmadiyya community complied with all the terms and conditions prescribed by the Punjab Education Department, including depositing approximately 11 million Pakistani rupees into the state treasury for acquisition of eight schools.

In July 2002 a revised notification was given for denationalisation of institutions, yet authorities have failed to respond to or acknowledge the requests of the Sadar Anjuman Ahmadiyya over the past 18 years. Nationalised educational institutions such as Forman College, Lahore were returned to their owners under the scheme, but no action was taken by the Punjab government to return schools and colleges to the Ahmadiyya community. CSW is aware that the Lahore authorities have not officially responded. CSW met with university students to understand the discrimination and segregation that they experience, which includes being separated during prayer times.

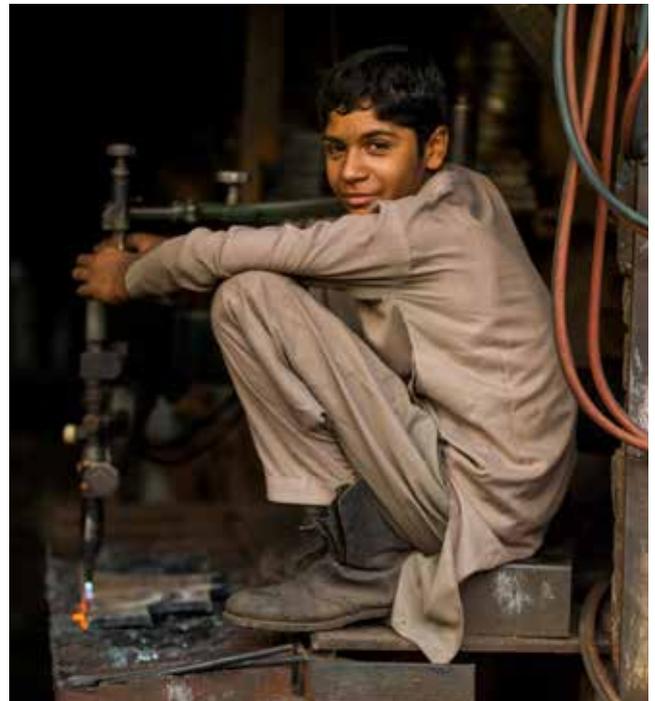
Within the education system Ahmadi students are often segregated from other Muslims and made to pray separately. Students report suffering a range of physical and psychological abuse from teachers and students, including exclusion from activities, and insults and beatings.

Students shared how they were physically abused by both teachers and classmates because of their religious beliefs. A 10-year-old boy and his sister were beaten across their hands until their hands became swollen. Another interviewee said that when her brother was 13, he was forced to leave his school because his classmates and teachers would mentally and physically abuse him by hitting him with sticks and pieces of board. His parents eventually sent him to live with his uncle in another town to complete his studies.

Fifteen-year-old Feroza Ahmad¹³³ attends government school and is in class 8. Children from a different class told her classmates that she is Ahmadi and warned them not to play or eat with her, and to stop treating her normally. Feroza's teachers, who know that she is Ahmadi, hit her hands with sticks and do not allow her to sit with other children.

In another case a teacher made an Ahmadi girl in first grade tread on her hands, which fractured her right little finger. The teacher said she made her do that because her mother dresses like a *qadiyani*.

Ahmadi students described how they were called derogatory terms such as *kafir* and *qadiyani* and that some teachers used abusive language and negative comments to refer to the founder of the Ahmadiyya movement. They reported that classmates and teachers repeatedly bullied them to convert, and some teachers deliberately segregated and humiliated Ahmadi students by instructing them to eat, drink and sit separately from the rest of the class. Some teachers also incited students to harass Ahmadi. One mother shared how her 12-year-old son (in class 8) was teased and even threatened with a gun. The teacher made other students boycott and incite hatred against him, and he was given stickers with hate material.



¹³² The Persecution of Ahmadi, Nationalisation of Ahmadiyya educational institutions www.persecutionofahmadis.org/nationalisation-of-ahmadiyya-educational-institutions

¹³³ Name changed for security reasons.

Pakistan's constitution and penal code prevent Ahmadis from exercising basic citizenship rights including the right to vote. All voters are placed into the General List irrespective of religion, but in order to vote Ahmadis would have to sign a certificate which denounces their faith and the founder of their community. They would be registered on a separate electoral list and categorised as non-Muslim. In Rabwah, where the majority of Ahmadis reside, around 90% of its residents did not vote in the elections on 25 July 2018.¹³⁴ These discriminatory provisions in the electoral law deny Ahmadis the right to vote due to their religious beliefs and are in breach of Article 25 of the ICCPR. Although the new Elections Act initially included Ahmadis in the electoral roll, on 23 November 2017, following protests, they were inserted in a separate electoral roll by an amendment to the Elections Act.¹³⁵

Women

CSW conducted interviews with a number of women who described how they experience a 'continuous campaign of hate' once people learn that they are Ahmadi. They described the social marginalisation, violent threats and isolation they encounter which hinders their movements within society, at work and during routine activities such as shopping. Some shops even have banners stating that they do not serve *qadianis*. One woman said that after one shopkeeper refused to serve her, three men on a motorbike accosted her, stole her jewellery and told her, 'Because you're Ahmadi we are allowed to shoot you.' One respondent, the daughter of a well-known Ahmadi lawyer, said that when she was younger the family suffered abuse because of their religion. On one occasion their house was attacked. 'People came with sticks and bricks. They were abusive about our religion and they destroyed all our files, pictures, property, all my father's professional documents.'

CSW interviewed Ahmadi women in 2017 who described the 'mental and physical torture' that they and their families endure from non-Ahmadi community members in schools, jobs and daily life. They were fearful for their own and their family's safety. They said the segregation they encounter is form of 'religious apartheid' which impedes their ability to move independently in society, at work and during routine activities such as shopping or going to the market, once people know they are Ahmadi. Ahmadi women face overt discrimination when shopping. Some shops display signs and banners stating that they will not serve *qadianis*. According to Hafsa,¹³⁶ a shopkeeper told her, 'You are Ahmadi, we will not give you anything, don't come in my shop, get out of my shop.'

Many women said local shopkeepers refuse to serve them, forcing them to travel between 20 minutes to two hours away from where they lived to acquire basic groceries and household items.

The social alienation which women experienced forced them to stay at home to avoid ridicule and abuse from the community.¹³⁷ One woman recalled that she was taught in school that 'Non-Muslims don't have the right to live – you should be killed.' Some women said they choose not to reveal their religion to colleagues for fear of reprisals including losing their jobs. Zainab¹³⁸ said she had lost her three previous jobs and was fearful that her current role would be terminated. The anti-Ahmadi legislation was blamed for creating an environment of hatred which incites the killing of Ahmadis. 'People feel Ahmadis do not have the right to live, should not be allowed to live, and that we should be killed.' One woman was told by her colleague, 'If I knew you were Ahmadi when you were hired I would definitely kill you.' He advised their boss to terminate her employment.

Discussions of issues like the anti-Ahmadi and blasphemy legislation are currently inconceivable; nevertheless, measures such as reforming the biased education system and curricula, as well as moderating and banning media outlets that use hate speech to spread intolerance, could be steps towards generating debate, changing society's hostile mindset, and ultimately repealing the anti-Ahmadi legislation.

¹³⁴ Reuters, 'The town that doesn't vote: Pakistan's Ahmadis say forced to abstain', 21 July 2018

<https://uk.reuters.com/article/uk-pakistan-election-ahmadis/the-town-that-doesnt-vote-pakistan-ahmadis-say-forced-to-abstain-idUKKBN1KB07L>

¹³⁵ European Union Election Observation Mission Islamic Republic of Pakistan. 'Preliminary Statement', 27 July 2018

https://eeas.europa.eu/sites/eeas/files/eu_eom_pakistan_2018_-_preliminary_statement_on_25_july_elections.pdf

¹³⁶ Name changed for security reasons.

¹³⁷ International Human Rights Committee (2018), Ahmadis in Pakistan face an existential threat

www.hrc committee.org/wp-content/uploads/2017/06/Persecution-2017-Final-PRINT-COPYV2-.pdf

¹³⁸ Name changed for security reasons.

Forced conversion and marriage

I'm unhappy here, they are treating me very badly – please collect some money and come here and release me from this hell.

Kiran Menghwar, Hindu victim of forced marriage and conversion (aged 13 at time of abduction)

Cases of forced marriages and forced conversions are prevalent among Christian and Hindu girls and women, particularly in Punjab and Sindh Provinces. Many victims are girls under the age of 18 years. Studies by the Aurat Foundation,¹³⁹ the Movement for Solidarity and Peace¹⁴⁰ and the World Sindhi Council document a number of individual cases of forced marriage and conversion. The Aurat Foundation estimates that 1,000 Christian and Hindu girls each year are abducted and forced to marry and convert; although due to under-reporting and the complex nature of the crimes, the true figure is likely to be much higher. Lawyers, activists and community leaders from Sindh who are involved in such cases told CSW that girls are mistreated, threatened and abused, and have no hope of returning to their families. They explained that many of the families affected are unable to afford a lawyer, and even when they can, the families face endemic bias and discrimination from police and the judiciary, as well as serious threats from the abductor and his supporters.

139 Aurat Publication and Information Service Foundation (2014), Forced Marriages and Inheritance Deprivation in Pakistan www.af.org.pk/pub_files/1416847483.pdf

140 Movement for Solidarity & Peace (2014), Forced Marriages & Forced Conversions in the Christian Community of Pakistan http://d3n8a8pro7vhmx.cloudfront.net/msp/pages/162/attachments/original/1396724215/MSP_Report_-_Forced_Marriages_and_Conversions_of_Christian_Women_in_Pakistan.pdf?1396724215



Domestic legal framework

The state, in Article 35 of the constitution, assumes responsibility to protect the marriage, the family, the mother and the child.¹⁴¹ Article 25 guarantees equality for all citizens before the law, and ensures no discrimination on the basis of sex and that nothing shall prevent the state from making special provisions for the protection of women and children.¹⁴² The PPC also legislates against the kidnapping and abduction of girls and women – Section 364(A) states that anyone who abducts a girl under the age of 14 commits a criminal offence.¹⁴³ Section 365(B) states that anyone who kidnaps a woman with the intent that she is likely to be married against her will may be punished with life imprisonment or a fine.¹⁴⁴ Section 375 relates to rape.¹⁴⁵

However, poor implementation of these laws, and discrimination by the police authorities and judiciary, mean that abductions of Christian and Hindu women and girls persist and the perpetrators go unpunished.

The Child Marriage Restraint Act 1929 (CMRA) sets the legal age for marriage at 16 for women and 18 for men.¹⁴⁶ In February 2017, parliament adopted an amendment to the penal code that toughened punishment against child marriage: offenders now face a minimum of five years in prison and may serve up to ten years, as well as a fine of up to 1 million rupees (approximately GBP 6,200). Later in October 2017, the Senate Standing Committee rejected for the second time the draft Child Marriage Restraint Amendment Bill, 2017, which would increase the legal age of marriage for girls from 16 to 18 nationwide; the Council of Islamic Ideology called the bill un-Islamic.¹⁴⁷ The bill was eventually passed by the Senate on 29 April 2019 despite protests from some senators who declared that the bill is against shari'a.¹⁴⁸

International legal framework

Pakistan ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) on 12 April 1996, which details a charter of women's rights in terms of describing discrimination and stereotyping against women. In General Recommendation No. 19 the CEDAW Committee notes that practices such as forced marriage are perpetuated where women are traditionally viewed as subordinate to men or as having stereotyped roles. General Recommendation No. 24 requires states party to enact and effectively enforce laws that prohibit marriage of girl children.

Article 19 of the UN Convention on the Rights of the Child (CRC) maintains that states must take appropriate legislative, administrative, social and educational measures to ensure the child's protection from physical or mental violence, injury, abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.¹⁴⁹ Other related provisions state that the best interests of the child must be a primary consideration for public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies (Article 3).¹⁵⁰ Article 34 states that children should be protected from all forms of sexual exploitation, including unlawful sexual activity, and Article 35 requires states parties to take all appropriate measures to prevent the abduction of, sale of or traffic in children, for any purpose or in any form.¹⁵¹ In reality, there is little adherence to international conventions and provincial legislation is poorly implemented, and violations continue against Hindu and Christian girls and women.

141 National Assembly of Pakistan, The Constitution of the Islamic Republic of Pakistan http://na.gov.pk/uploads/documents/1333523681_951.pdf

142 *ibid.*

143 Pakistani.org, Pakistan Penal Code www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html

144 *ibid.*

145 *ibid.*

146 Punjab Laws Online, The Child Marriage Restraint Act 1929 <http://punjablaws.gov.pk/laws/147a.html>

147 Dawn, 'Senate body rejects amendment to child marriage act as "un-Islamic"', 12 October 2017 www.dawn.com/news/1363275

148 Dawn, 'Child marriage restraint bill sails through Senate', 30 April 2019 www.dawn.com/news/1479317

149 United Nations Office of the High Commissioner for Human Rights, Convention on the Rights of the Child www.ohchr.org/en/professionalinterest/pages/crc.aspx

150 *ibid.*

151 *ibid.*

Case studies

CSW interviewed two Christian sisters from Lahore who in 2015 were abducted from their college by their father – a recent convert to Islam – and a local mullah, and forced to marry men they had never met. The sisters were studying for their ACCA accounting qualifications when they were kidnapped from college and taken to the mosque to sign the *nikahnama* (Islamic marriage contract). They told CSW, ‘We signed the documents without our consent and had to do it out of fear. Our father forced us to sign.’ The sisters managed to escape before being sent to live with their husbands, but are being pursued by their father. They remain in hiding with no hope of resuming their studies, and live in constant fear of being found.

Forced marriage and conversion particularly affects Hindu girls and women who are systematically targeted because they come from lower economic backgrounds in rural areas, and are generally under-educated.

When abductions take place their families are disadvantaged by the religious discrimination they face from the judiciary as well as from the police authorities. Lack of financial resources, education and support means daughters may never return to their families.

On 6 June 2017 Ravita Meghwar,¹⁵² a 16-year-old Hindu girl from a village in Thar, Sindh Province, was abducted by men from the Syed community of Wanharo village. Two days later Ravita, accompanied by her husband Syed Nawaz Ali Shah, said she had converted to Islam and requested the court’s protection for her and her husband. Ravita’s primary school certificate states she is 16 years old, but her marriage certificate puts her age at 18. Her father, Satram Das Meghwar, said that his daughter is too young to make this decision by herself and that the police offered no help.



Kiran Meghwar, 13 year old victim of forced conversion and marriage

The case of Kiran Meghwar, a young Hindu girl from Kali Mata Mandir, Hyderabad, is fairly typical. At the time of her abduction in March 2016 she was 13 years of age. Her parents told CSW that she had gone to buy some vegetables near her home when some men pulled her into a car and took her to the nearby town of Kotri, Secunderabad district. Locals who saw her being taken informed the family, who followed the kidnappers. When the family reached the house Kiran had been taken to, elders who were sitting around the house promised that she would be returned within five days.

The High Court judge ordered that her age be verified, even though Kiran’s family have a copy of her birth certificate which states her date of birth as 4 February 2003. Despite efforts by her family to get her back through the courts, Kiran was married to one of her Muslim abductors and forced to convert to Islam. In a phone call to her father days before the family was interviewed by CSW, she said, ‘I’m unhappy here – they are treating me very badly. Please collect some money and come here and release me from this hell.’¹⁵³

¹⁵² Dawn, “Forced conversion”: Police told to produce Ravita in Sindh High Court on June 22; 21 June 2017 www.dawn.com/news/1340717

¹⁵³ CSW interview with parents of Kiran Meghwar, March 2016.

In September 2017 CSW interviewed the parents of Meena,¹⁵⁴ a 17-year-old Hindu girl who was kidnapped by three local men who are known to the family, while she was cutting grass in a field. The family tried to lodge an FIR at the police station, but the police were unwilling to accept it and pressured them to withdraw the case. The local landlord assured the parents that he would take action to ensure the safe return of their daughter. The FIR was eventually filed 15 days later, once a senator and his lawyer intervened, at which time the family was informed that Meena had converted to Islam and was married. Meena's father said he was heavily pressured by the police 'to withdraw the case, to finish it and to confirm in writing to drop the case', and had to leave their village. The abductor's family, who used to live in the same village, has also left. The Muslim man to whom Meena was married is already married with two children (Islam allows four marriages). The family have no information about Meena's whereabouts.

In December 2017 a Hindu woman, Kasturi Kohli, newly married to Rojee Kohli from Nagarparkar, Tharparkar district, was abducted and married to a Muslim man. The couple were asleep in Kothara when armed men from the Khoso clan abducted the bride at gunpoint. A Muslim cleric, Pir Ayub Jan Farooqi, who presided over the forced conversion and marriage, boasted that he has converted thousands of Hindus, mostly girls but some boys too, to Islam. Following pressure from the police the family was forced to move to another village.

On 3 September 2018 Benish Paul,¹⁵⁵ a Christian girl from Karachi, was thrown off a second floor building after she refused to convert to Islam and marry a Muslim boy, Tahir Abbas. Mr Abbas became angry after her family rejected his marriage proposal, and continued attempting to force her to marry him until he eventually pushed her from the second floor, injuring her spine. The family complained to police who blamed them rather than arresting Mr Abbas.

During 2019 there has been a worrying upsurge in forced conversion cases. On 17 March, 14-year-old Mala Kumari Meghwar was abducted by four men at gunpoint from a village in Badin district in Sindh province.¹⁵⁶ A few days later on 20 March, during the Hindu festival of Holi, two minor Hindu sisters Reena and Raveena were allegedly abducted from Ghotki district in Sindh and forced to convert to Islam. Following the incident, videos appeared on social media in which the girls said they had accepted Islam of their own free will. After

converting they were wed to two men who are already married with children.

A committee established to investigate the matter, including Human Rights Minister Dr Shireen Mazari and I.A. Rehman, concluded that the girls were not forced to convert.¹⁵⁷ Another case involves 16-year-old Suneeta and her 12-year-old sister, who were kidnapped by some men while they were walking home in March. They took the girls to a shrine and forced them to say the *kalma* (acceptance of Islam), then demanded a ransom of \$365 from their mother otherwise the girls would be married off. They were returned to the mother after she managed to collect the money.¹⁵⁸

Ramesh Kumar Vankwani is a member of the National Assembly and Pakistan Hindu Council, and has long advocated for change on child marriage. He notes the role of *madrasas* and Islamic clerics in cases where girls are taken directly to the mosque, forced to embrace Islam and then immediately married off to men. When he presented the amendment to the Child Marriage Restraint Act, PTI minister Ali Muhammad Khan opposed the bill, saying that he [Vankwani] should not have presented the bill without permission from Muslim MPs and party members. High Court lawyer Asad Jamal observed, 'There is opposition to any legal initiative which is aimed at discouraging forced conversions.'

CSW interviewed several Hindu families whose daughters had been abducted. They said they were reluctant to file a complaint or a First Information Report (FIR) due to the poor response and weak investigative procedures carried out by the police, who actively discourage them from filing the FIR. The families reported that if they did file an FIR they were harassed, threatened and intimidated by the abductor and his family before and after the FIR was filed, and during court proceedings.

In CSW's discussions with Justice (retired) Majida Rizvi, director of the Sindh Human Rights Commission, she observed that one challenge is that data collection of reported cases of forced conversion and marriage is inconsistent, making it difficult to record the exact number of cases. She suggested that local NGOs working on the issue should collaborate to aggregate data, and commented that since there is an age limit for marriage and voting, there should also be an age limit to convert.

¹⁵⁴ Name changed for security reasons.

¹⁵⁵ Claas, Pakistani Christian girl thrown from second floor for refusing to marry a Muslim man, 3 September 2018.

www.claas.org.uk/news/pakistani-christian-girl-thrown-from-second-floor-for-refusing-to-marry-a-muslim-man/

¹⁵⁶ International Christian Concern, 'Pakistan's Major Problem with Kidnappings and Forced Conversions to Islam', 28 March 2019 www.persecution.org/2019/03/28/pakistans-major-problem-kidnappings-forced-conversions-islam

¹⁵⁷ NewsBytes, 'Islamabad-Court returns Hindu-girls to husbands saying they weren't converted forcibly', 12 April 2019 www.newsbytesapp.com/timeline/World/44590/200567/islamabad-high-court-returns-hindu-sisters-to-husbands

¹⁵⁸ Religion News Service, 'Forced conversions, marriages spike in Pakistan', 6 June 2019 <https://religionnews.com/2019/06/06/forced-conversions-marriages-spike-in-pakistan>



The Hindu community has raised concerns that police are reluctant to register allegations of forced conversion, and that investigations are poorly conducted due to institutionalised bias against Hindus and Christians. Reports from the Hindu community and activists allege that police authorities also lack gender-based training, knowledge of national legislation and the sensitivities to deal with forced conversion cases. These factors, combined with intimidation by abductors, mullahs and their associates, in addition to the deprived social and economic status of the Hindu community, contribute to girls and women frequently never being recovered by their families.

CSW interviewed several Hindu lawyers who take on cases of forced marriage. The lawyers told us that the threats and intimidation experienced by the girl and her family are so severe that the girl is 'brainwashed', and by the time she appears in court she declares she has converted to Islam and is ready to marry. She is threatened that if she says in court that she was forcibly converted, she and her family will be killed. One lawyer cited a case she took on behalf of the parents of a 19-year-old Hindu girl from Balochistan. In court the girl told her father, 'Please leave this place because you will be killed.' The lawyer was sitting beside the girl's father as she repeatedly said this to him.

When the girl appeared before the court, she declared she was now married. The lawyer explained, 'First they take the girl to the court with a certificate from the *madrassa*. She says, "I have converted to Islam. My name is Mariam, I am a Muslim girl. Before, I was Hindu. Now I want to marry this man." The judge agrees, they go to NADRA [National Database and Registration Authority] and say, "This is my age – I am of age to get married." Then they are married – it is so simple.'¹⁵⁹

Hindu women and girls have historically been particularly targeted due to the absence of a mechanism for registering their marriages, leaving couples without an official marriage certificate.

This has been cited as a contributing factor in the abduction of Hindu girls, their subsequent forced conversions to Islam and forced marriages to Muslim men.

159 CSW interview with lawyers in Karachi, March 2016.

There have been several positive steps to address forced conversions and forced marriage, including the introduction of the Sindh Hindu Marriage Bill, approved on 15 February 2016.¹⁶⁰ After several months' delay it was eventually passed by the National Assembly in September 2016 and by the Senate in February 2017, and signed into law in March 2017. Sindh thus became the first province to allow Hindus, Buddhists, Jains and Sikhs to register their marriages, open bank accounts, and apply for visas and national identity cards. The law stipulates that the bride and groom must be at least 18 years of age and will be given a marriage registration certificate. Married couples can apply retroactively, but could be liable for a fine if they do not register. Hindus now have a mechanism to register marriages, including terms on which the marriage may be contracted or dissolved, and which provides for divorce.

On 24 November 2016 the Sindh Assembly unanimously passed the Sindh Criminal Law (Protection of Minorities) Bill, making forced conversions punishable and forbidding minors from changing their religion,¹⁶¹ in an attempt to protect religious minorities, particularly underage Hindu and Christian girls. The Bill recommended that a person not be permitted to change their religion until they are 18 years old, and that any person who changes their religion should have 21 days 'to ensure they are converting for religious purposes, not out of fashion or under force.'¹⁶²

Local religious parties vehemently opposed the bill saying certain clauses were against the spirit of Islam, and launched a campaign to pressurise the Sindh government to repeal the bill.¹⁶³ Following heavy pressure from key religious leaders, on 6 January 2017 the then governor of Sindh, Justice Saeed-uz-Zaman Siddiqui, refused to ratify the bill and called for it to be reconsidered by the Sindh Assembly secretariat.¹⁶⁴ In addition, civil society in cooperation with a number of Christian churches including the Church of Pakistan, the Roman Catholic Church, the Presbyterian Church of Pakistan, the Salvation Army Church Pakistan, the Associate Reformed Presbyterian Church (ARP), the Baptist Church of Pakistan and Christian Evangelical Churches, have proposed changes to the Christian Marriage Law 1872 (Appendix X) to consolidate and amend the law relating to the marriage of Christians and the Divorce Act 1869 (Appendix XX).

The government must take further steps to fully investigate and prosecute all those involved in abductions, forced marriages and forced conversions of girls from minority communities, in order to uphold its constitutional guarantees. In addition, it must address the vulnerabilities of Hindu and Christian communities, including their poor economic status and lack of access to education and employment, otherwise women and girls will continue to be easy targets. Steps must be taken to enact new or review existing family and personal laws for Christian, Hindu, Sikh, Kalash and other minority communities to provide marriage registration and additional safeguards. Furthermore, police and judges in Sindh and Punjab Provinces must receive specific training to deal with the sensitivities and concerns surrounding forced conversions, including an analysis of the legal and practical issues.¹⁶⁵

¹⁶⁰ Dawn, 'Sindh Assembly approves Hindu Marriage Bill', 15 February 2016 www.dawn.com/news/1239719

¹⁶¹ Dawn, 'Sindh Assembly adopts bill against forced religious conversions', 24 November 2016 www.dawn.com/news/1298369

¹⁶² *ibid.*

¹⁶³ Express Tribune, 'Sindh governor refuses to ratify forced conversion bill', 7 January 2017 <https://tribune.com.pk/story/1287146/sindh-governor-refuses-ratify-forced-conversion-bill/>

¹⁶⁴ *ibid.*

¹⁶⁵ Bar Human Rights Committee of England and Wales (2013), *Forced Conversions and Forced Marriages in Pakistan* www.barhumanrights.org.uk/wp-content/uploads/2013/03/forced_conversions_and_forced_marriages_in_pakistan-1.pdf

Biased education and discrimination

Pakistan's education system is facing multiple challenges, with approximately two thirds of the total population below the age of 29.¹⁶⁶ Multiple factors such as the growing youth population, high levels of poverty, severe gender inequality, geographical access, ethnicity, disability and a biased education system which promotes intolerance mean that many children do not receive a quality education. A report by Pakistani NGO Alif Ailaan¹⁶⁷ reveals that 25.02 million children between the ages of 5 and 16 are deprived of their right to an education; among primary-school children almost one in every five is not in school, and this proportion increases at higher levels of education.

166 Summary Pakistan National Human Development Report Unleashing the Potential of a Young Pakistan
<http://www.pk.undp.org/content/pakistan/en/home/library/human-development-reports/PKNHDR.html>

167 Alif Ailaan (2014), 25 Million Broken Promises: The crisis of Pakistan's out-of-school children https://d3n8a8pro7vhmx.cloudfront.net/alifailaan/pages/1161/attachments/original/1451653945/Alif_Ailaan_report_25_million_broken_promises_English.pdf?1451653945



Pakistan is a top development priority for the United Kingdom: the Department for International Development (DfID) spent over £175 million on education for 2017/2018, focused on improving basic education at primary level in Khyber Pakhtunkhwa and Punjab provinces. Despite educational reforms by the government as well as national and international investments in education, schools still follow a biased education system – the current curricula and official textbooks are insensitive to the country’s religious diversity and promote intolerance between the majority and minority faiths. The impact of the discriminatory content within the biased education system has been widely researched in reports by Abdul Nayyar,¹⁶⁸ Institute for Corresponding Capabilities,¹⁶⁹ Marie Lall,¹⁷⁰ Catholic Commission for Justice and Peace,¹⁷¹ USCIRF,¹⁷² the United States Institute of Peace (USIP)¹⁷³ and CSW,¹⁷⁴ among others.

Domestic legal framework

The right to education is protected by Pakistan’s 1973 constitution. In April 2010, under the 18th Amendment, a new article was introduced which reinforces the government’s responsibility to ensure the provision of education as a basic right.

Article 25A—Right to education: The State shall provide free and compulsory education to all children of the age of five to 16 years in such manner as may be determined by law.

This right is reinforced by laws, policies and programmes at the federal and provincial levels. However, enrolment in primary school is low with over 6.5 million children currently not in primary school, and another 2.7 million not in lower secondary school. Pakistan has failed

to meet both its 2015 targets on education for the Millennium Development Goals (MDGs), and its goal of universal primary education as stated in the Dakar Declaration 2000, to which Pakistan is a signatory. Article 37 of the constitution details the promotion of free secondary education for all, and of more accessible higher education. In Article 37(A) the state is obliged to ‘promote, with special care, the educational and economic interests of backwards classes or areas’ and in Article 37(B) to ‘remove illiteracy and provide free and compulsory secondary education within minimum possible period.’ FoRB is also protected by the constitution: while Article 2 asserts that Islam is the state religion, Article 20(A) guarantees every citizen the right to profess, practise and propagate his religion and Article 20(B) guarantees every religious denomination and sect the right to establish, maintain and manage its religious institutions. Articles 26 and 27 ensure the right to non-discrimination against religious minorities in access to public spaces and services.

Article 22 specifically addresses FoRB in an educational setting. Article 22(1) states that, ‘No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.’ Article 22(3)(A) guarantees the rights of religious communities to provide religious education for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination, and Article 22(3)(B) states that individuals should not be denied admission to an educational institution on the basis of their race, religion, caste or place of birth.

Background

Since the creation of Pakistan, the predominant academic and intellectual discourse has reinforced Islam and Islamic identity with little or no reference to other faiths, so that religious minorities are subject to a religious and political ideology within an education system that discriminates against them. Former president General Zia-ul-Haq initiated a process of Islamisation during the 1970s and 80s which introduced major legal changes to the Hudood Ordinances,¹⁷⁵ including religious and

¹⁶⁸ Sustainable Development Policy Institute (2005), *The Subtle Subversion: The state of curricula and textbooks in Pakistan* www.sdpi.org/publications/files/State%20of%20Curr&TextBooks.pdf

¹⁶⁹ Institute of Development Research and Corresponding Capabilities (2018), *Education and Inequality, Discerning the Foundation of Citizenry* www.idrac.org.pk/images/pubs/Education%20and%20Inequality%20IDRAC%2025%20May%202018%20Final7418.pdf

¹⁷⁰ University of London Institute of Education, *Educate to Hate: The use of education in the creation of antagonistic national identities in India and Pakistan* http://discovery.ucl.ac.uk/10004020/1/Lall2008Educate_to_Hate103.pdf

¹⁷¹ National Commission for Justice and Peace, ‘Education: The Sole Hope for Change – A review of syllabus books taught in Pakistani schools 2016-2017’

¹⁷² United States Commission on International Religious Freedom (2011), *Connecting the Dots: Education and Religious Discrimination in Pakistan – A Study of Public Schools and Madrassas* [www.uscirf.gov/sites/default/files/resources/Pakistan-ConnectingTheDots-Email\(3\).pdf](http://www.uscirf.gov/sites/default/files/resources/Pakistan-ConnectingTheDots-Email(3).pdf)

¹⁷³ United States Institute of Peace (2017), *Special Report: Peace education in Pakistan* www.usip.org/sites/default/files/2017-03/sr-400-peace-education-in-pakistan.pdf

¹⁷⁴ CSW, 2018

¹⁷⁵ The Hudood Ordinances are a collection of five criminal laws added to the Pakistan Penal Code in 1979. These are: Prohibition Order IV, which prohibits the sale and consumption of alcohol and drugs; the Offences Against Property Ordinance, which relates to theft and armed robbery; the Offence of Zina Ordinance, which deals with rape, abduction, adultery and fornication; the Offence of Qazf Ordinance, which prohibits false accusation of zina; and the Execution of the Punishment of Whipping Ordinance, which prescribes whipping for those convicted under the Hudood Ordinances.

gender biases to the law and extensive institutional changes to the country's judicial system. The Islamist education policy created a narrative of Pakistani unification that enabled a stronger convergence between Islam and national identity. The priority of General Zia's 1979 education policy was 'reorganizing the entire content around Islamic thought and giving education an ideological orientation so that Islamic ideology permeates the thinking of the younger generation...to refashion society according to Islamic tenets.'¹⁷⁶

Biased curricula and textbooks

Apart from having an extremely biased educational curriculum that promotes religious hatred, non-Muslim students endure social humiliation and victimisation in educational institutions on a regular basis, their faith being their only fault. Some have even lost their lives to religious hatred. There is a dire need for appropriate curricula to be developed at school and college levels that promote religious and social tolerance. A policy promoting a culture of interfaith harmony, tolerance and equality among students needs to be formulated and implemented on an urgent basis.

*Michelle Chaudhry, President,
Cecil & Iris Chaudhry Foundation.*

The curricula and textbooks currently used in government schools and *madrassas* (Islamic religious schools) are rife with biases against religious minorities, and continue to emphasise Pakistan's fundamental Islamic identity and the need for unity within the Muslim community, to the exclusion of religious minorities. New

College Publications, Lahore, which is approved by the Punjab Textbook Board, states in Class 4, Urdu, 'The more we are good Muslims, the more we will prove good citizens.'¹⁷⁷ Textbooks underscore Islamic virtues such as piety, obedience and submission, but do not mention critical thinking, democratic values, equality, inclusion or coexistence and respect for religious diversity.¹⁷⁸ Recurring derogatory references to all minorities are found throughout textbooks. Hindus, for example, are described as enemies of Pakistan and of Muslims:

- *The ambitions of Hindus were manifest that they wanted to dominate Muslims due to their majority. They wanted to keep Muslims backward in all domains of life.*¹⁷⁹ (Class 9-10, Pakistan Studies, p.22, publisher Baba Sons, Urdu Manzil, Urdu Bazar, Karachi)
- *Pakistan was created against the will of Hindus, therefore they will never accept it from heart.*¹⁸⁰ (Class 9, Pakistan Studies, p.112, publishers GHF Publishers, Urdu Bazar, Lahore)
- *Hindu racists wanted to eliminate not only Muslims but all non-Hindus; Christians and other minorities become victims of the racist and biased policies on regular basis.*¹⁸¹ (Class 8, Social Studies, Pakistan Ideology p.97)
- *Hindus can never become the true friends of Muslims.*¹⁸² (Class 5, Social Studies, Sir Syed Ahmad Khan, p.83).

Students interviewed by CSW in March 2017 confirmed they learned Islamic Studies from nursery class, but only learned about other religions much later, from class 7, 8 or 9 (ages 11 to 14 years). When they did learn about other religions, the information, including the

portrayal of religious figures, was inaccurate. Students from the Shi'a community, as well as Ahmadis, Christians, Hindus, and Sikhs, are taught from curricula that use language and concepts which demean them or discriminate and reinforce biases against them. USCIRF's 2011 study 'Connecting the Dots' reviewed over 100 textbooks and found 'significant Islamic content' in non-religious textbooks, and a construction of Islamic identity which promotes discrimination against religious minorities.¹⁸³ A study by the Institute of Development Research



¹⁷⁶ National Commission for Justice and Peace (2013), Education vs Fanatic Literacy <http://archive.paxchristi.net/MISC/2014-0251-en-ap-GE.pdf>

¹⁷⁷ National Commission for Justice and Peace, 'Education: The Sole Hope for Change – A Review of syllabus books taught in Pakistani schools 2016-2017'

¹⁷⁸ *ibid.*

¹⁷⁹ *ibid.*

¹⁸⁰ *ibid.*

¹⁸¹ National Commission for Justice and Peace (2013), Education vs Fanatic Literacy <http://archive.paxchristi.net/MISC/2014-0251-en-ap-GE.pdf>

¹⁸² *ibid.*

¹⁸³ United States Commission on International Religious Freedom (2011), Connecting the Dots: Education and Religious Discrimination in Pakistan – A Study of Public Schools and Madrassas [www.uscifr.gov/sites/default/files/resources/Pakistan-ConnectingTheDots-Email\(3\).pdf](http://www.uscifr.gov/sites/default/files/resources/Pakistan-ConnectingTheDots-Email(3).pdf)

and Corresponding Capabilities (IDRAC) Islamabad examined discrimination against 200 non-Muslim students and found that 70% (140) said that they are not treated equally in schools and colleges, while 62% said they face discrimination from fellow students and 30% from teachers.¹⁸⁴

Textbooks also contain factual inaccuracies or omissions which distort the significance of events and retell Pakistan's post-independence history. In Class 6, Social Studies published by Urdu Academy Sindh, Karachi, it says, 'Earlier, Bangladesh was East Pakistan, a province of Pakistan. Its people gave tremendous sacrifices in the achievement of Pakistan, but the conspiracy of anti-Islam countries annexed this province on December 16, 1971. And it became Bangladesh.'¹⁸⁵ The country's first Governor-General, Muhammad Ali Jinnah, delivered a speech on 11 August 1947 which envisioned a secular Pakistan. This speech was until recently absent from all school textbooks.

However, in 2015 the Sindh government announced that the speech would be included in its entirety in the curriculum.¹⁸⁶ Contributions to the building of the nation made by religious minorities, including Christians such as Colonel Cecil Chaudhry Sr.¹⁸⁷ and Chief Justice Alvin Robert Cornelius,¹⁸⁸ are notably absent. Children are fed a narrative of inferiority which lacks the positive contribution of religious minority heroes.

Textbooks also include ideas that incite violence and hatred towards religious minorities:

- *Because Christians rulers were led by fanatic Priests; that war with Muslims is necessary for the protection of Cross.*¹⁸⁹ (Class 7, Social Studies, Islamic Society, p.13)
- *The person who neither participated in jihad nor had its passion in the heart, his death will be the death of a traitor.*¹⁹⁰ (Class 9, Islamic Studies, publisher Raza Book Depot, Lahore/ Punjab Text book board p.68)
- *Hindus can never become the true friends of Muslims.*¹⁹¹ (Class 5, Social Studies, Sir Syed Ahmad Khan, p.83)

One Christian student said that in Islamiyat (Islamic Religious Studies) they were taught that Jesus was not crucified on the cross, but someone who looked like him took his place – an idea contrary to Christian beliefs. Hindu and Sikh students also felt their beliefs were misrepresented. Gurinder Singh, a 17-year-old

Sikh student, told CSW that in Pakistan Studies they were taught that their first and last prophets had died – contrary to Sikh belief. In multiple instances when students challenged teachers or the school principal about inaccurate content, the students were ignored or the teachers said they were not interested.

Physical and psychological mistreatment

In 2017 CSW interviewed children from religious minorities who described how they were routinely subjected to severe physical and psychological ill-treatment, including being segregated, bullied, teased, insulted and beaten on multiple occasions, by both teachers and classmates. They felt they had to accept this discriminatory treatment as part of their education, and many were compelled to abandon their studies at various stages.

It emerged from our interviews that many students felt the negative concepts and discrimination shown by their classmates was a learned behaviour which came from the home, environment and wider society. A Hindu student described it in this way: 'If their parents are extremist, the children are extremist. If the parents are good to us the children are good to us.'

Physical mistreatment

Gurinder Singh¹⁹² recounted his treatment if he made mistakes reciting the *kalima*, the Muslim proclamation of faith:¹⁹³ 'Often we were beaten with a stick. The worst punishment was when the teacher made me stand on the bench and assume a position with my head between my knees, my wrists under my thighs so that my hands touched my ears, and the teacher would beat me with a stick. This happened approximately twice a week, throughout nursery and prep.' A 10-year-old Ahmadi student and his sister told CSW that their teacher would beat them across their hands until their hands were swollen.

Sharon Masih, a 17-year-old student and the only Christian in his year, was beaten to death on 27 August 2017 by his classmates at MC Model Boys Government School, Burewala in Punjab. A number of conflicting reports about the murder emerged; however, sources close to CSW confirmed that his death was not religiously motivated but due to a fight between the boys about a mobile phone.

184 Institute of Development Research and Corresponding Capabilities (2018), Education and Inequality, Discerning the Foundation of Citizenry www.idrac.org.pk/images/pubs/Education%20and%20Inequality%20IDRAC%2025%20May%202018%20Final7418.pdf

185 National Commission for Justice and Peace, 'Education: The Sole Hope for Change – A review of syllabus books taught in Pakistani schools 2016-2017'

186 Dawn, 'Quaid's Aug 11 speech to be included in school curriculum', 24 March 2015 www.dawn.com/news/1171436

187 Dawn, 'Air war hero Cecil Chaudhry dies at 70', 13 April 2012 www.dawn.com/news/710333

188 Pakistan Christian News, 'Alvin Robert Cornelius – A Role Model for Christians', 2 September 2015 www.pakistanchristiannews.com/a-r-cornelius-a-role-model-for-christians/

189 National Commission for Justice and Peace, 2013

190 National Commission for Justice and Peace, 'Education: The Sole Hope for Change - A review of syllabus books taught in Pakistani schools 2016-2017'

191 *ibid.*

192 Name changed for security reasons.

193 Proclamation of faith in the oneness of God and as Mohammed (peace and blessings of Allah be upon him) as his servant and messenger.

CSW interviews revealed that children from religious minorities were repeatedly urged to convert to Islam by their classmates, and when they refused they were beaten. Rajpal, a 17-year-old Sikh, reported, 'A classmate said to me, "If you don't convert, we will kill your father and mother, take your home and destroy your temple. Anything that's attached to you, we will attack."' "

Psychological mistreatment

Ahmadi, Hindu, Sikh and Christian children gave accounts of being 'mentally tortured' and mocked by teachers and classmates because of their religious beliefs. Students from each faith group reported that they were made to sit separately from other students, while religious minority students who mispronounced words were often severely punished.

Christian students were referred to using a range of derogatory terms. They were accused of worshipping idols or statues, told that all non-Muslims are infidels, and referred to by classmates and teachers as *churas* or sweepers, and as *kafir*¹⁹⁴ or infidels.

Several gave accounts of Muslims not wanting to drink from the same cup or bottle as Christian students. Jacob Gill,¹⁹⁵ a 17-year-old Christian, said that when he was younger Muslim classmates told him, 'You're not supposed to use the same glass as us, play with us, and sit beside us...because you're *kafir*.' Other Christian students said they received similar derogatory insults. Imran Masih,¹⁹⁶ a 17-year-old Christian, said, 'No Muslim classmate wanted to be my friend,' and said that 12 Christians from class 6 (ages 12 to 13) left because of 'the aggressive discrimination and pressure to convert.' In IDRAC's study 29% of non-Muslim students confirmed that Muslim students 'do not prefer to sit with non-Muslim students', 26% 'do not share food with non-Muslim students', 23% 'do not mingle with non-Muslim students in class' and 3% of Muslim students 'ridicule non-Muslims' faith and their religious icons'.¹⁹⁷

One Ahmadi female, Bushra, told CSW that while studying for her MSc in Economics, some lecturers were good to Ahmadi students while others, such as her lecturer in Islamic Studies, were unfriendly and discriminated against her. When students asked the teacher about her religion he said, '*Qadiani* is no religion. They have a different God and a different prophet – not what we talked about. There is no need to talk about them. They are heathens, *kafir*.' She said that he targeted Ahmadi students who would not be in a position to reply to him.

A Hindu student, Rajesh Kumar (19) said that when he was younger, his classmates knew he was not Muslim because of his name, and told him he should go to India because he is not Pakistani. Sikh students reported that classmates would comment on or make fun of their turban, which is intrinsic to Sikh culture, trying to touch it or remove it from their heads.

Denial of access to educational opportunities

Religious minority students reported being penalised in a variety of ways because of their faith, and being deliberately denied access to educational opportunities. Some students from religious minorities received lower marks than classmates; others were told if they converted to Islam they would get better grades and more support from teachers; while other students were refused scholarships or entry onto higher courses. Sandeep Singh,¹⁹⁸ a 17-year-old Sikh, told us that when he tried to gain admission to college in Punjab, he was refused on the grounds that he was a 'foreigner'. He was eventually admitted once he showed proof of his academic history and his no objection certificate (NOC).¹⁹⁹ Daniel Maqsood,²⁰⁰ a 17-year-old Christian, was told by his teacher when he was in class 8 that he would receive good grades if he followed Islam. When he refused to change his religion she beat him twice a week and marked down his grades. Joseph Sethi,²⁰¹ an 11-year-old Christian, reported that his teacher said, 'If you were a Muslim I'd happily help you with your course and syllabus, homework and assignment.'

Religious minority students are put through academic and ideological courses and procedures that prove detrimental to their current educational experiences and future political, social and professional progress. Despite some reforms to the education system, the government is falling desperately short in revising and eradicating religious intolerance and discriminatory attitudes from the curricula and from schools. Efforts must be increased to combat the pervasive intolerance that informs current religious and cultural norms by implementing long overdue curriculum reforms, removing bias from textbooks and including the contributions of religious minorities. Meanwhile, better religious literacy and awareness of human rights must be incorporated into the education system so that it teaches students that regardless of religion, you are a citizen of Pakistan.

194 Derogatory term meaning 'infidel', used to describe non-Muslims.

195 Name changed for security reasons.

196 Name changed for security reasons.

197 Institute of Development Research and Corresponding Capabilities, 2018

198 Name changed for security reasons.

199 A No Objection Certificate (NOC) is a formal or informal document stating that the person or authority issuing the certificate has no objection or does not object to the covenants or the points stated or agreed to in the certificate. NOCs are often used in employment, immigration or general litigation matters.

200 Name changed for security reasons.

201 Name changed for security reasons.

Threats to lawyers, judges and human rights defenders

The situation for human rights defenders (HRDs) has deteriorated in recent years. CSW highlighted the threats against and intimidation of HRDs in Pakistan in its written statement to the UN Human Rights Council in 2015:²⁰² HRDs face constant threats and intimidation from multiple sources, including state and non-state actors, religious and political groups, local communities, district administrators and police. The volatile security situation, growing religious fundamentalism, and complex political circumstances combine to make their work extremely dangerous.

HRDs are subject to harassment, targeted attacks and enforced disappearance, with little protection provided by the government. The crackdown on political dissent heightened prior to the general elections in 2018. The day after military spokesperson Major General Asif Ghafoor accused journalists of sharing anti-state remarks on social media, two activists were attacked.²⁰³ On 6 June in Lahore, activist and journalist Gul Bukhari, who has been openly critical of the military, was abducted by unknown persons; on the same day broadcast journalist Asad Kharal was assaulted by masked men.²⁰⁴

Sanna Ejaz, who is affiliated with the Pashtun Tahaffuz Movement (PTM), was terminated from the Pakistan Television Corporation. At the beginning of 2017 four campaigners on human rights and religious freedom – Waqas Goraya, Asim Saeed, Salman Haider, and Ahmed Raza Naseer – were abducted.²⁰⁵ After a swell of national and international pressure, they were released a couple of weeks later with no explanation. One of the detainees, Waqas Goraya, a blogger, claims that a ‘government institution with links to the military’ abducted him and tortured him ‘beyond limits’.²⁰⁶

202 CSW, ‘UN statement on Pakistan’, 7 September 2015 www.csw.org.uk/2015/09/07/report/2757/article.htm

203 Committee to Protect Journalists, ‘Pakistan army spokesperson accuses journalists of anti-state activity on social media’, 5 June 2018 <https://cpj.org/2018/06/pakistan-army-spokesperson-accuses-journalists-of-phi>

204 Dawn, ‘Journalist Asad Kharal beaten up by masked men in Lahore’, 6 June 2018 www.dawn.com/news/1412385

205 CSW, ‘Concerns about missing human rights activists’, 19 January 2017 www.csw.org.uk/2017/01/19/news/3428/article.htm

206 BBC, ‘Pakistan activist Waqas Goraya: The state tortured me’, 9 March 2017, <http://www.bbc.co.uk/news/world-asia-39219307>



A number of activists have been killed by militant groups for speaking out against terrorism or for defending human rights. On 7 May 2016 Khurram Zaki, a prominent Shi'a human rights campaigner and editor, was shot in North Karachi.²⁰⁷ On 25 April 2015 social and human rights activist, Sabeen Mahmud, who had previously received death threats, was killed in Karachi.²⁰⁸ Her assassin was a religious extremist and has been sentenced to death.

The government has also been responsible for threats against HRDs. One such case is that of Bushra Khaliq, the Executive Director of Women in Struggle for Empowerment (WISE), who was accused of engaging in 'anti-state' activities.

The government published a news item criticising WISE and circulated a letter to all government departments advising them to take 'appropriate action' against Mrs Khaliq and WISE for the alleged anti-state activities. Mrs Khaliq refuted the allegations and successfully defended herself in the Lahore High Court on 24 January 2017. She said, 'This was an attempt to silence our voice and contribution for human rights especially the rights of women, non-Muslims and other excluded groups. We aim to fight against these illegal and unjustified actions in all possible legal, political and social platforms.'²⁰⁹

Civil society contacts in Pakistan expressed to CSW growing concern about the shrinking space in which human rights defenders operate because of mounting pressures and threats. On 5 June 2018 journalist Gul Bukhari, who has been vocal in her criticism of the military, was abducted in Lahore, detained and subsequently released after several hours.²¹⁰ On 12 October Gulalai Ismail, an activist and co-founder of Aware Girls, an NGO empowering young women, was detained at Islamabad airport after a trip to the UK. She was later released and informed that she was registered on the Exit Control List which would restrict further overseas travel. Ms Ismail is a supporter of the Pashtun Tahaffuz Movement (PTM) which campaigns against enforced disappearances, extrajudicial executions and discrimination against the country's Pashtun ethnic minority.²¹¹

Lawyers and judges, especially those involved in blasphemy cases, also face hostilities. Lawyers defending those accused of blasphemy endure extreme pressure. Before, during and after court hearings, religious clerics

gather mobs to intimidate victims and lawyers, such as in Asia Bibi's case and in cases of forced marriage and conversion.

Lawyers are under constant threat and many have been harassed and even killed throughout the country. Junaid Hafeez, a lecturer at Multan University, was charged in 2013 for posting blasphemous material on Facebook. His first lawyer resigned from the case after threats from conservative colleagues. His second lawyer, human rights activist Rashid Rehman, was threatened by opposing lawyers during a hearing and in front of the judge, in an attempt to force him to withdraw from proceedings. Despite complaints to the police and the district bar association, nothing was done. He was shot dead in his office on 7 May 2014.²¹² His current lawyer, Asad Jamal, admits that his case was severely hampered due to threats surrounding the case. On 8 August 2016 the bombing of a state-run Civil Hospital in Quetta, Balochistan, killed 70 people including 54 lawyers who had gathered to mourn the death of Bilal Anwar Kasi, president of the Balochistan Bar Association (BBA), who had been shot.²¹³ Jamaat-ul-Ahrar (JuA) claimed responsibility for the attack.

Judges face extreme pressure when presiding over blasphemy cases; some refuse to hear cases or flee after the verdict has been given. Judge Pervez Ali Shah eventually fled the country after receiving death threats when he awarded the death penalty to Mumtaz Qadri, the murderer of Salman Taseer, former governor of Punjab.²¹⁴

In the last three cycles of the United Nations Universal Periodic Review (UPR), Pakistan accepted multiple recommendations from countries including Australia, Spain, Brazil, Canada and Ireland to improve the situation for HRDs.²¹⁵ Pakistan received recommendations to investigate all reports of attacks on journalists and human rights defenders and bring perpetrators to justice; implement measures to protect the right to life and freedom of expression of human rights defenders; ensure that the perpetrators of violence are brought to justice; continue its efforts to cooperate with the Special Rapporteur on the situation of human rights defenders; and to ensure that all allegations of improper use of criminal laws against journalists and dissenting voices, including human rights defenders, are investigated in an effective, impartial

207 CSW, 'CSW calls for greater protection in Pakistan', 15 July 2016 www.csw.org.uk/2016/07/15/news/3176/article.htm

208 Guardian, 'Sabeen Mahmud, Pakistani rights activist, shot dead', 25 April 2015 www.theguardian.com/world/2015/apr/25/sabeen-mehmud-pakistani-womens-rights-activist-shot-dead

209 CSW interview with Bushra Khaliq, Executive Director, Women in Struggle for Empowerment, July 2017.

210 Dawn, 'Journalist Gul Bukhari home after hours-long "abduction" in Lahore', 6 June 2018 www.dawn.com/news/1412220

211 Amnesty International, 'Pakistan: Release Pashtun human rights defender immediately and unconditionally', 12 October 2018 www.amnesty.org/en/latest/news/2018/10/pakistan-release-pashtun-human-rights-defender-immediately-and-unconditionally

212 CSW, 'UN statement on Pakistan', 7 September 2015 www.csw.org.uk/2015/09/07/report/2757/article.htm

213 CSW, 'Pakistan: Lawyers threatened by extremist attacks', 10 August 2016 www.csw.org.uk/2016/08/10/press/3213/article.htm

214 BBC, 'Pakistan judge Pervez Ali Shah "flees death threats"', 25 October 2011 www.bbc.co.uk/news/world-south-asia-15445317

215 UPR Info, Database of Recommendations www.upr-info.org/database/index.php?limit=0&f_SUR=130&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly

and prompt manner.²¹⁶ The government's national report to the Human Rights Council stated that civil society organisations and human rights defenders are 'partners in its endeavour to promote human rights and fundamental freedoms'.²¹⁷

The European Union has pressed for Pakistan to provide similar protections. In order to maintain the trade preferences accorded by the Generalised Scheme of Preferences (GSP+), Pakistan must work towards effectively implementing 27 core international conventions on human and labour rights, environmental protection and good governance.²¹⁸

The UK and US governments continue to call for an end to attacks on HRDs and religious minorities, and an end to impunity. Despite widespread condemnation from within and outside of Pakistan, harassment and attacks on HRDs continue unabated. This diminishes the space in which civil society's critical voice can be heard and perpetuates an atmosphere of fear.

²¹⁶ Draft report of the Working Group on the Universal Periodic Review Pakistan

www.upr-info.org/sites/default/files/document/pakistan/session_28_-_november_2017/a_hrc_wg.6_28_l.10.pdf

²¹⁷ National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* Pakistan

www.upr-info.org/sites/default/files/document/pakistan/session_28_-_november_2017/a_hrc_wg.6_28_ukr_1_e.pdf

²¹⁸ European Commission, Generalised Scheme of Preferences (GSP)

http://ec.europa.eu/trade/policy/countries-and-regions/development/generalised-scheme-of-preferences/index_en.htm

Conclusion

The state of religious freedom in Pakistan is declining, with ongoing and egregious FoRB and human rights violations taking place. Discriminatory legislation against religious minorities, such as the blasphemy laws and anti-Ahmadiyya laws, have laid a foundation that empowers those with an extremist mindset to carry out attacks. The lack of political will to prosecute perpetrators quickly and effectively, coupled with a weak judicial system and rule of law, have fostered an environment of impunity. This further marginalises religious minorities and weakens their confidence that they will receive justice for crimes committed against them.

Civil society continues to speak out boldly about religious freedom and human rights violations, despite fierce intimidation and threats from the state and from extremist groups. However, the burden of responsibility to protect citizens and uphold the rights of religious minority communities lies with the government, as formalised within the constitution. The military continues to play an instrumental role in the governance of the country. The fight against terrorism, militancy and extremist ideology is a difficult battle to win in light of the extremist lobby and emerging and worrying political forces which are gaining space and influence in wider society. Rather than capitulating to the demands of far-right Islamist parties, the government must reclaim authority and ground from groups like Khadim Rizvi's TLP, if it is to engender an environment of tolerance.

The Supreme Court's landmark suo motu judgement in June 2014 made significant recommendations to protect religious minorities. It noted a 'general lack of awareness about minority rights among the people and those entrusted with enforcement of Law'.²¹⁹ The judgement recommended that the government increase its political will to combat terrorism, disarm militant groups and religious schools that provide weapons training, and return to a more plural society to protect religious minorities and all Pakistani citizens.

In June 2018 AGHS Legal Aid Cell, the Cecil and Iris Chaudhry Foundation (CICF), the Centre for Social Justice (CSJ) and the Human Rights Commission of Pakistan (HRCP) filed a petition in the Supreme Court regarding the implementation of the 2014 judgement. The court asked about three of the seven directives given to the provincial and federal government for the

protection of religious minorities, including constituting a taskforce to develop a strategy of religious tolerance and developing school and college curricula to promote religious and social tolerance. The Chief Justice ordered that the concerned ministers of all provinces should report on compliance of the judgement at a later hearing.²²⁰ Peter Jacob, Executive Director of Centre for Social Justice told CSW, 'In the wake of institutional weaknesses that impede implementation on the court orders, moreover an indifference on part of the decision makers (politicians and administration); bringing attention on issues concerning religious minorities is an uphill task. Nevertheless, this being a battle for the soul of Pakistan, is worth the sacrifices that are involved in the struggle.'

Pakistan has a long history of impunity for the perpetrators of FoRB violations, and Imran Khan's PTI-led government must take more effective steps to prevent sectarian violence and hold the perpetrators of religious attacks to account where previous governments have failed. There must be greater political will to promote religious literacy and human rights through initiatives including reforms of biased textbooks and curricula, public awareness and education programmes, as well as training for police authorities and public officials, in order to create a more plural, tolerant society in which religious freedom and human rights for all religious minorities is respected, if the government truly hopes to achieve its vision for 'Naya Pakistan'.

²¹⁹ Supreme Court of Pakistan, 'Suo moto actions regarding suicide bomb attack of 22.9.2013 [sic] on the Church in Peshawar and regarding threats being given to Kalash tribe and Ismailies in Chitral' www.supremecourt.gov.pk/web/user_files/File/smc_1_2014.pdf

²²⁰ Daily Times, 'SC summons officials over "non-compliance" of judgements on minority rights', 11 June 2018 <https://dailytimes.com.pk/252195/sc-summons-officials-over-non-compliance-of-judgements-on-minority-rights/>

Glossary

chura	Derogatory term for Christians, which means 'sweeper'
Hudood Ordinances	Islamic penal injunctions
Islamiyat	Islamic Religious Studies
kafir	Derogatory term for non-Muslims
kalma or kalima	Proclamation of faith in the oneness of God and in Mohammed (peace and blessings of Allah be upon him) as his servant and messenger
madrassa	Islamic religious school
maulvi	Muslim scholar
No Objection Certificate (NOC)	A formal or informal document stating that the person or authority issuing the certificate has no objection to the points stated or agreed to in the certificate. NOCs are often used in employment, immigration or general litigation matters.
Ordinance XX	Legal ordinance under the penal code that makes it an offence for Ahmadis to refer to themselves as Muslims, to preach, or to use Islamic terms and titles.
qadiani	Derogatory term for the members of the Ahmadiyya community
Sardar	A Sikh (often used as a title or form of address)
sikrah	Derogatory name for a Sikh

Acronyms

ASWJ	Ahle Sunnat Wal Jamaat
ATA	Anti-Terrorism Act
ATC	Anti-Terrorism Court
BUIITEMS	Balochistan University of Information Technology Engineering and Management Sciences
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CMRA	Child Marriage Restraint Act
CPEC	China-Pakistan Economic Corridor
CRC	Convention on the Rights of the Child
CSJ	Centre for Social Justice
CTD	Counter Terrorism Department
EIDHR	European Instrument for Democracy and Human Rights
FIR	First Information Report
HRCP	Human Rights Commission of Pakistan
HRDs	Human Rights Defenders
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of all forms of Racial Discrimination
IRFA	International Religious Freedom Act
JuA	Jamaat ul Ahrar
LHC	Lahore High Court
LEJ	Lashkar-e-Jhangvi
NADRA	National Database and Registration Authority
NCHR	National Commission on Human Rights
PPC	Pakistan Penal Code
PTI	Pakistan Tehreek-i-Insaf
PTM	Pashtun Tahaffuz Movement
SSP	Sipah-e-Sahaba
TLHRC	Tom Lantos Human Rights Commission
TLP	Tehreek-e-Labbaik Pakistan
TLYRA	Tehreek-i-Labbaik Ya Rasool
TTP	Tehreek-i-Taliban Pakistan
UNESCO	United Nations Educational, Scientific and Cultural Organization
UPR	Universal Periodic Review
USCIRF	United States Commission on International Religious Freedom
WHC	World Heritage Committee
WISE	Women in Struggle for Empowerment

CSW everyone
free to believe

CSW is a human rights organisation advocating for freedom of religion or belief, and as Christians we stand with everyone facing injustice because of their religion or belief.

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