

2020 PAKISTAN

Religious Freedom Landscape Report



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INTRODUCTION

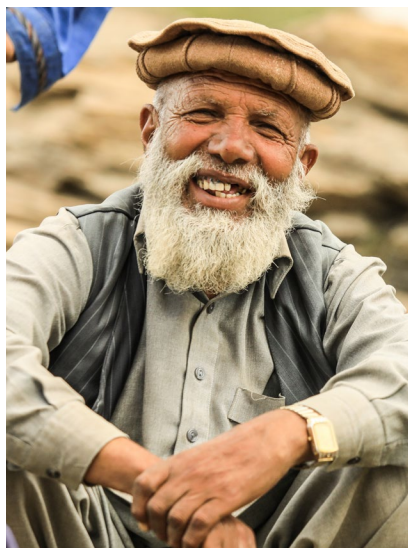
Religion has been integral to the spirit and culture of humanity for millennia.¹ The cradle of multiple ancient religions, South and Southeast Asia remains one of the world's most religiously diverse and spiritually vibrant regions on earth. At the same time, all too many of its two and a half billion people suffer on account of their religion. The South and Southeast Asia Action Team, an arm of the Religious Freedom Institute (RFI), exists to advance religious freedom for all people throughout this vast region, especially those who are most persecuted. This landscape report on Pakistan constitutes an important step towards achieving that goal and represents the combined expertise of numerous scholars and analysts.

The purpose of this report on Pakistan's religious freedom landscape is to determine where and in what ways this fundamental human right is being preserved and promoted, where it is being violated, and what governments, civil society organizations, and communities can do to strengthen this foundational freedom for the future well-being of Pakistan as well as South and Southeast Asia as a whole. RFI aims to assess where the terrain is rough and treacherous, as well as where it is smooth and pleasant. Only once you know the landscape and identify a favorable route, any experienced traveler knows, can the journey begin.

The RFI's South and Southeast Asia Action Team focuses on eight of the

most populous and strategically significant countries in South and Southeast Asia: Bangladesh, Burma (Myanmar), India, Indonesia, Malaysia, Nepal, Pakistan, and Sri Lanka. Indonesia and India in particular are the two most populous, economically robust, and strategically significant countries in the region. Together these eight countries have a population of about 2.2 billion people, comprising 86 percent of the regional population (about 2.5 billion) and 28 percent of the total world population (about 7.8 billion).² The whole regional population comprises about 32 percent of the world population. South and Southeast Asia is home to the four largest Muslim populations in the world (Indonesia, India, Pakistan, and Bangladesh), 99 percent of the world's Hindus, and almost all of the world's Buddhist-majority countries.³ In other words, that is more than 1.15 billion Hindus, 825 million Muslims, and over 80 million Buddhists, as well as about 72 million Christians.⁴

The region is also home to some of the most religiously restricted societies in the world, even while several of its countries maintain reasonably robust democratic institutions and dynamic civil societies. For example, Polity IV's democracy index rates Indonesia and India as "democracies," with high levels of political competition and restraints on executive power, and Freedom House rates both countries as "partly free" electoral democracies.



About the Religious Freedom Institute

Securing religious freedom for “everyone, everywhere”—for Buddhists in Bangladesh as much as Muslims in Maryland—is the mission of the RFI. An independent, nonprofit organization based in Washington, D.C., RFI is committed to achieving broad acceptance of religious liberty as a fundamental human right, a source of individual and social flourishing, the cornerstone of a successful society, and a driver of national and international security. It achieves this goal by convincing stakeholders in select regions that religious freedom can help them achieve their own goals—political, economic, strategic, and religious.

Accordingly, RFI’s action teams establish a presence in strategic regions across the globe in order to build coalitions and local and regional networks to make religious freedom a greater priority—and ultimately a lived reality—for governments, civil society, religious communities, businesses, and the general public. Each of these sectors of society has a crucial stake in the future of the religious freedom landscape in their country. Drawing on the research of its associated scholars as well as the cumulative body of scholarship produced by its predecessor project, the Religious Freedom Project at Georgetown University, RFI makes an evidence-based case to these and other important sectors and stakeholders that the freedom of religious belief and practice is a principle they can and should embrace in order to benefit themselves and their societies.

Foundational to RFI’s outlook is the recognition that religion is an integral feature of human nature and an irreducible component of human flourishing. Human beings, who are religious animals just as profoundly as they are political animals or conjugal animals, have always asked religious questions, and persist in asking these questions as much as they ever have: Who am I? Where did I come from? What is the meaning and purpose of existence? What is the nature of ultimate reality? The search for the best answers to these questions, and the attempt to align

one's reason, will, and whole being with ultimate or transcendent reality as best as one can discern it, is what we generally call religion. Religious freedom, then, is the most fundamental and distinctively human of all freedoms because it reflects the most basic and characteristically human of all strivings—the striving not only to know the truth, but to *place one's whole self in alignment with the whole truth about the whole of Reality*. As such, religious freedom has at least four distinct dimensions.

The first of these “religious freedoms” reflects the intellectual and spiritual dimension of religion, and requires that all people should be free to use their natural powers of discernment, reason, and intuition to seek and explore the truth about ultimate reality in all of its depths. The second of these freedoms reflects the dimension of doing or practice. It means that all people should be free to engage the truths they have learned from theoretical inquiry and act on them with authenticity and integrity. In other words, this dimension of religious freedom involves engaging one's conscience and will to align oneself as fully as one can with the truths one discovers about transcendent reality. Third, the social dimension means that all people must be free to share the truths they discover about ultimate reality with others, and to join with those of like mind and spirit to live them out. Fourth, the civil or political dimension means that all people should be free, both individually and communally, to express their religious beliefs in civil and political society, and to formulate and propose visions of the common informed by these beliefs. Included here is the right to create and operate religious institutions that reflect a religious community's foundational principles and defining mission.

From a broader perspective, the aforementioned dimensions represent aspects of what might be considered the liberty wing of religious freedom. That is, religious freedom in full requires that people enjoy the liberty to embrace and express whatever beliefs about religion—including unorthodox beliefs or beliefs that differ from traditional religious



claims—most accord with the dictates of their own conscience, without direct, coercive interference by government or non-government actors.

At the same time, religious freedom requires another wing—the wing of equality—in order to take full flight and make it possible for all individuals and societies to achieve both the basic good of religion as well as other components of human flourishing. The equality wing of religious freedom requires that people be free from arbitrary discrimination or unequal treatment because of their beliefs about religion. Violation of religious equality—as through the infliction of systematic discrimination on particular individuals or groups merely because of their religious beliefs or identities, or the creation of a climate of hatred or intolerance of certain people because of religion—is unjust and illegitimate even when it does not directly block or limit one’s free exercise of religion.

One reason is that arbitrary discrimination or unequal treatment is incompatible with the demands of human dignity, which all human beings equally share by virtue of their common humanity. As sources as diverse as the Universal Declaration of Human Rights, the Basic Law for the Federal Republic of Germany, and the Declaration on Religious Liberty of the Roman Catholic Church recognize, human dignity is the proximate ground of religious freedom as well as all fundamental human rights, and it is the ground, furthermore, of every person’s entitlement to equal justice.⁷ Another reason is that gross violations of religious equality are incompatible with the vision of a society animated by

a dynamic pluralism in which all citizens can share their religious and moral insights with each other. Only within a framework of basic equality can people of all religious perspectives draw on their distinct convictions and unique “spiritual capital” both to contribute to the common good and to enrich the perspectives of their fellow citizens.

Religious freedom is thus a fundamental and capacious right that deserves secure protection in law and widespread respect in culture. On paper if not in practice, this idea has been widely accepted by the international community. The 1948 Universal Declaration of Human Rights states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance (Article 18).

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 2).⁵

The mission of the Religious Freedom Institute is motivated by the conviction that religious freedom in full—in its equality dimension and in each of its liberty dimensions—is a natural, universal, and inviolable human right that is grounded in

the inherent dignity of every human being. At the same time, because religious belief and practice are such central components of human life and flourishing, religious freedom is also a powerful driver of a wide array of social goods, including democracy, civil liberty, stability, economic prosperity, equality of women, and security.

RFI activities are further premised on the reality that religious freedom tends to be strong and enduring only when it is embedded in a society's moral and religious culture as well as its legal and political structure. Religious freedom actors must pursue not only top-down institutional reform but also bottom-up persuasion, education, and mobilization. If religious freedom is promoted only by governments and is not practiced at the level of local communities, it remains an empty ideal. On paper, most of the world's national constitutions recognize religious freedom as a fundamental right in one form or another. The reality remains, however, that the vast majority of the world's population lives in countries with high or very high government or social restrictions on religion and the trendlines over the past decade appear to be worsening.⁶

Religious freedom will be a reality for “everyone, everywhere” only when it enjoys grassroots support and is articulated, practiced, and spread at the level of local and national communities and traditions. Advancing religious freedom while respecting local and national contexts entails adopting approaches to articulating and justifying religious freedom that are credible and compelling within local perspectives. In fact, RFI's South and Southeast Asia Action Team seeks to identify and cultivate seeds of religious freedom that are already present in the region's own spiritual and cultural soil. As this Pakistan landscape report underscores, the soil of South and Southeast Asia tends to be fertile and receptive insofar as all of its countries and cultures enjoy histories and traditions of vibrant religious pluralism.

As the example of Pakistan highlights, embedding religious freedom in both political structures and moral and spiritual cultures requires an approach



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Religious Freedom Institute



that works across multiple sectors—religious, political, legal, cultural, and educational. It requires identifying and mobilizing networks of actors that are willing to contribute resources and effort in a coordinated fashion. Among these actors, RFI's South and Southeast Asia Action Team strives to be a partner that joins with others on a footing of equality and mutual respect, and that works collaboratively towards the goal of religious freedom for “everyone, everywhere,” in South and Southeast Asia and beyond.

RFI's South & Southeast Asia Action Team

RFI pursues its mission and vision through teams of scholars and other experts working to advance religious freedom in a particular region or issue area. This *Pakistan Religious Freedom Landscape Report* is one of eight religious freedom landscape reports by the South and Southeast Asia Action Team (SSEA-AT) on our eight focus countries of Bangladesh, Burma (Myanmar), India, Indonesia, Malaysia, Nepal, Pakistan, and Sri Lanka. Building on the analysis in these reports, SSEA-AT is committed to advancing religious freedom across South and Southeast Asia. SSEA-AT seeks first and foremost to build mutual trust and partnerships with local religious freedom actors and entities across the region. Currently, the team has accumulated hundreds of such contacts, including over 275 individuals and more than 200 organizations. These contacts comprise an invaluable foundation and support network, which makes it possible to develop a shared assessment of the religious freedom landscape in South and Southeast Asia as well as a shared action plan that seeks to cultivate religious freedom from the ground up. RFI's ongoing engagement efforts in the region include private meetings with religious and political leaders, activists, and other religious freedom actors and organizations; private meetings with legislators and government officials; public events and grassroots outreach; conflict resolution initiatives; policy formation and analysis; humanitarian relief and/or development services; and educational initiatives.

The purpose of the SSEA-AT's country landscape reports is to survey the current state and future trajectory of religious freedom in the region. Specifically, each country landscape analysis, including the present Pakistan report:

- ◆ Assesses the religious freedom environment in terms of the favorability of political, socio-cultural, religious, economic, and historical conditions; the leading threats and obstacles to advancing religious freedom given these conditions; the major opportunities or enabling conditions for advancing religious freedom; and the positions of leading political and religious actors vis-à-vis religious freedom. Each report focuses on a given country's religious freedom *capabilities* as well as its religious freedom *challenges*.
- ◆ Assesses the state of empirical knowledge and research on religious freedom, including any significant gaps that may exist.

- ◆ Assesses the education system with respect to religious freedom, including the extent to which religious freedom concepts are integrated into primary, secondary, and higher education curricula.
- ◆ Identifies key religious freedom actors (individuals, organizations, and initiatives) already in place, and actors that might engage in religious freedom activities if given the opportunity, resources, and rationale to do so.
- ◆ Assesses the comparative strengths and weaknesses of these actors.
- ◆ Identifies the major gaps or missing elements in their activities.
- ◆ Evaluates the status of communication in the region, including the primary communicative mechanisms by which the views of elites and public opinion are shaped and disseminated.

Based on the findings in the landscape reports, SSEA-AT has developed a Regional Action Plan that lays out a comprehensive strategy for advancing religious freedom in South and Southeast Asia, with RFI as a partner working in close and equal partnership with other actors. The Regional Action Plan includes:

- ◆ A strategic assessment of the status of religious freedom in the region, based on the findings of the landscape reports.
- ◆ A strategy to leverage political, socio-cultural, religious, economic, and historical factors that are conducive to the promotion of religious freedom throughout SSEA.
- ◆ A strategy to operationalize networks of existing religious freedom actors.
- ◆ A strategy to overcome or neutralize obstacles to the advancement of religious freedom.
- ◆ A strategy to identify and encourage new actors, including religious and political leaders, to advance religious freedom.
- ◆ A strategy to expand the quality and scope of freedoms enjoyed by inhabitants of various countries throughout the region.
- ◆ Recommendations on how funders can most strategically invest to advance religious freedom in the region.

ACKNOWLEDGEMENTS

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- ◆ **Director:** Timothy Shah
- ◆ **Associate Director:** Rebecca Samuel Shah
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- ◆ **Research Assistants:** Luke Adams, Michael Gioia, and Matt Mills
- ◆ **Research Interns:** Sachal Jacob and Sarah Thomas

Though they are not responsible for the ultimate form or content of the reports, outside researchers who contributed invaluable and extensively to the reports include Thomas Dinham (Indonesia); Dicky Sofjan (Indonesia and Malaysia); Josiah Ponnudurai (Malaysia and Indonesia); Luke Wagner (Nepal); and Sara Singha (Pakistan). In addition, Michael Gioia worked indispensably—and indefatigably—to edit, re-write, format, and incorporate extensive feedback into all the reports over several intense weeks in the summer of 2019.

We also acknowledge the meticulous and diligent editorial work by RFI's communications team. Communications director Nathan Berkeley and communications manager Cecilia Leatherman edited, revised, and refined the country landscape reports in various versions and iterations over the last 12-18 months.

Finally, the editors of the report want to single out Matt Mills, a rising junior at Baylor University, for special gratitude. Matt served as our primary research assistant on all the landscape reports in the final six months of their drafting, redrafting, and publication. He did far more than an ordinary research assistant, contributing immeasurably to the conceptualization and drafting of the landscape report introduction as well as to the careful proofreading and formatting of the entire manuscript. His work was consistently meticulous and his demeanor unfailingly cheerful. The document could not have assumed the form that it did, when it did, without Matt's superb efforts.



OVERVIEW

KEY CHALLENGES

Pakistan's laws and government have followed a trajectory of exclusion and restriction of religious freedoms almost from the beginning of its independence from British rule in 1947. What started as a notion of an inclusive democratic home for Muslims and non-Muslims soon devolved into a majoritarian society that has limited the rights of non-Muslims and, in extreme situations, proved hostile to their existence. Many of Pakistan's repressive laws were enacted under General Zia-ul-Haq in the 1970s and 1980s, but the seeds were planted from the earliest days of Pakistan's existence. Over the years, militant and terrorist groups have utilized extremist rhetoric freely and roamed with impunity. Law and order, civil society, and the multicultural spirit of Pakistan have suffered, leading to mistrust and fear.

There is a significant gap between the country's founding father's

aspirations for the place of religion in Pakistan and the current reality. Since independence there has been a long and complex journey toward gradual permeation of religion in state affairs. These developments have impacted the socio-political landscape of the country, especially regarding the constitutional preference for Islam, treatment of religious minorities, and social cohesion.

At the time of Pakistan's independence, about 23% of East and West Pakistan's total population was non-Muslim. East Pakistan (covering the territory of what is now Bangladesh) was home to a large percentage of that non-Muslim population, but following its secession to the present, Pakistan now has only 3% non-Muslim inhabitants. The remaining religious minorities face harsh conditions in the forms of discrimination, forced conversions, and violence. Religious minorities suffer discrimination in nearly all aspects of life—from education, to

vocations, to government protections. Serious human rights abuses exist, resulting from the lack of legal and pragmatic protections of minority rights, which include forced conversions, hate crimes, riots, desecration of holy sites, and terrorist attacks, particularly on Ahmadiyya, Hazara Shi'a, Hindus, and Christians. The country's Blasphemy Laws provide for brutal punishments such as life imprisonment and capital punishment. Also, inadequate legal protections for members of minority faiths and sects have opened blasphemy proceedings to even greater abuses of rights and standards of justice. The accused are vulnerable to violence by vigilante mobs, sometimes to the point of being killed before a trial is held.

Pakistan has passed specific laws institutionalizing discrimination against the Ahmadi community. Ahmadis applying for a passport must sign a statement

denouncing the Ahmadiyya faith, and there is a Constitutional Amendment⁸ in place that declares Ahmadis as non-Muslims. Additionally, Ahmadis who consider themselves to be Muslims face legal prosecution and vigilante violence.

Government efforts to address discrepancies in Pakistan's law concerning religious freedom and equality have been few and far between. Over the years, individuals have tried to increase protections and rights for religious minorities. Such efforts are difficult, however, due to weak governance and institutions and the presence of Islamist groups, including some that are rightly characterized as militants. Civil society continues to make efforts to call attention to the plight of religious minorities but faces pressure from the state and extremist organizations.



BACKGROUND

RELIGIOUS DEMOGRAPHY & HISTORY

The current state of freedom of religion or belief has a long and complex history in Pakistan. There are many obstacles in the way of achieving equal protections for religious minorities, such as lack of strong democratic institutions and rigid mass sentiment surrounding religion. To understand these obstacles, one must look at the history of Pakistan, including the key actors and events that influenced its political, economic, and social life.

Religious Demography

Pakistan is an ethnically and religiously diverse country of more than 210 million people. According to the 2017 census, 96% of the population identified as Muslim, with 80-85% identifying as Sunni and 15-20% as Shi'a. The majority of Sunnis in Pakistan subscribe to the Hanafi *Madhab*, while a small

proportion belongs to the Hanbali School. The majority of Shi'a Muslims are of the Twelver (*Imamiyyah*) School, while a minority are Ismailis with a variety of their own sects. The remaining 4% of the population include religious Christians, Hindus, Ahmadis, and smaller groups of Parsis/Zoroastrians, Ba'hais, Sikhs, Buddhists, and others.⁹

Although distributed in all parts of the country, 95% of religious minorities live in the Punjab and Sindh provinces. Hindu and Christian communities comprise approximately 92% of the entire minority population. According to the unofficial final results of Pakistan's sixth population census, which was released in 2018, there was a slight increase in the population of Hindus from 1.6% to 1.73%, and of Muslims from 96.28% to 96.47% during 1998 and 2017. The Christian population showed

significant decline, from 1.59% to 1.27%; and even starker was the change in Ahmadi numbers, from .22% to just .09%. Adherents of other religions, such as Zoroastrians and Baha'is, fell from .07% to .02%. The Pakistani government still has not released the official numbers of the minority religious populations from the 2017 census or explained these demographic changes.

Shifts in Ideology Since Pakistan Was Established

The idea of Pakistan gained momentum among British-ruled India's religious minorities, who were apprehensive about their future in a Hindu-majority state and how it would affect their ability to practice their religion. In 1947, Pakistan became independent—a home for Muslims where religious minorities would also be free to practice their faiths. Its founder, Muhammad Ali Jinnah, while speaking to the inaugural session of the Pakistani Constituent Assembly three days prior to the creation of Pakistan, declared: “You are free to go to your temples, you are free to go to your mosques or to any other place of worship in this State of Pakistan.... You may belong to any religion or caste or creed—that has nothing to do with the business of the State.... We are starting with this fundamental principle that we are all citizens and equal citizens of one State.”¹⁰

In retrospect, it seems Pakistan's founders wanted to establish a pluralist homeland for South Asia's Muslims.¹¹ However, Pakistan's identity and politics shifted significantly after Jinnah's passing.¹² Pro-Islamist sentiment and Islamist state slogans allowed Pakistani nationhood and the idea of an Islamic state to become conflated.¹³

Following Pakistan's independence in 1947, *ulema* (clerics and scholars) within and outside of the lawmaking Constituent Assembly became more vocal and active in politics and government. They advocated proclaiming Pakistan an Islamic state. These opinions coalesced in the Objectives Resolution of 1949 when the Constituent Assembly declared the objective of the forthcoming constitution to be the creation of an Islamic state.¹⁴ Despite opposition from the non-Muslim members of the Constituent Assembly, the Objectives Resolution was passed. The Originator of the Resolution and then Prime Minister of Pakistan, Liaqat Ali Khan, said that, “Pakistan was founded because Muslims of this subcontinent wanted to build up their lives in accordance with the teachings and traditions of Islam.”¹⁵

Pakistan might have evolved differently had Jinnah lived longer, but he passed away on September 11, 1948. At the time of Jinnah's death, it was unclear what role religion would play in Pakistan's governance. Regardless, Jinnah's successors in the Pakistan Muslim League, together with the *ulema*, forced¹⁶ the Objectives Resolution through the Constituent Assembly,¹⁷ which pushed the country toward a theocratic, rather than an inclusive secular, democratic state model.¹⁸ Historians suggest that the influence of Islamic scholars such as Shabir Ahmad Usmani and Maulana Abul Al Maududi¹⁹ reoriented the direction of politics after the creation of Pakistan.²⁰

Farahnaz Ispahani expresses in her article, “Cleansing Pakistan of Minorities,” just how instrumental the passing of the resolution would become to

Pakistan's identity, politics between religious groups, and the position of Islam in the law. "Once Pakistan's *raison d'être* had been defined in religious terms, the Islamists could not be held at bay."²¹ The Objectives Resolution would also pave the way for other laws and provisions that would denigrate the status of non-Muslims in Pakistan.

Maulana Abul Al Maudidi, the founder of the Jamiat-e-Islami in Pakistan, among other *ulema*, made acquisition of political control to achieve the Islamic State Jamiat's goal. This helped the forces that advocated Islamization of the state's institutions and laws.

Pakistan's First Steps

When the first constitution was to be finalized in 1956, the *ulema*, led by Maulana Shabbir Ahmad Usmani of the Jamiat Ulema Islam (JUI) and Abul Ala Maududi, founder of Jamaat-e-Islami (JI), pushed for Pakistan to be governed by Islamic Law. The *ulema* often had exclusionary beliefs, which were at odds with the vision that Jinnah had for Pakistan. For example, Maulana Maudidi believed that the Muslim and non-Muslim culture could not mix. "It destroys its [Islam's] inner vitality, blurs its vision, befogs its critical faculties..." he wrote.²² Eventually, these abstract preferences would end up codified in Pakistani law.

With the 1956 constitution, non-Muslims were barred from holding the office of head of government or state. It also declared that no law could be made that was against the injunctions laid down in the Holy Quran.²³ A few years later, the 1962 constitution, put forth by General Ayub Khan, introduced the

state's name as the "Islamic Republic of Pakistan," maintaining the restriction on non-Muslims to serve as president and appointed the Council of Islamic Ideology to recommend laws in conformity with Islamic principles.²⁴

With further iterations of the Constitution, divisions between Pakistan's Muslims and non-Muslims continued to deepen. Around this time, the anti-Ahmadi movement asserted itself, and Pakistan's Parliament pronounced Ahmadis to be "non-Muslims" by passing the Second Amendment.²⁵ Moreover, Article 260 was added to the Constitution, which defined a "non-Muslim" as one "who does not believe in the absolute and unqualified finality of The Prophethood of Muhammad," creating a legal compulsion to differentiate between Pakistani religious minorities. It also gave rise to the issue of determining what constitutes authentic Islam and who practices it.²⁶

The Zia Regime

In 1977, General Zia-ul-Haq came to power through the deposition of Zulifkar Ali Bhutto, the first democratically elected Prime Minister of Pakistan. With the advent of the Zia regime, another wave of Islamization followed, and many regressive laws were introduced.²⁷ There was also significantly more unitary executive action during this era as parliament and judges were often not allowed to question the direction of the decrees. During his rule, Zia made symbolic and consequential changes to the Constitution. For instance, under his regime the Supreme Legislative Body of Pakistan changed from Parliament

to “Majlis-e-Shoora”. Zia also used the Eighth Constitutional Amendment to make the Objectives Resolution the Preamble to the Constitution of Pakistan in 1985. Most notably, where the resolution had previously allowed minorities to freely practice their religion, under Zia, the word “freely” was omitted. The omission was restored in 2010 through the passage of the 18th Amendment.²⁸ Nevertheless, the Objectives Resolution established a state preference of religion (Islam) that paved the way for political intrusion by the cleric class and placed religious minorities in a disadvantaged position.

Zia’s legal pronouncements were particularly punishing for the Ahmadis. The system of separate electorates, which he instituted allowing citizens to only vote for candidates belonging to their religion, would have led to Ahmadi representatives being treated as non-Muslim minorities. The Ahmadi community refused to accept this and were effectively disenfranchised. Furthermore, Ahmadis could be subjected to legal proceedings based on whims of their orthodox counterparts who could complain that their religious sensibilities had been injured. The law effectively legalized greater discrimination, disenfranchisement, and violence against the Ahmadi community of Pakistan.²⁹

Zia set up Federal Shari’a Courts and introduced harsh Quranic penal codes (Hudood Ordinances). He passed discriminatory Blasphemy Laws and outlawed preaching by the Ahmadi sect in the infamous Ordinance XX (under which Ahmadis were considered to be a heretical sect of Islam and were forbidden to call themselves

Muslim). Zia also enhanced the scope of Islamic teaching in the school curriculum, portrayed Pakistan as a fort of Islam, and inculcated revulsion for Christians, Jews, Hindus, and Sikhs.³⁰

Zia also strengthened the role of the Council of Islamic Ideology, consisting of religious scholars who assessed all potential laws for their compatibility with Islam.

Through these efforts, General Zia-ul-Haq strengthened the repressive conservative character of the state in the name of religion.

With U.S. backing, Zia also supported the Afghan Mujahideen in their fight against the Soviet invasion and prolonged conflict from 1979 to 1988, making himself indispensable to the West and bringing international support for his unlawful rule. His administration had already brought about domestic pro-Islamic rhetoric and policies. With the Mujahideen fighting against a pro-USSR government in Afghanistan, Zia was also able to paint himself as a champion of Islam among the Organization of Islamic Countries.

Legal Landscape

The Objectives Resolution, passed by the Constituent Assembly under Prime Minister Liaqat Ali Khan, became the foundational framework that made Islam the state religion in Pakistan. The Objectives Resolution promised a state, “[w]herein the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed” and, “[w] herein the Muslims shall be enabled to order their lives in the individual and



collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran....”³¹

Several minority leaders opposed the passage of the Objectives Resolution, as well as the ambiguous amalgamation of religion and politics that it represented. Specific objections to language in the Resolution such as, “within the limits prescribed by him” and “as enunciated by Islam” were raised. Mian Muhammad Iftikaruddin was the only Muslim member of the Constituent Assembly who opposed the Resolution, again calling it ambiguous and against the will of Pakistanis.³²

The Objectives Resolution predates Pakistan’s previous three constitutions—from 1956, 1962, and the current 1973 Constitution, hence the Objectives Resolution was the source of “Islamic provisions” in these statutes.³³ These

provisions include clauses establishing that: the country would be called an Islamic Republic, Islam would be the state religion, non-Muslims could not be head of state or government, and institutions such as the Council of Islamic Ideology (established in 1962) would have an advisory role in legislation and policy. Moreover, the Eighth Constitutional Amendment (1985) made the Objectives Resolution a Preamble to the Constitution. Following the passing of the Objectives Resolution, there was a gradual march towards Islamization of the country. Often leaders have since used religion to garner support for themselves in the public sphere. For example, Zulfikar Ali Bhutto legalized discrimination against Ahmadis in 1974. Over time, Pakistan implemented stringent blasphemy laws and established Shari’a courts while integrating elements of Shari’a into the penal code.



The Constitution of Pakistan 1973 requires all provisions to be consistent with the teachings of Islam. The spirit of the Objectives Resolution persists, despite the Constitution stating, “subject to law, public order, and morality, every citizen shall have the right to profess, practice and propagate his religion.”³⁴ Throughout Pakistan’s history, protections available to religious minorities have continued to deteriorate.

The 1973 Constitution favors the propagation of Islam, requiring that it be taught in public schools to all Muslim students. Non-Muslim students are not required to study Islam, but schools generally do not offer alternatives. This Constitution also proscribes the enactment of laws that are “repugnant” to Islam, and gives the Federal Shariat Court (FSC) the power to make judgements about proposed legislation based on

this standard.³⁵ The FSC also has the power to make judgments on matters of Islamic jurisprudence and criminal culpability. The Constitution establishes the Council of Islamic Ideology, a body responsible for advising the legislative and executive branches on matters of what bills may be repugnant to Islam.

The 1973 Constitution contains several discrepancies, such as Article 25, which states that all citizens are equal in respect to the law, versus Article 2, which establishes Islam as the state religion. The denial of the rights of religious minorities to hold the highest office of the country also violates Article 25. In addition, Article 260, section 3, paragraphs (a) and (b) of the Constitution provides definitions of “Muslim” and “non-Muslim,” stating that the latter refers to one of eight religious groups. This differentiation is a cause of enhanced discrimination and restricts the categorization of non-Muslims to eight faiths or types of believers.³⁶

Pakistan’s Constitution also openly vilifies those of the Ahmadi faith, “a person of the Qadiani group or the Lahori group (who call themselves Ahmadis), is a non-Muslim.” The Constitution also makes it illegal for Ahmadis to propagate their faith, despite containing protections for every citizen to “profess, practice and propagate his religion.” The courts continue to enforce Blasphemy Laws with punishments ranging from life in prison to execution for a range of charges.³⁷

Article 19 of the Constitution restricts the scope of freedom of expression by making it conditional to *inter alia*, “the glory of Islam.” Other laws are puzzling

entirely, such as one that states that no person should take part in any religious ceremony other than his or her own.³⁸

2. Religion-State Relations

2.1 Religion as Political Identity

The idea that Pakistan is a state exclusively for Muslims solidified over time as the state narrative and as a nationalist mantra. It was taught in schools and vocalized in public spaces, often alongside a narrative displaying a fear of the “other” and animosity for other religions. A fervent nationalism based on religion started to take hold in Pakistan, and religion and politics became increasingly conflated. In sum, Pakistan’s occasional push towards becoming a modern democratic state has gradually descended into a project in which sectarian and religion-based violence have become major challenges. In the eyes of many religious groups and militant organizations downplaying the role of religious minorities in Pakistan’s creation, Pakistan was created by and for Muslims exclusively.

2.2 State, Military, & Religion

Husain Haqqani shows in his book, *Pakistan: Between Mosque and Military*, how the Pakistani government has developed a system of intricate power structures through military interventions.³⁹ The civilian government often attempts to use religious sentiments for political purposes, but when such influences become out of control, the military intervenes. The civilian government holds limited power, allowing for religious groups to exert significant

influence over the Pakistani population. Pakistani leaders have used religious sentiment as a nationalist rallying cry of sorts. Pakistan is imagined to be the vanguard of Islam in the region. General Zia used the sentiments of the public to try to appease the nation as did most leaders before and since.

The military and intelligence communities have often utilized non-state Islamist groups. “In the South Asian region, the Islamists have been allies in the Pakistani military’s efforts to seek strategic depth in Afghanistan and put pressure on India...” writes Hussain Haqqani.⁴⁰ This alliance of sorts has made extremist groups in Pakistan stronger, more independent, and able to make demands of the state.

The other side of the coin is that the role of the cleric class in governance was formalized as far back as the era of the Lahore riots in 1953. Following the overwhelming opposition to the Ahmadi sect, the state sought to keep the masses content, and Sunni Deobandi clerics were able to utilize this desire of the state to keep the peace and use Islam as a lynchpin to influence state policies.

CHALLENGES TO RELIGIOUS FREEDOM

1. Life for Religious Minorities

1.1 Religious Minority Representation

Religious Minorities in Pakistan are mostly represented through reserved seats in the national and provincial assemblies, and minorities in Pakistan still suffer from lack of representation, for instance, in higher judiciary and bureaucracy positions. Therefore, non-Muslims suffer from a fundamental lack of protections and voice in the laws and statutes of Pakistan.⁴¹

Zia-ul-Haq introduced the system of Separate Electorates in Pakistan and barred voters from voting beyond their religious identities.⁴² Each religious community was only allowed to vote for candidates belonging to their religion, affecting the social fabric and cohesion by promoting religious prejudice

and discrimination.⁴³ Because of the crippling inequality of the Separate Electorates system, the religious minorities of Pakistan campaigned to abolish Separate Electorates, which succeeded in 2002.

The Separate Electorates system was replaced by a system of proportional representation alongside the universal adult franchise. Voters and candidates can vote without restrictions based on religion, while political parties nominate candidates from religious communities with the following number of representatives in the Senate (4), National Assembly (10), and in the four Provincial Assemblies (22), but when the seats of the National Assembly were increased from 207 to 272, the number of minority representatives remained the same.⁴⁴ In the current scheme, the outreach and public contact of the

minority representatives is restricted by two factors—lack of demarcation of constituencies for reserved seats and lack of distribution of seats for different religious minorities in national and provincial assemblies. The small number of seats for minorities does not allow effective participation of smaller groups such as Buddhists, Bahais, Kailash, and Ahmadis. In addition, areas such as Gilgit-Baltistan and Azad (Independent) Kashmir lack voice in the legislative body.

1.2 Education, Employment & Housing

Resulting from lack of representation, a dearth of education, and stigmatization in Pakistan, religious minorities face persecution in all realms of life. Religious minorities are often geographically confined, living in segregated areas with poorer infrastructure and belonging to lower-income households. Punjab Province has the largest concentration of Christians, with significant populations in the cities of Lahore and Faisalabad. Yohannabad and Bahar Colony are two predominantly Christian areas of Lahore, and both suffer from poor sanitation, as well as a lack of development and government investment. Pakistani Hindus are concentrated in Sindh and Balochistan Provinces, especially in the Tharparkar and Sanghar Districts. Many belong to Scheduled Castes and work in menial jobs or labor on the lands of wealthy landholders.

Shi'a Muslims constitute a minority Muslim sect in Pakistan and frequently face discrimination and persecution. Hardline Sunni groups have frequently characterized them as "Kaafir" (or 'Unbeliever'). Shi'a Muslims, especially

the Shi'a Hazaras of Balochistan Province, have frequently suffered attacks on their mosques and imambargah (congregation halls).⁴⁵

Religious minorities often only have access to menial jobs and Christians and Hindus, in particular, are often only hired for sanitation jobs. Not only does this lead to further exclusion and a reinforcement of religious minorities' social status, but it also creates mistrust and leads to less exposure to minority faiths.⁴⁶

One report claims that a doctor refused to treat a Christian patient in need because the patient had just come from the sewer, highlighting the conflation of caste, religion, and occupation in Pakistan.⁴⁷ One such example from Pakistan's Punjab Institute of Cardiology's Lahore announcement of vacancies (Appendix 1) included in its list of job vacancies: the life operator, ward boy, and security guards that were open to all applicants. However, sanitary worker jobs only accepted non-Muslim applicants.⁴⁸

Religious minorities, including Christians and Ahmadis, report that their cemeteries, churches, and other holy sites are repeatedly attacked and vandalized.⁴⁹ In May 2018, two historic Ahmadi religious buildings were destroyed.⁵⁰

The Pakistani government has established quotas for academic institutions and government positions in addition to representative quotas in the legislative branch of government. However, the quota system is hardly ever enforced and there is some guesswork involved in what the actual quotas are. In addition, positions often go unfilled

because members of the minority group are unqualified or uninformed.⁵¹ The quota system is a step in the right direction but does not lead to the same benefits as would a comprehensive affirmative action program. With affirmative action, the government must cast a considerably wider net regarding integrating and promoting religious minority participation and contribution.

1.3 Hindus

The creation of India and Pakistan entailed millions of displacements and deaths. Poor understanding of history and culture has led to lasting resentment against the Hindu faith in Pakistan. Hindus are seen as conniving agents of India and are therefore mistrusted.

Before the partition of India, Sindh Province was home to a large Hindu population. However, during the partition a number of Hindus left for India due to threat of violence at the hands of frenzied mobs.

Of the Hindu families in Pakistan, the wealthiest are primarily traders or small business owners. They are threatened and have experienced many cases of kidnapping for ransom in their ranks in both Sindh and Balochistan provinces. The security situation has steadily worsened following the formation of religious extremist outfits so many wealthy families have been educating their children and resettling them overseas or relocating the entire family.⁵²

The Hindus that remain in Pakistan are still vulnerable and face challenges in political, economic, and social settings. The community suffers discrimination

at the hands of the government and individuals. Hindu holy sites are ransacked for jewelry and individuals are often set upon by fanatics who claim Pakistani Hindus are loyal to India.⁵³ The narrative of Pakistani Hindus being loyal to India is prevalent among government employees and officials as well. Hindu activists complain that they are not allowed to serve in the armed forces, the judiciary, or positions in civil service.

Part of the Hindu community of Pakistan, called “Scheduled Castes,” suffer from abject poverty. Because of the stigma they face within their own community and in the greater Pakistani society, “Scheduled Caste” Hindus exist on the margins of society. They are vulnerable to exploitation in the form of bonded labor, where they work in slave-like conditions, making bricks or farming for the benefit of wealthy landowners and manufacturers.⁵⁴ These minorities often live under an unfair system of debt, from which the indebted families are unable to escape, meaning that they are barred from opportunities to improve their lives through education or other means.⁵⁵

Those who do break-away from bonded labor can often find only menial work as sweepers and cleaners. In Pakistan there is little in the way of affirmative action for religious minorities, despite quotas for government jobs.

There is also a recurring problem of forced conversions and marriages. The most recent case involves two Hindu girls, Reena and Raveena. However, these cases are part of a larger trend, one which notably includes several conversions by Mian Mithu, a Muslim cleric and politician accused of

repeatedly facilitating the abduction and forced conversion of Hindu girls in Sindh Province. In an endeavor to curb forced conversions, the Sindh Child Marriage Restraint Act of 2013 makes it a criminal offence to marry or force girls below 18 years of age to marry; however, in other places such as the Punjab Province, the marriageable age limit for girls is still 16.⁵⁶

1.4 Christians

While the Christians of Pakistan are predominantly of low socio-economic status, the Christian community has made invaluable contributions to the infrastructure and services in Pakistan, including hospitals, schools, and social institutions.

Middle-class Christians are often educated and can find employment in the civil service or medical industry. However, lower-class Christians have limited economic opportunities at best, seeking out livings as street sweepers and sanitation workers. Many Christians in Sindh Province also work as bonded laborers in the carpet-weaving and brickmaking industries.⁵⁷ For the most part Christians have little opportunity for upward mobility, those that belong to affluent families continue to remain in similar positions, while those of underprivileged backgrounds struggle to break out of their position in society.⁵⁸ Many Christians try to emigrate from Pakistan, and report better conditions in Dubai and other large, cosmopolitan centers.⁵⁹ Non-Muslim Pakistani's report feeling more safe in regard to their families and better able to celebrate their faith without fear.

As with other minorities, Christians face discrimination and persecution in various aspects of life. They are



often targeted with violence, forced conversion, land takeovers, attacks on churches, and allegations of blasphemy.

In recent years, non-state actors such as ISIS and Tehrik-e-Taliban Pakistan (TTP) have set their sights on Christians. ISIS attacked a Christian church in Quetta in 2017, in which nine adherents were killed and 60 others suffered injuries.⁶⁰

1.5 Ahmadis

Ahmadi Muslims maintain a different interpretation of their faith from orthodox religious groups in Pakistan, and the consequences of these differences result in discrimination, distrust, and violence.

Historically, the hostility against Ahmadis conflates with the concept and practice of *Takfir* (heresy). Before the partition of the sub-continent, there



were several Sunni sects in India who all had disagreements on the correct interpretation of Islam. After the creation of Pakistan, these disagreements persisted and concentrated in the new territory. The curse of *Takfir* was brought to Pakistan. One Muslim political party, the Majlis-e-Ahrar-ul-Islam, spearheaded the movement to have the Ahmadis declared non-Muslims due to their belief that Mirza Ghulam Ahmad was the promised Messiah. The Ahmadi Community and the Ahrar also had different political visions and opposed each other due to the backing of the Muslim League and Congress respectively. Although the party was eventually outlawed, it found a successor in Tehreek-e-Tahaffuz-e-Khatm-e-Nabuwwat.⁶¹

In 1949, the Ahrar used their sizeable network to instigate protests and disrupt the country. They put forth a

list of demands, which when rejected, culminated in the 1953 Lahore riots. The Ahmadiyya community suffered immensely due to the riots, which resulted in torture, the desecration of mosques and murder attempts on a large scale. Martial law was declared to reign in the volatility of the situation. The army was eventually able to quell the rioting, and figures such as Maulana Maududi and Maulana Abdus Sattar Niazi were arrested, although they were released soon after.⁶²

Unlike Christians and Hindus, discrimination against Ahmadis is acute as it is sanctioned by law. When receiving their passports, Pakistanis must sign a statement declaring that they reject Mirza Ghulam Ahmad (the founder of the Ahmadi sect) as a pretender and false prophet. It is a crime punishable by imprisonment for an Ahmadi to identify as a Muslim.

Ahmadis are unable to organize their religious celebrations and festivals; moreover, all publication of Ahmadi literature is banned.⁶³

Ahmadis are often victims of bombings, killings, and hate crimes. Places of worship belonging to the Ahmadi community are often vandalized and desecrated. In 2005, a section for religion was approved by the federal cabinet of Pakistan. The Ahmadis rightly felt that they would be singled out and protested the change. However, the section for religion stayed on the passport.⁶⁴ Such examples of de facto discrimination can be found in several respects to Ahmadis.

Due to their unique status in the law of Pakistan, tension exists between the Ahmadi's profession of their faith and their ability to participate in political life. There is a separate electoral list for Ahmadis in case they would like to cast their vote in the elections.⁶⁵ Ahmadi Muslims experience severe discrimination in public life. Simple association with Ahmadis can carry a stigma. In September 2018, Prime Minister Imran Khan removed Atif Mian, who was serving on the Economic Advisory Council, because of his Ahmadi faith. A spokesman for the Ahmadi sect, Saleem-ud-Din, said he will be available should Khan's government seek his services in the future, as "we love our country too much."⁶⁶

1.6 Biases in Education

A USCIRF report⁶⁷ released in April 2016 found that 70 intolerant or biased passages on religious sects were added in school textbooks. Fifty-eight of these passages came from textbooks used in the Balochistan and

Sindh provinces, while 12 came from the Punjab and Khyber Pakhtunkhwa provinces. Pakistan's faith-based organization, the National Commission for Justice and Peace (NCJP), found that biased Pakistani textbooks have yet to eradicate "hate material" that teaches distrust of non-Muslims.⁶⁸

A Council of Foreign Relations report from 2009 found that Pakistan's education system makes Pakistan the country with the lowest enrollment rates in South Asia. Extremist groups provide education in Madrasahs, which promote extremist values and fill the gap left by the government.⁶⁹

The implicit bias and discriminatory ideas in Pakistan's education system create space for violations of the rights of religious minorities. Many Pakistani Muslim children develop hostile notions about religious minorities at an early age, while religious minorities learn negative Pakistani Muslim perceptions of minority religions. While Islamic studies is a compulsory subject, students belonging to minority faiths cannot study their own religion.

1.7 Minority Women

According to a report⁷⁰ published in 2012, there is hardly any government data detailing the socio-economic standing of minority women specifically. Survey data in the report "Life on the Margins" shows that non-Muslim women lag in literacy, access to health care, and economic independence. Minority women are also more likely to face discrimination in the workplace and in school due to increased vulnerability and lack of redress options.⁷¹ Young women who are either Christians

or Hindus face forced conversions to Islam (see section below) creating a situation for which there is no redress currently available. Even if the girls are minors,⁷² once they have been converted to Islam and married to Muslims, they cannot leave the marriage or disavow Islam, as that is considered apostasy in Pakistan.⁷³ To escape these circumstances, young women aspire to study nursing as a profession. Those who can get an overseas job do, as they may earn much better wages in a more professional environment.⁷⁴

Personal laws governing family matters of religious communities were introduced during the British rule. In 2017, the federal Hindu Marriage Act⁷⁵ was passed whereas national laws concerning Christian, Sikh and Ba'hai marriage and divorce have needed amending for decades.

1.8 Forced Conversions

Forced conversions instill fear and anger among religious minorities, particularly from those of the Hindu and Christian faiths. Women and girls are particularly vulnerable and disproportionately affected. Muslim clerics and authorities continue to deny the forced nature of these conversions.⁷⁶

Archbishop of Lahore Sebastian Shaw said that there has been a rise in the number of kidnappings recently. Estimates by international (Agenzia Fides) and local news agencies (Dawn) indicate between 100-700 Christian girls and around 300 Hindu victims were kidnapped over the last year alone.⁷⁷ It is difficult to verify the exact numbers, since there are discrepancies in reporting and registrations of

cases with the police due to the compulsive nature of the conversions.

For example, a woman named Gulnaz Shah was married to a Muslim man in a village in Pakistan. Before her marriage to this man, her name was Ravita Meghwar. Her family alleged that she was kidnapped and forcibly converted to Islam, however she says that she willingly converted and eloped. Stories like these are far too common.

According to an article in *Dawn News*, the same trend repeats itself in all of these cases: "Why only young girls and women of marriageable age? Why don't mature women convert? Why is the story always the same—a girl runs away with a Muslim man and refuses to have anything more to do with her family, who have little choice but to stay quiet?"⁷⁸ In many cases, such as the 2012 conversion of three Hindu girls, the girls have attested in court that they wish to remain with their husbands. However, activists have said that girls are forced to provide such testimony.⁷⁹ It remains peculiar that whenever these girls convert, they are married off right away.

In October 2019, there were 18 cases pending in the Hyderabad Bench of Sindh High Court filed by the relatives of the Hindu girls who had returned to their families after their reported conversion to Islam and marriages. These women reported abuse and appealed to the courts through their relatives to provide protection.

Authorities and politicians have been reluctant to stop these heinous crimes because religion is used as a lethal instrument. Politicians don't want to risk becoming unpopular with the masses

or to expose themselves to danger. When the Sindh assembly passed a bill in 2016 banning forced conversions, the backlash from extremist Islamist groups was immediate. A Jamaat-ud-Dawa leader stated, “[I]t is not conceivable to think of impediments to entering the fold of Islam.” Police do not take action, but rather facilitate when a conversion from a minority to Islam is reported. Mian Abdul Haq (Mian Mithu) is an illustrative case of this phenomenon. A custodian of Burchundi Sharif shrine in Sindh, Mian Mithu has been member of the Parliament, and is a powerful patron of the gang that converts girls forcibly.⁸⁰ He became prominent for converting a Hindu girl named Rinkle Kumari to Islam in 2012 before she married Naveed Shah. He infamously uses his political reach to influence legal cases of kidnapped girls, particularly those belonging to the Hindu community. Mian Mithu enjoys impunity in connection to the forced conversions, though recently political parties refused to give him election tickets for general elections in 2018.⁸¹

A new trend surfaced in 2019 in the human trafficking of minorities within Pakistan. Several sources confirmed that Chinese men were tricking young Christian women into marriage by posing as Christians. Brokers have been aggressively seeking out girls for Chinese men, sometimes even idling in vehicles outside churches to ask for potential brides.⁸² Parents receive several thousand dollars and are told that their new sons-in-law are wealthy Christian converts. These women are then put into group housing away from their families for labor work; some are even sent to China where they are sold or abused sexually, physically, and emotionally.⁸³ Overall, it has become increasingly

difficult for poorer non-Muslims to maintain and practice their religion. In addition to targeting girls and women, poor families are enticed by clerics and wealthy patrons to convert to Islam with the notion that bringing someone to Islam is worth *Sawab* (spiritual merit). Civil society has advocated stronger measures, including full enforcement of a ban on marriages involving women below 18 years of age.

1.9 Minority Migration

Driven by violence, the destruction of religious sites and private property, and fear of forcible conversion, there is evidence of persecuted minorities leaving Pakistan. A *Dawn News* article estimated that around 5,000 Hindus leave Pakistan every year.⁸⁴ And there have been several incidents of Christians being threatened to convert or leave the country. Entire villages have been burned on mere suspicion of blasphemy.⁸⁵ Similarly, many Ahmadis have left Pakistan over the years and moved to the United States, Germany, or the United Kingdom.⁸⁶ There is little government data on how many religious minorities have left Pakistan, but a significant portion of the already miniscule minority populations has been forced to leave according to observers.

1.10 Hazara Shi’a Persecution and Violence in Balochistan Province

The Shi’a-Sunni divide in Islam is part of the reason why Shi’a Muslims are targeted in Pakistan. Extremist Sunnis claim that Shi’a Muslims blaspheme simply by declaring a different understanding of the succession of the Caliphate in Islam. Saudi Arabia, predominantly Sunni, has long supported Sunni



groups in Pakistan. Iran, being predominantly Shi'a, has supported Shi'a Muslims in Pakistan and has been accused of supporting militancy and violence in Pakistan as well.

When Afghanistan was under the control of the Pakistani intelligence-backed Taliban, there was significant support provided to the Taliban by the Pakistani government, including personnel from extremist organizations such as SSP and Lashkar-e-Jhangvi (LeJ). Both during the Taliban occupation of Afghanistan and after their defeat, the extremist ideologies of these groups were at odds with Shi'a Muslims; and there was deliberate incitement among the Taliban to kill Shi'a Muslims. SSP and LeJ are both infamous anti-Shi'a organizations, responsible for massive casualties of Hazara Shi'as in Quetta, as

well as attacks on Iranian diplomats such as Muhammad-al-Rahimi.⁸⁷ Hazara Shi'a Muslims are often dubbed as Iranian spies or enemies of Islam and their allegiance and beliefs are frequently questioned because of these groups.

Violence against Shi'a Muslims has become increasingly common in parts of Pakistan. A Human Rights Watch report details that the rise in violence between Sunni and Shi'a Muslims began in the 1980s.⁸⁸ Zia-ul-Haq's tenure in office was the most divisive period for relations between Sunni and Shi'a Muslims. The circumstances following the Iranian Revolution, domestic Islamization efforts (a Sunni interpretation), and Pakistan's support of the Mujahideen in Afghanistan set the stage for the Shi'a community to create an organization protecting the interests of Shi'a Muslims,

the Tehrik-e-Nifaz-e-Fiqh-e-Jafaria (TNFJ), which eventually turned toward militancy. As a reaction and to continue to fight for Sunni dominance, the Deobandi leaders and organizations supported militant organizations such as Sipah-e-Sahaba Pakistan (SSP) and its offshoot Lashkar-e-Jhangvi (LeJ).⁸⁹ Annual Muharram⁹⁰ processions have been targeted by extremists in the past, killing scores of Shi'a believers.⁹¹

Hazara Shi'a Muslims live predominantly in Quetta, Balochistan Province. They migrated to Pakistan in the 20th Century from Afghanistan and parts of Central Asia. Their unique physical features compared to other Pakistanis, and the Dari language they speak make them easily recognizable. Due to these qualities and their faith, Hazara Shi'a Muslims have been targeted by extremist Sunni organizations. Human Rights Watch reported that at least 450 Hazaras were killed in 2012, and another 400 were killed the following year.⁹² From 2013 to 2018, at least 509 Hazaras were killed and 627 injured in targeted killings, suicide attacks, and bomb attacks, according to the National Commission for Human Rights (NCHR), Pakistan.⁹³ The city of Quetta is home to more than 600,000 Hazara Shi'a Muslims. It is reported that around half of Hazara Shi'a Muslims have been either killed or have left the city over the last ten years.⁹⁴ They have also received death threats from Sunni extremist groups, who have made statements to the effect that all Shi'as are worthy of killing and their intention is to make Pakistan their graveyard. The most recent attack on Quetta's Shi'a Muslims occurred in April 2019, when an explosion ripped through a vegetable market, killing at least 18 people.⁹⁵ Due to the attacks, the movement

of Hazaras in Pakistan has become extremely limited, and they confine themselves to a few parts of Quetta. Consequently, economic hardship has become commonplace; Hazaras lack access to quality education and have limited contact with members from outside the Hazara community.⁹⁶ One Hazara Muslim said, "There is no earning member in our family. My younger son is training to be a tailor but until he learns the trade, he is unable to support the family. My son Sajjad (killed in May 2012) was the sole breadwinner. Some people know our situation and they tried to help us...how long can people keep supporting us?"⁹⁷

The state response to attacks on Hazaras has been lacking and there is little vocalization about any government response—although the Hazara settlements do have some measure of government-sponsored protections. Some politicians and police officers have given surprisingly prickly responses to questions about the Hazaras and have also displayed a lack of respect for this group.

A major part of the problem is lawlessness in Balochistan Province. Police and government officials claim they are hamstrung by poor management of resources and lack of proper funding for projects. Despite Balochistan being the richest province in terms of natural resources, it has been chronically mismanaged and is the least developed of the four provinces. Balochistan Province has the highest infant mortality rate, highest poverty, and lowest literacy rate in Pakistan.⁹⁸ Balochis accuse the Pakistani government of extractive practices, as well as failing to invest in infrastructure, education, and health.⁹⁹ Most people

fail to see the benefits of its gas revenues due the central government setting prices, lack of control over the natural gas deposits, and hoarding among local leaders.¹⁰⁰ Adding to the complexity of the situation is the fact that Balochistan Province is home to separatist groups and has a long history of resistance to the central government. The separatists argue that they are purposely marginalized economically and mistreated by the central government, and this had often led to the separatists adopting violent means.¹⁰¹ Pakistani intelligence agencies have been accused of using the situation to their advantage by maneuvering extremist groups to take out priority Balochi nationalist targets and ignoring the plight of the Hazaras by allowing lawlessness. They have also been accused of using militants to crush Balochi dissidents.¹⁰² Reports of forced disappearances are common. Although the military frequently denies any connection with militant organizations, there has been clear evidence of these affiliations occurring in the past.¹⁰³

1.11 Apostates & Atheists

Although Atheism is not technically illegal in Pakistan, it carries a stigma and possibility of physical violence. Still, there is a noticeable absence of individuals who publicly call themselves atheist.

Although there is no specific statute criminalizing *irtidad* (apostasy), it is deemed punishable by death in some interpretations of Islam. Public life in Pakistan often follows Sunni jurisprudence and interpretation of Islam. Islamic scholar Maulana Shabbir Ahmad Usmani laid a foundation in his writings showing that the punishment for apostasy in Islam is indeed death,¹⁰⁴

and all lacunae in Pakistani law are to be filled with reference to Islamic law,¹⁰⁵ which led the Minister of the Interior to prescribe it to the Punjab government.

Although not always the case, apostates face serious consequences for abandonment of Islam, including harassment, violence, and even death. As previously stated in this report, it is not explicitly illegal to change one's religion. However, according to some thinkers, departure from Islam is defilement of the holy name of Muhammad and therefore an act of blasphemy, which brings apostates under the purview of Pakistan's Blasphemy Laws. Even without bringing Blasphemy Laws into the mix, social acceptance of apostates is rare. Tahir Iqbal, a retired Pakistani Air Force engineer accused of blasphemy after converting to Christianity, died in Kot Lakhpat's jail in 1992 under suspicious circumstances. It is speculated that he was poisoned by the staff, although nothing could be proven because an autopsy that had been ordered was never conducted.¹⁰⁶

Since most Pakistanis are born into Muslim households, it is very hard for them to express their disbelief as it is for other atheists in Pakistan. According to one article they find solace online, meeting in secret when possible.¹⁰⁷ There is always the specter of blasphemy when expressing disbelief or questioning the existence of God, which can easily be interpreted as an insult to Islam, the Prophet, Allah, or all three. Again, such statements can result in violence and death of the one who asks such questions or expresses disbelief. There is also the possibility of being ostracized by one's family and friends.



2. Discriminatory Laws & Social Hostilities

While discriminatory laws are a thorn in the side of human rights activists and civil society in Pakistan, the secondary effects of these laws are often more damaging, giving way to the most egregious human rights violations. These effects range from violence against individuals to destruction of religious monuments.

2.1 Blasphemy Laws

Pakistan's Blasphemy Laws are rooted in its colonial past, when the British introduced punishments for insulting religious belief. Over time, the scope of these laws has widened, and their use became more varied. These Blasphemy Laws were established to decrease the chance of a potential religiously motivated conflict, but were rarely

utilized and often reserved for those perceived to actively incite violence. Blasphemy Laws have been given greater significance and have been used more frequently with each subsequent government in Pakistan.

One of the worse legacies of Zia-ul-Haq are Pakistan's Blasphemy Laws. Sections 295-B, 295-C, 298-A, 298 B, and 298-C of the Pakistan Penal Code were introduced through amendments gradually between 1980 and 1986. Four out of five amendments were made by executive orders issued by Zia. The first three penalize insult against the Quran, the Prophet Muhammad, or his family, caliphs, and their immediate companions. The last two laws are Ahmadi-specific and penalize propagation of the Ahmadi faith and claims that Ahmadis are Muslims.



Following the Zia government's amendment of the Pakistan Penal Code (PPC) and Criminal Procedure Code (CPC), Blasphemy Laws could be applied on a larger number of counts. Article 295-A of the PPC states that any deliberate act to outrage religious feelings is punishable by fine, up to 10 years imprisonment or both. 295-B makes desecration of the Quran punishable by life in prison, while 295-C makes the use of derogatory remarks against the Holy Prophet punishable by death.^{108, 109}

In October 1990, the Federal Shari'a Court determined that "the penalty for insulting the Holy Prophet . . . is death and nothing else." The court directed the government of Pakistan to change the law accordingly or, "in case this is not done by 30 April 1991 the words 'or punishment for life' in

section 295-C, Pakistan Penal Code, shall cease to have effect on that date."¹¹⁰

Decisions by the Federal Shari'a Court are binding under Article 203-D (3) of the Constitution. The government could have appealed the decision to the Sharia appellate bench of the Supreme Court, but chose not to do so, hence the verdict carries the force of law now. Since blasphemy carries such a harsh punishment, complaints started mushrooming, often to sabotage business rivals or to take revenge against someone.

Accusers are not required to present any evidence of blasphemy; the laws are open to abuse and false accusations. Moreover, the law sets severe punishments, from death sentences to life imprisonment, for "insulting another's religious feelings."

As of 2019, at least 17 people are on death row for blasphemy.¹¹¹ The misuse of Blasphemy Laws has become particularly egregious in recently times. According to a Dawn News article, before 1986, only 14 cases of blasphemy were reported, whereas between 1986 and 2010 there were 1,274 cases.¹¹²

2.2 Anti-Ahmadi Laws

Ahmadis are subjected to the most severe legal restrictions and suffer from officially sanctioned discrimination. Ahmadis believe that Mirza Ghulam Ahmad¹¹³ was an Islamic prophet that came after the Prophet Muhammad, which is considered heretical or against Islam by many Muslims.

September 2019 marks the 45th year of Pakistan's second amendment

to its Constitution, which declared Ahmadis as “non-Muslims.” In order to obtain a passport or national identity card, Pakistani Muslims must sign a declaration affirming that they are not Ahmadis and that Ahmadis are considered “non-Muslims.”¹¹⁴ Ahmadis generally boycott elections and do not vote as registration requires a denunciation of faith and poses a security risk.

The Penal Code provisions put into place under General Zia were particularly severe. Article 298-A makes the act of insulting holy personages a crime punishable by imprisonment of three years. While 298-B and 298-C refer to the Ahmadi community specifically. Article 298-B sets the punishment for misuse of Islamic titles, epithets, or descriptions by Ahmadis. Additionally, 298-C makes Ahmadis calling themselves Muslim or propagating their faith a criminal offense.¹¹⁵ They are also unable to refer to the Prophet Muhammad; or refer to their houses of worship as mosques.

2.3 Misuse & Consequences of Pakistan's Blasphemy Laws

Blasphemy Laws disproportionately affect minorities in the Ahmadiyya community, Shi'a Muslims, Christians, and Hindus. For example, Christians form just 1.5% of the population, but over a quarter of all blasphemy cases are against Christians. According to the BBC, “Since the 1990s, scores of Christians have been convicted of desecrating the Qur'an or blaspheming against the Prophet Muhammad.”¹¹⁶ Blasphemy cases are often used to settle personal disputes over land ownership, to promote hostility toward individuals or groups, or for economic gain. Prominent

cases have resulted in Christians having their sentences commuted because of a lack of concrete evidence. However, in some cases, government officials have been murdered for speaking out against Blasphemy Laws. Several churches and Christian schools have been set on fire or attacked.¹¹⁷ Many Christians are poor and pushed to the margins of society in Pakistan. The government largely ignores violence against them.¹¹⁸

In 2009, Asia Bibi was accused of blasphemy over a dispute of drinking from a shared water utensil, which led to a heated exchange with a Muslim woman. It was alleged that Asia Bibi made disparaging comments about the Prophet Muhammad, upon which she was convicted of blasphemy in 2010 and sentenced to death by hanging. In October 2018, Pakistan's Supreme Court quashed the conviction and ordered the release of Asia Bibi. Groups supporting the Blasphemy Law took to the streets to protest the decision to release her, damaged public and private property, and threatened the judges of the Supreme Court, government officials, and military leadership with violent reprisals.¹¹⁹ Asia Bibi was able to relocate safely to Canada, where she was granted asylum.¹²⁰ However, the case is illustrative of the dangers that Blasphemy Laws pose to religious minorities, both because of the relevant legal sanctions, but also threats of vigilantism.¹²¹

After showing sympathy for Asia Bibi's case, and speaking out against injustices caused under Blasphemy Laws, Salman Taseer, the governor of Punjab, was killed by his bodyguard, Mumtaz Qadri. The assassin was later applauded by religious leaders as a

defender of Islam. The Islamist parties used Qadri's sentencing and execution to galvanize a movement toward an extremist narrative,¹²² exploiting Blasphemy Laws as a weapon of fear and intimidation for religious minorities on one hand, and terrorizing the state and society on the other.

The incidents surrounding Asia Bibi's case are not isolated to her case. In her book, *Purifying the Land of the Pure: Pakistan's Religious Minorities*, Farahnaz Ispahani writes that, "the amendments of the Pakistan Penal Code [PPC] introduced in 1991 are applicable to anyone defiling the name of the Prophet Mohammad or outraging the religious feelings of certain groups. They are of significance particularly in the context of the Pakistan Government's policy towards the Ahmadi community, as its members are frequently charged under these two sections of the PPC."¹²³

Professor Junaid Hafeez of Bahauddin Zakriya University has been on trial for more than five years, with the case being handed over to six different judges. Hafeez was accused of blasphemy, allegedly having posted a blasphemous post on a social media site. Over these five years he has languished in prison without bail.¹²⁴ Hafeez's case is illustrative of the toxic nature of blasphemy cases, present a danger faced by the attorneys themselves. Hafeez's lawyer, Rashid Rehman, a prominent human rights activist, was threatened with dire consequences and eventually murdered in his office. "Rashid Rehman's killing underscores that the blasphemy law creates dangers for both defendants and their lawyers," said Brad Adams, Asia Director of Human Rights Watch."¹²⁵

Attacks targeting Ahmadi places of worship have gone unresolved since the 1980s. An article from the Muslim Times captures the scale of attacks on places of worship: "[F]rom 1984 to 2017 as many as 27 Ahmadi mosques have been forcibly demolished; 21 worship places of the community were set on fire; construction of 57 mosques was forcibly stopped; and 17 mosques have been forcibly occupied."¹²⁶ Religious and sectarian minority communities live in a state of fear and insecurity due to violence in the name of religion.¹²⁷ Since 1989, there have been more than 5,600 deaths related to sectarian violence in Pakistan.¹²⁸

In 2017, Blasphemy Laws resurfaced in Pakistan and gained increased international attention. Prime Minister Nawaz Sharif's government weighed in on the issue of blasphemous content in the age of the Internet and social media, saying anyone who published blasphemous content online would face strict punishment. The Pakistan Telecommunication Authority (PTA) has been charged with cracking down on websites and social media accounts that are offensive to Islam. This is a worrying development as it only fans the flames of intolerance and makes injustice at the hands of mobs even more likely.

While Imran Khan and his government have at times spoken out against blasphemy vigilantism, they have not taken firm action to curb the practice, and indeed, in the controversy surrounding Asia Bibi's acquittal, Khan backed down on his critiques of anti-blasphemy protests.¹²⁹

2.4 Blasphemy & Mob Violence

Mob violence is often directly linked with Blasphemy Laws, and the most serious cases of mob violence are against individuals who have been accused of blasphemy. The accusation of committing blasphemy can result in the accused being subject to violence and even death. Once an individual is accused of blasphemy, the individual often does not arrive safely at a police station, much less to appear in court. Due to the increased use of mobile phones, mob violence has become increasingly prevalent in the rural and poor areas of Pakistan, where people are often far removed from the intervention of the authorities and law enforcement officials.

In 2014, Shahzad and Shama Masih, a young couple, were killed by a mob of around 600 following accusations of blasphemy. People from the surrounding villages gathered to attack Shahzad and Shama, who was pregnant at the time, following the accusation that they had desecrated the Quran. The mob beat them and then burned them in a brick kiln. The police were unable to stop the mob, but had arrested 45 people in connection with the murders.¹³⁰ An investigator said that the accusation against Shahzad and Shama had been made by the brick-kiln owner due to a financial dispute. Later, an Anti-Terrorism Court (ATC) in Lahore acquitted 20 men suspected of involvement in their murder and allowed Yousuf Gujjar, the kiln owner, to walk free.¹³¹

In another case in 2017, a mob attacked a man with a well-documented case of mental illness after the man declared



himself the Messiah in a mosque in Chitral. The congregation of the mosque turned violent and police had to rescue the man. The situation escalated to the point where the police were forced to use riot control tactics. Several police officers were injured along with individuals in the crowd. According to one Reuters article, since 1990 there have been at least 67 murders over unproven allegations of blasphemy in Pakistan.¹³²

Yet another case involved Mashal Khan, a Muslim student at Abdul Wali Khan University who suffered a grisly fate at hands of a mob at his own university. Khan was accused of posting blasphemous content online and killed before a proper investigation could be conducted. In a heart-breaking turn of events, the Inspector General later declared that no concrete evidence was



found under which an investigation of blasphemy could be launched against Mashal Khan and his friends. Further investigation of the incident revealed that the student body leadership and university administration were involved in the murder and had planned and incited violence due to Mashal Khan's frequent criticism of the university.

These incidents illustrate the damage that Blasphemy Laws can cause. They can be used to prey on the innocent for political gain and as a tool to silence dissent. In addition, they create an atmosphere of insecurity, distrust, and lack of respect for the law.

2.5 Extremist Organizations

Several organizations pose a pervasive threat of terrorism in Pakistan, including the Haqqani Network,

ISIS, Lashkar-e-Taiba, Tehrik-i-Taliban Pakistan (TTP), Jamaatul Ahrar (TTP-JA), Lashkar-e-Jhangvi, and Al-Qaeda. Since 2001, the Ministry of Interior has banned 66 organizations, including 14 recommended under UNSC Resolution 1267, and kept five on the watch list, including one enlisted by the UNSC.¹³³ There were many militant organizations formally banned but which were re-organized under new names. These militant factions often promote a specific view of Islam. Many religious leaders conflate Islamic ideology with Pakistani nationalism. This combination encourages mobs to work outside the law to protect Islam and Pakistan through vigilante "justice."¹³⁴ Minorities in Pakistan remain fearful of what these organizations might do in the future.

In January 2018, the capital of Pakistan was under siege by a sit-in organized

by Tehreek-e-Labbaik-Pakistan (TLP) (formerly called Tehreek-e-Labbaik-ya-Rasool-Allah, TLYR, Movement for the Call of Allah's Prophet) – the latest addition to Pakistan's pantheon of extremist groups. The party opposes any change in Pakistan's stringent Blasphemy Laws, demands full implementation of Shari'a law, supports institutionalized discrimination against religious minorities, and considers vigilantes who kill those accused of dishonoring the Prophet Muhammad as heroes. TLP was created by clerics supporting Qadri, who murdered the former governor of Punjab, Salman Taseer, for speaking out against Asia Bibi's blasphemy charges.

There is a nexus between extremist outfits and the lack of progress on religious freedom, specifically, and human rights, generally. These organizations not only espouse an extremist Islamic ideology, but also frequently employ terrorist tactics and assassinations of those who speak up against their ideologies. Shahbaz Bhatti, a Christian politician and federal Minister for Minority Affairs, was assassinated by the Tehrik-e-Taliban for speaking out against blasphemy laws and criticizing the government for failing to protect minority rights.¹³⁵ Unfortunately, the government is reluctant to outlaw these organizations because they sometimes serve a strategic purpose or are too closely affiliated with powerful religious political actors.

Over the past few years, the Pakistani government and military have made a concerted effort to curb the situation of lawlessness and terrorism in Pakistan and carried out several kinetic operations against known

terrorist strongholds and bases. One example is Operation Zarb-e-Azb in the Kyhber Pakhtunkhwa Province and Federally Administered Tribal Areas (FATA) targeting the TLP, Lashkar-e-Jhangvi, and the Haqqani network.¹³⁶ Zarb-Azb was followed by Operation Radd-ul-Fasaad, which is ongoing. The operations have been effective but have involved exorbitant costs for the local populations.

The guise of these operations allows the state and military greater latitude in repressing political actors and civil society. Two Pashtun members of the National Assembly, Ali Wazir and Mohsin Dawar, were arrested on drummed-up charges of anti-state activity as a motion of intimidation,¹³⁷ but later released after they were granted bail by the Peshawar High-Court.¹³⁸ Domestically, the Pakistani military continues to operate with impunity and military successes mean little when the security and order situation is so precarious. Additionally, there have been recent terrorist attacks in Quetta linked to ISIS,¹³⁹ and Pakistan has tightened security as Pakistani's fighting for IS return from abroad.¹⁴⁰ Residents in the Northwest fear an increase in TTP activity following attacks in Bajaur District¹⁴¹.

SAFEGUARDING RELIGIOUS FREEDOM

By definition human rights are indivisible, interdependent, and related. This means that, for example, protecting the right to free speech may also require fulfilling the right to education side by side. An isolated achievement in one area of human rights may not be possible.

The protection of freedom of belief and religion is accorded a special place in the discourse of human rights as a fundamental freedom.

The Right to Freedom of Religion appears in the Universal Declaration on Human Rights (UDHR) Article 18, and reads, “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief...” The article continues with the right to public practice and manifestation of

religious activity in the public sphere.¹⁴²

In addition to its reference in the UDHR, Freedom of Religion appears again in the International Covenant on Civil and Political Rights (ICCPR). The ICCPR covenant reiterates the human rights position on the matter, while expanding on the operation of freedom of thought and offering equal protections to all adherents regardless of belief or religion. The ICCPR also details rights for the protection and safety of all citizens despite their background, religion, ethnicity, or race.

Besides these specific mentions of the Right to Freedom of Conscience, Religion and Thought, there is overlap in international law which relates to specific applications of religious freedom, such as for children and refugees.

Pakistan has also ratified the following International covenants and treaties that hold it accountable for protecting the religious freedom of all its citizens. Specific attention is given to the needs of religious minorities, including equal protection and measures for religious minorities to be able to carry out their own religious education.

Key International Commitments to Religious Freedom

Treaties & Their Optional Protocols¹⁴³	Date of Accession / Ratification by Pakistan
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (CRC-OP-AC)	Ratified on November 17, 2016
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children for Child Prostitution and Child Pornography (CRC-OP-SC)	Ratified on July 5, 2011
Convention on the Rights of Persons with Disabilities (CRPD)	Ratified on July 5, 2011
Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)	Ratified on June 23, 2010
International Covenant on Civil and Political Rights (ICCPR)	Ratified on June 23, 2010
International Convention on Economic, Social and Cultural Rights (ICESCR)	Ratified on November 12, 1990
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Acceded on March 12, 1996
Convention on the Rights of the Child (CRC)	Ratified on November 12, 1990
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	Ratified on September 21, 1966



In addition to the major UN human rights treaties, there is the General Assembly Declaration from 1981 titled, “Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,” which declares: “All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.”¹⁴⁴

In the 2017 Universal Periodic Review (UPR), the government of Pakistan stated that a Commission for Minorities was close to being set up and was in the final stages of planning. However, the situation on the ground indicates that this may not be the case, as there are no reports that the commission has been launched. There is significant criticism from religious minority leaders and civil society for lack of government action on this front. The National Report reads, “On 16 July 2014, the Terms of Reference of National

Commission for Minorities (NCM) were revised with the view to make it more effective. Measures include, among others, development of national interfaith harmony policy, taking stock of discriminatory practices against minorities, ensuring participation of minorities in all spheres of national life, redressal of grievances of minorities and preservation and protection of places of worship of all minority communities.”¹⁴⁵

The recommendations in the UPR made by other states were more general and geared toward overall compliance with human rights, but there were a few significant moves concerning religious freedom and protection of religious minorities. One recommendation (S.152.55) by Saudi Arabia was aimed towards human rights institutions such as the National Commission for Minorities, and was readily accepted by Pakistan. Another recommendation (S152.84) by Argentina advocated specifically for Hazaras, Dalits, Christians, Hindus, and Ahmadis in Pakistan.

7 **Recent Legal Developments: Human Rights & Religious Freedom**

Despite the challenges detailed previously, there are significant efforts being made to give religious minorities a commensurate level of protections which their majority counterparts enjoy. The legal aspect of religious freedom is given attention in Pakistan, especially family and public life; Pakistan has introduced several legal safeguards and new legislation to comply with human rights standards in the past 10 years of elected governments. Below are a few significant developments in recent years:

- ◆ A Hindu Marriage Bill was approved in Sindh Province in 2016, which legally recognized Hindu and Sikh marriages. This proved to be a great step towards granting religious minorities full rights as citizens. The recently passed Hindu Marriage Law 2017 covers Hindu marriages in Pakistan's other provinces. This act provides additional protections for Hindus, particularly for women.¹⁴⁶
- ◆ In February 2017, Parliament passed the Criminal Laws (Amendment) Act 2016, which created punishments for inciting religious, sectarian, or ethnic hatred by using loudspeakers, sound amplifiers, or any other device; called on police to prevent sectarian and hate speech and the proliferation of hate material; and increased the punishment for the forced marriages of women belonging to minority groups.
- ◆ The Sindh Child Marriage Restraint Act 2013 raised the marriageable age for girls to 18 and stated that offenders may be subjected to a minimum three-year prison sentence.¹⁴⁷ Restricting child marriage could also help control forced conversions if properly enforced.¹⁴⁸
- ◆ In October 2019, the Pakistan National Assembly rejected a bill proposed by Christian Member Naveed Aamir Jeeva. The bill would have amended Article 41 and 91 of the constitution to allow non-Muslims to become Prime Minister and President of Pakistan.¹⁴⁹

2 **National Commission for Human Rights**

The National Commission for Human Rights (NCHR) is a state body that investigates, as well as, protects human rights violations all over Pakistan. It was formed in 2015, three years after the passing of the law. The NCHR has the power to take *Suo-moto* action pertaining to human rights violations and is competent to advise the Parliament of Pakistan. However, this long-awaited body has yet to tackle internal issues concerning resources and effective function,

and the NCHR has not yet made a significant contribution to address the most pressing issues related to the protection of religious minorities. In 2018 the NCHR released a religious freedom report which recognizes the shortcomings of the Pakistan government over the past few years, it is a convincing sign that the NCHR has been allowed the latitude to criticize the government.¹⁵⁰

3 National Commission on the Status of Women

The National Commission on the Status of Women (NCSW) is a statutory body that works for the advancement of all women in Pakistan, and for equality between men and women. It was formed in response to Pakistan's international obligations on advancement of the rights of women and girls. The organization examines policies, reviews laws, and makes recommendations to promote gender equality in the country.

The NCSW has been exceedingly ambitious when it comes to working on the rights of women. The commission focuses on thematic issues such as economic and social empowerment of women, reducing violence against women and reforming women's rights, hoping to capture the minority demographic within. NCSW reports do make mention of the need for specific protections for minority women because of their further disadvantaged status. However, the NCSW has yet to take any large-scale action concerning such issues, for example, the forced conversions that women face in Punjab and Sindh provinces.

4 Ministry of Human Rights

The role of the Ministry of Human Rights (MOHR) has traditionally been that of a government mouthpiece. The Ministry was responsible for vocalizing whatever the government and foreign powers wanted as a focal point of policy at the time. It has also served as the government's representative to international treaty bodies, such as for the Committee on Racial Discrimination (CERD) Review in 2016. Headed by Shireen Mazari as of 2018, the Ministry was set to host an international conference on human rights in February 2018,¹⁵¹ focusing on international development, climate change, and women and children. However, there seems to be a lack of clear and meaningful outputs from the conference. For the large part, the MOHR deals with Pakistan's International Treaty obligations, handling international reporting, committee appearances and hosting foreign dignitaries. The MOHR has also drafted domestic action plans for the institutionalization of human rights, although proper realization requires more resources and government support.

5 National Commission for Minorities

In the Landmark 2014 Supreme Court judgment on minorities, Judge Tassaduq Hussain Jilani acknowledged that the Supreme Court “... is mandated to protect and defend the Constitution which embodies the fundamental rights of its citizens.” The judgment directed the federal government to create a body that would address religious intolerance and resist religious intolerance and hate speech, as well as creating school curricula that is unbiased with regard to minorities. This judgment remains a reference point for the treatment of religious minorities in Pakistan.¹⁵²

Given the unsatisfactory compliance on most directives, an implementation bench of the Supreme Court headed by Chief Justice Saqib Nisar resumed the proceedings in June 2018.

On the provincial level, the Sindh assembly passed a law to establish a Minority Rights Commission for the protection of minority rights in 2016. The Commission would have the power to recommend the repeal and revamping of laws as required. It would also monitor state action in regard to the rights of various minority populations, as well as, undertake research in promotion of these rights.



OPPORTUNITIES

1. Local Action

There are strong voices within Pakistan advancing religious freedom discourse. These voices, however, are often ignored by the authorities due to fear and intimidation. Still, civil society holds an important role in promoting more tolerant attitudes within Pakistan. Despite the hardship of dealing with such sensitive topics and risking harm to themselves, civil society within Pakistan has steadily worked to introduce robust protections for the religious minorities of Pakistan and to cultivate a general respect for human rights in Pakistan:

- ◆ The most prominent among these organizations include the Human Rights Commission of Pakistan (HRCP) and the National Commission

on Justice and Peace (NCJP). HRCP publishes an annual Human Rights Report with a section regarding freedom of thought, conscience, and religion that tracks attacks on religious minorities and proposes recommendations. They also advocate, litigate, and demonstrate in regard to religious freedom and the Pakistani government's treatment of religious minorities. Despite the grim realities for religious freedom in Pakistan, many groups still speak out against injustice. The Human Rights Commission of Pakistan (HRCP) reports on religious minorities in their annual report and finds active rights groups and religious minorities who continue to protest unjust situations despite fatal consequences.

- ◆ The NCJP was founded by Pakistan's Catholic Bishops to counter religious discrimination. NCJP dedicates their efforts towards human rights violations and assists victims of human rights violations with legal aid. It is one of the oldest Christian civil society organizations working on the issues of religious freedom.
- ◆ The Christian Study Centre in Rawalpindi also does great work on interfaith dialogue and the promotion of religious tolerance in Pakistan. The Center holds academic forums, conferences, and dialogues, as well as, programs that provide a safe space for Muslims and Christians to dialogue. There are many organizations that work on such issues, even if they do not focus specifically on freedom of religion and belief. Enhancing and supporting such ventures will boost the prospects of religious freedom in Pakistan.

Recently, HRCP, Centre for Social Justice (CSJ), and the Cecil and Iris Chaudhry Foundation (CICF) submitted an appeal to the Supreme Court detailing the government's noncompliance with Justice Tassaduq Hussain Jilani's ruling on the protection of religious minorities' rights and places of worship. Subsequently, representatives from the organizations attended a hearing by the Supreme Court of Pakistan which expressed dissatisfaction with the inaction of the government and summoned the chief secretaries of provinces and relevant ministers for a hearing in Islamabad.¹⁵³ This represents a positive shift in both the posture of the court in displaying judicial activism,

as well as, the ability of the civil society to engage in advocacy on this topic.

2. International Pressure

The international human rights community has been instrumental in monitoring the developments and partly responding to issues in Pakistan. Although religious freedom itself may not be the most appealing aspect of human rights work for the international community, it goes part and parcel with protection of minorities and other civil protections.

International treaty body compliance has been slowly working in Pakistan to change the culture of government impunity and disregard for human rights. In the grand scheme of things, Pakistan lags in exhibiting an acceptable level of compliance. However, the government has started giving "tactical concessions"¹⁵⁴ in that it is moving towards compliance due to the pressure from international and domestic actors. The MOHR is a particularly good candidate for international actors to focus their efforts.

The international community has taken notice of egregious human rights violations and the failure to comply with human rights norms. Therefore, the Pakistani government is forced to do a cost-benefit calculation every time it chooses to let a human rights violation slip through; and even after violations occur, government representatives often take to news media or the Internet to weigh in and redirect blame. The Pakistan government has regularly started reporting to human rights committees

so that it controls the narrative about the state failures and successes rather than journalists and human rights activists. Furthermore, in recent times, serious changes such as creating a national human rights institution (the National Commission for Human Rights), pushing for bills that protect specific groups and the overall narrative about democracy in Pakistan, are being seen.

There is also overlap in the undertakings pursuing human rights compliance between governments, regional bodies, and international organizations. For example, there is now the sense within the government that compliance with human rights can be beneficial. The recent GSP+ status Pakistan received in 2014 has created an incentive for Pakistan to pursue human rights compliance. Although Pakistan's largest trading partner is China, lack of duties and quotas (over 76 percent Pakistani goods enter the EU quota free) on Pakistani goods going to Europe have seen increased trade between these countries. Conditions for the sought-after status include six of the nine core international human rights treaties, as well as, several International Labor Organization (ILO) and environmental and governance-based conventions. Pakistan often faces tough opposition in its reviews and has to continue progress on these fronts to keep its status.¹⁵⁵

Asia Bibi's case can be considered a landmark because the Vatican, Canada, the United States, the European Union, and others worked together to advocate on her behalf. The Pakistani state and its agencies were threatened by an economy in tatters and wanted Asia Bibi out of the headlines to

avoid further negative publicity from that case. They also feared that their negotiations for aid and the IMF bailout was in danger of not coming through, which was received after her release.¹⁵⁶ As stated, Pakistan has been making tactical concessions and while significant change on the ground may not be pronounced yet, there are telltale signs of human rights compliance improving for religious minorities and other groups in Pakistan. Partnering with international organizations for increased action on protection of religious minorities could certainly prove fruitful.

3. Imran Khan's Government & Last Elections

Imran Khan's 2018 electoral victory marked the close of an extremely controversial election cycle in Pakistan. After one year, the new government has a mixed record regarding religious freedom. In the past Khan has come out in support of Blasphemy Laws. In a press conference, Khan vocalized his willingness to defend Blasphemy Laws, and off-handedly cast aspersions on Ahmadi beliefs stating; "no Muslim can call himself a Muslim unless he believes that the Prophet Mohammed is the last prophet."¹⁵⁷ While his sentiment was certainly worrying, some have said it was merely a political stunt to win the approval of the religious right.

Khan has also been quoted hoping to reform Pakistan into an "Islamic welfare state," although when pressed for an explanation he was unable to elaborate. In addition, he has expressed willingness to bring the Taliban to the negotiation table, although Pakistani experts

suggest that such groups are too toxic to be integrated into the civil society of Pakistan. As with the 2016 U.S. election, it is unclear if pre-election political rhetoric will materialize into policy. The effect this rhetoric has on both sides of the political spectrum cannot be underestimated, reinvigorating radical groups and galvanizing moderates into opposing new developments.

Since his election, Imran Khan has occasionally made gestures towards greater protection for religious minorities in Pakistan. In July, 2019, the Prime Minister spoke at the National Minority Day, hosted at the Aiwan-e-Sadr in Islamabad, saying "How can we then take it into our own hands to forcefully convert someone to Islam — either by marrying [non-Muslim] women [...] or on gunpoint or to [by threatening to] kill someone because of their religion?" he asked. "All these things are un-Islamic. If God hadn't given his messengers the power to impose their beliefs on someone, who are we [to do so]?" he asked, explaining that the messengers' duty was only to spread the word of God.¹⁵⁸ Despite this rhetoric, there has been little in the way of firm action to protect minorities,

exemplified by Khan's retreat in the face of the anti-blasphemy protests.

Pakistan continues to be classified as a Country of Particular Concern by the United States Commission on International Religious Freedom.¹⁵⁹ Recent governments have a spotty record on supporting religious freedom, opposing extremist narratives, and upraising religious minorities. The current government has undertaken some steps to reduce divisions, but Prime Minister Imran Khan has espoused views supporting Blasphemy Laws in the past,¹⁶⁰ although more recently he defended Asia Bibi after her lengthy trial and acquittal from the Supreme Court.¹⁶¹ Pakistani civil society continues to be vibrant and work for religious freedom, although they have been disrupted occasionally through intimidation and cuts to funding. Occasionally there are developments such as a recent declaration by the Supreme Court of Pakistan upholding the Constitution's equal protection guarantee for all citizens in the face of Blasphemy Laws.¹⁶² These are small steps taken uphill, as laws favoring religious discrimination have become deeply entrenched.

CONCLUSION

In sum, religious freedom faces severe obstacles in Pakistan, both in terms of social hostilities and government restrictions, something that the Pew Research Forum findings reflect.¹⁶³ For the civil society and government, the challenge is to influence both at the same time, so there is an evolution of legal framework alongside societal understanding of religious freedom and pluralistic union. Without action on both, there is either an incongruence between the will of the people and rule of law, or laws are hollow and cannot influence social action.

Government restrictions on religious freedom are both discriminatory and self-fulfilling. Blasphemy Laws provide a basis to target religious minorities as blasphemers and encourage the

assumption that these minorities are likely to blaspheme. In everyday life, even the slightest objection to a strict viewpoint at the wrong time can be a trigger for violence.

In regard to the treatment of Ahmadis in Pakistan, singling out adherents of a particular faith in law serves to justify discrimination. In not providing everyone the same protections for religion, belief, and conscience, the government normalizes both discrimination and a selective application of human rights principles.

Social hostilities, arguably the more challenging of the two, can often be problematic in terms of demotivating political and government action. Another major dilemma involves

avoiding loss of life and casualties while continuing efforts to increase the prominence of religious freedom. As stated in this report, Blasphemy Laws are such a sensitive subject in Pakistan that raising doubts about the application of Blasphemy Laws is akin to blaspheming itself. Social hostilities are spurred on by lack of education, hate speech, and incitement, as well as actions and statements of government officials. This makes for a problem that is not easily solved. The government of Pakistan needs to work on many fronts to combat social hostilities against freedom of religion. Pakistan must also change its policies regarding religious minorities to serve as a foothold for the government of Pakistan to combat social hostilities. Change in rule of law must be pursued alongside public education about faith and practice of religion. Development must occur alongside interfaith dialogue and exposure.

The civil society of Pakistan must be a central player in these developments. Not only will they be able to assist in changing policy and conducting advocacy, but also they will become a pool of expertise from which the government can benefit in several practical ways. Whether it is program evaluation, development of curricula, or even sensitivity training, the prerogative of the coming governments should be how well they tap into the pool.

To accomplish this, the relationship between the Pakistan civilian and military leadership, a relationship which has always been rocky, even adversarial, must change. Imprisonment and harassment of journalists and critics is not a new phenomenon and has been thoroughly condemned



in international media and news. More recently, the broader grouping of “human rights activists” has been attacked. While non-state actors are frequently to blame for targeted killings, there are many cases of bloggers, reporters, professors, and critics being abducted or imprisoned in connection with Pakistani security forces.¹⁶⁴ The Pakistani establishment must stop engaging in this selective persecution of members of the civil society while preaching about the harms of extremism and influence of non-state actors.¹⁶⁵

Human Rights Watch’s Brad Adams sheds light on the relationship, “Pakistan’s security forces remained unaccountable for human rights violations and exercised disproportionate political influence over civilian authorities; for this to



change, the government will need to reverse bad laws and policies and demonstrate a genuine commitment to the rule of law and equal justice.”¹⁶⁶

In the same vein, the vibrant civil society of Pakistan must continue to stand strong and promote freedom of religion, despite the profound challenges.

Overall, perhaps the most important point to make is that the development of current government policies and institutions did not occur in a vacuum; there was a deliberate and calculated push for Pakistan to become an Islamic state. Even now, individuals and groups in Pakistan continue to benefit from these policies and work to maintain the status quo.

A counter-narrative for the role of religion in Pakistan has been in

formation for some time now, which the politicians, individuals, international organizations, civil society, and minority communities are struggling to push. A holistic understanding of these narratives relating to religious freedom is required for effective action on religious freedom in Pakistan.





PAKISTAN

SWOT ANALYSIS

Strengths, Weaknesses, Opportunities, and Threats (SWOT) Analysis is a structured planning method that evaluates a given organization, program, or project in each of these areas. What follows is a SWOT analysis for religious freedom for Pakistan.

STRENGTHS

What does the country do well with regard to religious freedom?

What areas are vibrant, positive, and healthy when it comes to religious freedom in the country?

- ◆ Freedom of Religion is protected in the Constitution of Pakistan.
- ◆ Pakistan's founders' genuine commitment to freedom of religion (Jinnah's speech on August 11, 1947).
- ◆ Pakistan has signed and ratified several international agreements upholding Freedom of Religion and human rights.

WEAKNESSES

What does the country do less well when it comes to religious freedom?

What areas of weakness does the country encounter with religious freedom?

- ◆ Islam is the official religion of Pakistan and protected by the Constitution. The preeminence of Islam in government and society is a danger to equal treatment of religion and status of citizens. An example of the pervasiveness of the majority religion in government and society are the oaths minority legislators take, which often refer to the supremacy of Islam. Article 19 limits freedom of expression conditional to glory of Islam.
- ◆ High levels of state fragility and lack of government control in certain areas, especially Khyber Pakhtunkhwa and Balochistan provinces, result in them becoming refuges for terrorist groups and hate groups, allowing extremism to thrive.
- ◆ Hate speech against minorities in print and social media is common.
- ◆ The government is unable or unwilling to protect religious minorities adequately in Sindh and Punjab.

PAKISTAN

SWOT ANALYSIS

- ◆ Educational curricula in which there are deeply embedded patterns of bias against religious minorities.
- ◆ Islam is the only religion taught in public schools, with no provision for students to learn about other religions.
- ◆ Strong distrust of and discrimination against religious minorities in various facets of life.
- ◆ Deeply ingrained patterns of manipulation of blasphemy laws, particularly against religious minorities, for political and personal gain.
- ◆ Religious minorities forced to convert to Islam, either through intimidation or for monetary reward.
- ◆ In practice, the right to change religion is limited only to non-Muslims. Apostates face harsh social hostilities and violence.
- ◆ Legal restrictions on the Ahmadi community foreclose the right of its members to freedom of religion.

OPPORTUNITIES

*What are the needs of the people in the country who wish to exercise their right to faith?
What trends can the country take advantage of to promote Religious Freedom?
What is changing in the country's communities that can be harnessed to promote Religious Freedom?*

- ◆ Strong civil society, often working directly to advance religious freedom and other human rights.
- ◆ Increasingly positive judicial declarations on religious freedom, including the Supreme Court's acquittal of Asia Bibi in October 2018 and the Court's subsequent decision to uphold her acquittal in January 2019, as well as the 2014 Supreme Court decision on religious minority rights by Judge Tassaduq Jilani.
- ◆ Formation of a Peoples Commission on Minorities Rights (NGO) whose mission is to promote the rights enshrined in the Constitution and lobby for the implementation of the 2014 judgement by Tassaduq Hussain Jilani.
- ◆ The occasional willingness of the Imran Khan government to stand up to Islamist hardliners, including in the aftermath of the Asia Bibi decision.
- ◆ Some degree of humility and openness to criticism and reform on religious freedom issues on part of government officials.

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- ◆ The increasing availability of strong and sophisticated Islamic arguments opposing religious repression and supporting principles of religious freedom and tolerance, to include arguments in opposition to blasphemy laws.
- ◆ State trend toward establishing national human rights institutions (National Commission for Human Rights, National Commission on Status of Women, etc.)
- ◆ There are precedents for reforming discriminatory laws and creating laws that promote minority rights and protection in Pakistani society.
- ◆ International pressure and investment on freedom of religion and other human rights, particularly from the United Nations (Office of the High Commissioner for Human Rights, Committee on Economic, Social and Cultural Rights, UN Special Rapporteur on Freedom of Religion or Belief) and European Union (Special Envoy for the Promotion of Freedom of Religion or Belief, GSP+ Status).
- ◆ Pakistan's recent willingness to take international treaty obligations more seriously, particularly in reporting to international treaty body committees.
- ◆ Pakistan's strong network of religious institutions, such as seminaries, churches, madrasas, temples, etc.
- ◆ Paigham-e-Pakistan Fatwa – A joint statement by 1,800 ulema – declaring suicide bombings haram (forbidden)
- ◆ Introduction of better Personal Laws for non-Muslims that contribute to protecting the family life of religious minorities.
- ◆ Expanding legal protections against forced conversions, especially in Sindh Province.

THREATS

*Are there any threats or regulations with regard to Religious Freedom in the country?
What is challenging in the country that will impact Religious Freedom?*

- ◆ Militant groups, long-supported by the Pakistani state, continue to enjoy real leverage in that they remain useful to Pakistan as a potential weapon against India and insofar as they have the capability to undermine the country's political stability and economic environment. They also create an atmosphere of fear and distrust.
- ◆ A conservative and adversarial mindset toward religion persists in society and government, hampering dialogue and discouraging advocacy for change. There are several examples of attacks on lawmakers and politicians.

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- ◆ Attacks on places of worship and desecration of sacred monuments, texts, etc. further alienate non-Muslim communities.
- ◆ Punjab Province is a hub for sectarian groups and, in recent years, rising sectarian violence.
- ◆ Extremist organizations instigate and normalize distrust and violence against non-Muslims.
- ◆ Prohibitions (for religious minorities) on holding religious procession on account of security concerns.
- ◆ Lack of infrastructure/resources for government, NGOs, and individuals to counter religious intolerance and extremist rhetoric.
- ◆ Low literacy throughout the country, around 45%, which disproportionately impacts religious minority individuals and communities by affecting their ability to understand essential information about voting, employment, and finances. It also generally limits the population's worldview and prevents a national discussion on freedom of religion and the conception of Pakistani.
- ◆ Inadequate government welfare programs for marginalized communities. Non-Muslim communities lag behind in literacy, infant-mortality, and many other developmental indicators.
- ◆ Lack of representation for religious minorities with no increase in minority representatives despite increase in overall seats of National Assembly.
- ◆ Shrinking space for International and domestic NGOs. Government restrictions on funding and mobility has severely limited NGOs' ability to push for accountability on behalf of religious minorities.





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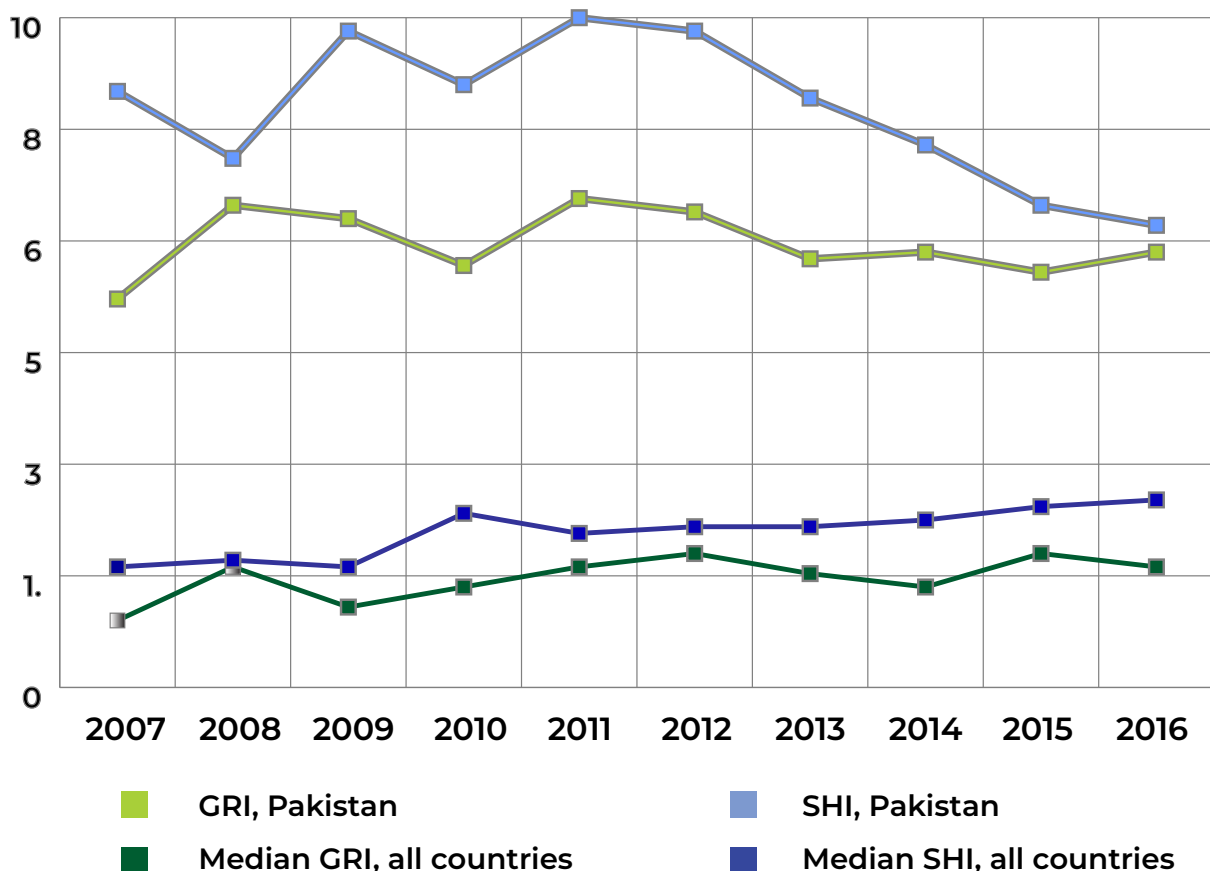
RESTRICTIONS ON RELIGION AMONG 198 COUNTRIES, 2007-2016

Since 2009, the Pew Research Center has released an annual report¹⁶⁷ on restrictions of religious freedom around the world. The Pew Report uses a 10-point index to rate 198 countries and self-governing territories based on Government Restrictions Index (GRI) and Social Hostilities Index (SHI).

The GRI measures government restrictions on religious actors ranging from favoring one religion over another to outright bans on a particular religion. In 2016, Pakistan scored “high” on the GRI, and in 2016 ranked 29th among 198 countries.¹⁶⁸

The SHI measures hostilities towards religion by non-state actors ranging from harassment to terrorist attacks in the name of religion. In 2016, Pakistan’s SHI score was ranked “high” and had the twelfth highest SHI rating among the 198 countries surveyed.¹⁶⁹ It is worth noting that Pakistan scored a perfect “10” on Social Hostilities in 2011, but has slowly improved to a still “high” of 6.9 in 2016.

Figure 1: Restrictions on Religion in Pakistan (GRI & SHI) 2007-2016





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