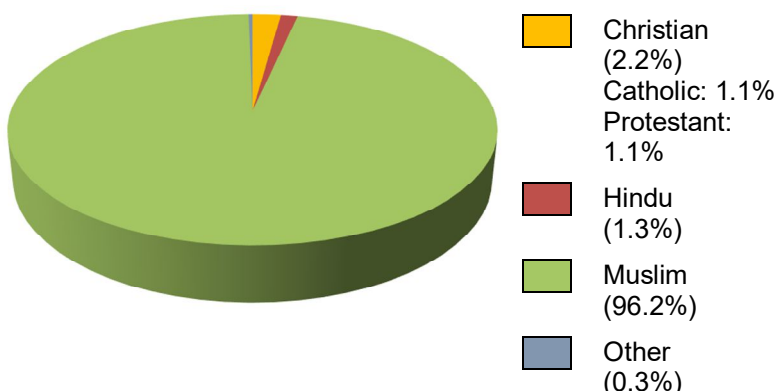


PAKISTAN



Area:	Population:	Political system:	Major Language(s):
796,095 km ²	191 million	Democracy	English, Urdu

Legal background on Freedom of Religion

When Pakistan was created following the partitioning of India in 1947, it was founded as a secular state. But its distinctly Muslim character emerged gradually, leading to it being renamed the Islamic Republic of Pakistan in 1956. The “Land of the Pure” (the word Pakistan is a neologism created from Pak ‘pure’ in Urdu, and Stan, meaning land, with an ‘i’ added to ease pronunciation¹) adopted an overtly Islamic programme under the dictatorship of General Zia ul-Haq, who ruled from 1977 to 1988, as Islamic law (*Shari’a*) increasingly influenced Pakistan’s legal system. In recent years, attempts by successive governments in Islamabad to fight sectarian violence and discrimination against non-Muslims have only met with modest success, while Pakistani society itself has undergone further Islamisation.

The 1973 constitution states in its preamble and in Articles 20, 21 and 22 that all citizens enjoy the freedom to practice and profess freely the religion of their choice. However, this right to religious freedom is considerably limited by Pakistan’s constitutional, legal and political structures, which ensures that religious minorities are not treated as equal to Muslims.

Article 2 of the constitution states that Islam is the State religion. The head of state must be a Muslim (Article 41.2), the prime minister must also be a Muslim (Article 91.3), and the Federal Islamic Court has the right to invalidate any law contrary to Islam or to suggest amendments (Section 203E). In addition, the so-called blasphemy laws, which were incorporated to the Pakistan Penal Code in 1986 (sections 295 B, 295 C, 298 A, 298 B, 298 C), seriously limit freedom of religion and freedom of expression. Desecrating the *Qur’an* and insulting Mohammed are offences, punishable respectively, with life imprisonment and the death penalty. In everyday life, such laws are often used as a means to persecute religious minorities.

Incidents

One incident illustrates the problems of religiously motivated attacks in the country. On Easter Sunday 27th March 2016, a suicide attack targeted families who had come to Gulshan-i-Iqbal Park, in Lahore (Punjab) with their children. That evening, 78 people lost their lives. According to an Emergency Services official, 31 children, nine women and 38 men were killed and some 300 more were injured. The dead included 54 Muslims and 24 Christians. This was the bloodiest attack since December 2014 when an attack against an army-run school in Peshawar, near the Afghan border, left 132 students dead. After the Lahore suicide attack, a spokesman for the Taliban Jamaat-ul-Ahrar, a rival faction of the Pakistani Taliban movement Tehreek-e-Taliban, claimed responsibility for the blast, stating that it had “targeted Christians”.²

This is not the first time that suicide bombers have targeted Christians. On 15th March 2015, a twin attack on two churches in Lahore, which Jamaat-ul-Ahrar also claimed responsibility for, killed 17 people.³ And in September 2013, two suicide bombers blew themselves up in the courtyard of a church in Peshawar one Sunday, killing more than 80 people.⁴ Still, the new attack underscored the precarious status of Pakistan's religious minorities.

Lawyers who ensure the enforcement of blasphemy laws

In a country whose legal system is based on British law, one might have thought that at some point the rule of law might be a safeguard against the Islamisation of society, or at least, that minorities might find a legal recourse to defend themselves against street violence from members of the Muslim majority. Sadly, that does not appear to be the case.

For "Whoever does this [blasphemy], the only punishment is death," said Ghulam Mustafa Chaudhry, the head of a lawyers' group in Lahore that discretely, but surely, ensures that the blasphemy laws are rigorously enforced.

According to Reuters,⁵ Mr Chaudhry's group Khatm-e-Nubuwwat Lawyers' Forum, which loosely translates as the 'Movement for the Defence of the Prophet', uses its expertise and influence to ensure that anyone who insults Islam or the Prophet Mohammad is charged, tried and executed.

In the case of Punjab Governor Salman Taseer,⁶ who was murdered in January 2011 by his bodyguard for challenging the blasphemy laws and defending a Christian woman Asia Bibi,⁷ Ghulam Mustafa Chaudhry provided legal counsel to the accused Mumtaz Qadri – but with little success as Qadri was sentenced to death, and executed on 29th February 2016. Yet, the latter's funeral in Islamabad on 1st March gave hundreds of thousands of Islamists an opportunity to show their support to someone they consider a hero. For Chaudhry, Mumtaz Qadri was within his rights when he killed Salman Taseer, as the latter committed blasphemy by publicly challenging the blasphemy laws.

Plenty of extrajudicial executions

So far, no one has been executed for blasphemy in Pakistan, but in the country's jails death row is gradually filling up. Of the approximately 8,000 people sentenced to death, more than a thousand have been imprisoned for blasphemy.⁸ One of them is Asia Bibi, a Christian woman, whose accuser was assisted by a lawyer from Khatm-e-Nubuwwat at her initial and appeal trials.

However, even though government authorities have yet to execute anyone convicted for blasphemy, despite carrying out 330 executions since December 2014, they have failed to prevent extrajudicial executions.⁹ According to the Centre for Research and Security Studies, an independent Pakistani think tank, at least 65 people have been murdered since 1990, including judges and lawyers, on suspicion of blasphemy or for defending people accused of blasphemy.¹⁰

Leaving aside such extreme cases, the mood in Pakistan has become more ominous in recent years. Threats have been made against the media and high-profile journalists when they tried to cover initiatives that questioned the blasphemy laws or sought to regulate their implementation. At hearings involving blasphemy cases, Khatm-e-Nubuwwat lawyers and activists often crowd courtrooms in order to intimidate those present. For Saif ul-Malook, a lawyer who has defended people accused of blasphemy in crammed courtrooms with opposing lawyers trying to prevent him from speaking, "their actions are based on intimidation". According to the lawyer they seek to intimidate everyone: the accused, judges, defence lawyers and members of the family of the accused.

Things have moved on from the first decade of the twenty-first century when lawyers stood against the repressive measures taken by then President Pervez Musharraf (in power from 2001 to 2008). At that time, pro-democracy advocates like the Lawyers' Movement,¹¹ the Movement for the Restoration of the Judiciary, and the Black Coat Protests were a feature of Pakistani society. Now, these groups seem to be much less visible and lawyers who seek greater Islamisation of society

seem more vocal. In such a context, one can only deplore the acts of violence against religious minorities. However, this violence is directed against Muslims as well.

In a country where the Muslim community is divided between Sunnis (75 percent) and Shi'as (25 percent), attacks against Shi'as are commonplace. Thus, on 13th December 2015, 23 people were killed and more than 30 injured in a bomb attack in a crowded bazaar in a Shi'a region in the country's north-west. The blast occurred in Eidgah market, Parachinar, a town inhabited by minority Shi'as located in the semi-autonomous tribal area of Kurram.¹² Sunni group Lashkar-e-Jhangvi, which is close to Al-Qaida, claimed responsibility for the attack, blaming the Shi'as for their support for Iran and Syrian President Bashar al-Assad.

Murder of a Shi'a blogger, supporter of interfaith dialogue

On 7th May 2016, a Shi'a blogger, Khurram Zaki, 40, was sprayed with bullets from a Kalashnikov as he dined in a restaurant in Karachi.¹³ He ran *Let us build Pakistan* (<https://lubpak.com>), a site devoted to the country's current political and religious affairs. He had achieved notoriety for demonstrating outside the Red Mosque, an Islamic shrine in the heart of Islamabad, over the mosque director, Abdel Aziz's refusal to condemn the Taliban attacks on an army-run school in Peshawar on 16th December 2014. The blogger's website denounced both his country's democratic shortcomings and its religious extremism, two intertwined problems that prevented, he said, Pakistanis from building their society. Several pictures show him with members of Pakistan's Christian clergy during religious processions. He was even depicted carrying a cross, a gesture with dire consequences for a Muslim as, according to Islamic tradition, Christ was never crucified.

The Ahmadis, a persecuted community

Those people whom mainstream Muslims deem to be heretics are also subject to violence. This is the case of Pakistan's Ahmadis. Since a constitutional amendment was adopted in 1974, the Ahmadis – who consider their founder, Mirza Ghulam Ahmad, a prophet – do not have the right to call themselves Muslims or call their houses of worship mosques. Estimated to have between two and four million members, this community is routinely persecuted. According to an Ahmadi report released on 25th April 2016, 248 Ahmadis were killed because of their religious affiliation between 1984 and 2015. During the same period, 27 of their places of worship were destroyed and 39 of their cemeteries desecrated. Acts of violence against non-Muslims are equally frequent.

Abducted to be married by force and "converted" to Islam

The problem of the forced marriages of girls is one of the most insidious forms of violence against minorities. For the Hindu community, forced conversion of Hindu women and girls has become a major problem in recent years in Sindh (Hindus number about 2.5 million among Pakistan's approximately 191 million people and are concentrated mainly in Sindh Province). According to the Pakistan Hindu Panchayat Association, nearly a thousand girls or women from Sindh are forced to convert to Islam each year, a practice that has sparked an exodus of Hindu families to neighbouring India.¹⁴

Legal developments in February 2016 might curtail this problem. In Pakistan, there is no civil marriage. Until recently, Hindus, unlike Muslims and Christians, could not register their marriage with the civil authorities, which complicated their daily lives, most notably vis-à-vis identity paper applications, property rights, and inheritance. For Hindu women, the situation was even more difficult. Pakistan did not recognise their marital status, and so they were considered unmarried even when they were married to a Hindu, making them easy prey for those kidnapping non-Muslim women.

One specific provision in the new law adopted prompted controversy, as it annulled a Hindu marriage if one of the spouses converted to Islam – which the Hindu minority feared was a blank check for kidnapers of Hindu women. "The clause can be misused to forcefully convert married

Hindu women the same way young girls have been kidnapped and forced to convert to other religions,” said Ramesh Kumar Vankwami in the *Pakistan Herald* of 18th February 2016.¹⁵

Pakistan Muslim League politician Ramesh Kumar Vankwami called for the clause to be removed, and it was struck out after he secured the support of the Senate Human Rights Committee. Senator Farhatullah Babar said this provision would have been “a grave violation of the rights of the Hindus”. Mr Vankwami is hopeful that a new provision, officially recognising Hindu women’s marital status, will limit the number of forced conversions.

In addition to young Sikh and Hindu women being victims of abduction, forced conversion and marriage, young Christian women and girls are also targeted by kidnappers.

In September 2015 in Pattoki, Punjab province, Nabila Bibi, a 22-year-old Christian woman, was abducted by four armed men in front of her mother and sister. She then “converted” to Islam and was forcibly married to a Muslim. When the young woman’s father, Bashir Masih, went to file a complaint, the police refused to register it, stating that the attackers had confirmed to the police that his daughter had voluntarily decided to convert to Islam and marry a Muslim.

Bashir Masih then turned to Sardar Mushtaq Gill, a Christian lawyer who heads ‘Lead’, an NGO that provides free legal counsel to Christians in need. On 18th February 2016, after four months of investigation, the lawyer finally got an order from Pattoki court requesting an investigation into Nabila Bibi’s kidnapping and forced conversion. “In most such cases, kidnappers use conversion as legal cover to escape punishment for kidnapping and raping the victims,” Gill told *UCANews* on 19th February. He went on: “Even if the girl is returned to her family, her life stands ruined,” adding: “[The girl] has been told that if she renounces Islam and reconverts to Christianity, she will be declared a *murtad* (apostate).”¹⁶

Christians forced into exile

Along with Hindus, Christians are Pakistan’s other main religious minority, accounting for slightly more than two percent of Pakistan’s 191 million people. Originally low caste Hindus who converted in the 19th century, they are still discriminated against and stigmatised, and mostly belong to the lower social classes of Pakistani society, employed in undervalued jobs as street sweepers or rubbish collectors. Many of them regularly suffer persecution – from the blasphemy laws, forced conversions, abductions of girls and women – and have tried to flee their country.¹⁷ Some have left for Thailand, where they can still travel on a tourist visa; however once there, the UNHCR has not been in a hurry to place them under its protection. An estimated 99 per cent of the 6,000 to 7,000 Pakistani Christian refugees in Thailand no longer have valid papers. In March–April 2016, press reports revealed that about 250 of them were languishing in jail in very difficult conditions.¹⁸

For those Christians who still live in Pakistan, constant threats hang over them as a result of the blasphemy laws and Muslim extremism. On 15th April 2015, Nauman Masih, a 14-year-old boy, died from his injuries at the Mayo Hospital in Lahore. The Christian teenager had been doused with gasoline and set on fire five days earlier, on 10th April, by two young Muslims on their way to the mosque for Friday prayers. According to local Christians, the attack against the teenager could have been an act of revenge for the lynching to death of two Muslims – later found innocent – in Youhanabad, Lahore’s Christian district. There, a twin bombing against Christian churches killed 20 people on 15th March 2015. For the police, another motive is behind the teen’s death.

At the hospital, during his five days in intensive care, Nauman said he knew of no personal enemies and that both youths who attacked him gave no reason for their actions. Christians in the city see a connection to the twin attacks in Youhanabad on 15th March. Even though the attack was carried out – and claimed – by an Islamist group that targeted the Christian community, the attack’s aftermath – including the lynching of two people by angry Christians (an act unequivocally condemned by Christian religious leaders) – has created an unfavourable climate for Christians. In order to find those responsible for the lynching, the police carried out mass arrests in Youhanabad district, detaining, jailing and bringing to justice hundreds of young Christians.¹⁹ Christians complained about the scale of the police action compared to situations when Christians are attacked and the response of law enforcement is often slow.

Father James Channan, a Pakistani Dominican, heads Lahore's Peace Centre, which is involved in initiatives for peace, harmony and interfaith dialogue. Speaking to Fides, the news agency, he said, "Christians have condemned the lynching, stating publicly that it was a serious crime. However, on several occasions in the past, innocent Christians were burnt alive: such as the mass attacks against the Christian quarter of Gojra,²⁰ Shantinagar²¹ or the case of the Christian couple burnt alive in a brick kiln in November 2014."²² Nauman Masih's death "shows the level of hatred that exists in Pakistani society. We need to work a lot on dialogue and harmony between believers of different religions." Father Channan, Secretary of the Episcopal Commission for Christian-Muslim dialogue for 17 years, added, "I would say that today Christians are experiencing the worst time in their history in this country. Discrimination, suffering, and oppression turn too often into outright persecution. We ask the government: where is justice? Where are the culprits of the many senseless episodes of violence committed against Christians?"

Prospects for Freedom of Religion

In view of the numerous incidents, the prospects for Freedom of Religion remain bleak and are narrowly linked to the governance situation in Pakistan. Interviewed by Vatican Radio on 6th April 2016 after the Easter Sunday attack in Lahore, Paul Bhatti, brother and political heir to Shahbaz Bhatti, Pakistan's former Minister for Religious Minorities, assassinated in 2011, when asked about the situation of Christians in Pakistan, said, "I think the situation of Christians and other minorities is directly correlated to Pakistan's general situation. If there is peace in Pakistan, Christians also fare well. If there is no peace in Pakistan, Christians, who are the weakest and most marginalised group in society, suffer more."²³

Perhaps the biggest threat is the growing pressure on the government to make the blasphemy laws more restrictive. The government's attempts to regulate the enforcement of the blasphemy laws have met stiff opposition. In November 2015, the country's Supreme Court ruled that simply discussing the blasphemy laws could not be construed as blasphemy per se, but in practice it is impossible for anyone to engage in a dispassionate and peaceful debate on the matter. In January 2016, the Council of Islamic Ideology, an official government body, proposed to amend these laws in a way that would make the legislation more restrictive.

According to police data, the number of blasphemy complaints registered in police stations is increasing. Since the founding of Khatm-e-Nubuwwat 15 years ago, the number of such cases in Punjab Province alone has tripled, reaching a peak of 336 cases in 2014. That number dropped to 210 in 2015 after steps were taken in the province to restrict complaint procedures. However, the lawyers' forum is watching. A policeman, who asked not to be named to avoid reprisals, said: "If they hear of a complaint, the lawyers will come to the person and offer to take the case for free." He added: "Sometimes they arrive with people and encourage them to make a complaint."

¹ The name Pakistan is also an acronym from the 1930s based on the names of the country's five provinces: Punjab, Afghanistan (now called Khyber Pakhtunkhwa), Kashmir, Sindh, and Baluchistan.

² *Dawn*, "At least 72 killed in suicide blast as terror revisits Lahore," 28th March 2016, (<http://www.dawn.com/news/1248259>).

³ *Eglises d'Asie*, "Obsèques sous haute tension pour les victimes du double attentat de Youhanabad" (Tensions running high at funeral of Youhanabad twin bombing victims), 17th March 2015, (<http://eglasie.mepasie.org/asia-du-sud/pakistan/2015-03-17-obseques-sous-haute-tension-pour-les-victimes-du-double-attentat-de-youhanabad>).

⁴ *Eglises d'Asie*, "L'attentat sans précédent commis à la All Saints Church de Peshawar interroge le bien-fondé des négociations menées par le gouvernement avec les talibans" (The unprecedented attack at the All Saints Church in Peshawar raises questions about the soundness of the government's negotiations with the Taliban), 23rd September 2013 (<http://eglasie.mepasie.org/asia-du-sud/pakistan/2013-09-23-l2019attentat-sans-precedent-commis-a-la-all-saints-church-de-peshawar-interroge-le-bien-fonde-des-negociations-menees-par-le-gouvernement-avec-les-talibans>).

⁵ *Reuters*, "Pakistani lawyers' group behind spike in blasphemy cases," 6th March 2016 (<http://www.reuters.com/article/pakistan-blasphemy-lawyers-idUSKCN0W905G>)

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- ⁶ *Eglises d'Asie*, "Loi sur le blasphème : la famille de Salman Taseer refuse « le prix du sang » (Blasphemy law: Salman Taseer's family refuses 'blood money')", 12th March 2015 (<http://eglasiemepasie.org/asi-du-sud/pakistan/2015-03-12-loi-sur-le-blasphe-me-la-famille-de-salman-taseer-refuse-ab-le-prix-du-sang-bb>).
- ⁷ *Eglises d'Asie*, "Sa condamnation à mort confirmée, Asia Bibi en appelle de nouveau au pape" (Death sentence upheld: Asia Bibi appeals to the pope again), 31st October 2014 (<http://eglasiemepasie.org/asi-du-sud/pakistan/2014-10-31-sa-condamnation-a-mort-confirnee-asia-bibi-en-appelle-de-nouveau-au-pape>).
- ⁸ According to the Commission Justice and Peace of the Catholic Bishops' Conference of Pakistan, 964 people were sentenced for blasphemy between 1986 and 2009. They include 479 Muslims, 119 Christians, 340 Ahmadis, 14 Hindus and 10 from other religions. Of the 1,537 registered blasphemy cases, 41.18 people involve Muslims (who are 96.4 per cent of the population), 32.14 per cent Ahmadis, 13 per cent Christians (2 per cent of the population) and 1.36 per cent Hindus (1.5 per cent of the population).
- ⁹ *Eglises d'Asie*, "Record d'exécutions capitales en 2015" (Record number of executions in 2015), 11th December 2015 (<http://eglasiemepasie.org/asi-du-sud/pakistan/2015-12-11-triste-record-d2019executions-capitales-en-2015>).
- ¹⁰ *Eglises d'Asie*, "La mort atroce d'un couple de chrétiens pakistanais souligne l'urgence à réformer les lois anti-blasphe-me" (The atrocious death of a Pakistani Christian couple underscores the need to change anti-blasphe-me laws), 7th November 2014 (<http://eglasiemepasie.org/asi-du-sud/pakistan/2014-11-07-la-mort-atroce-d2019un-couple-de-chretiens-pakistanais-souligne-l2019urgence-a-reformer-les-lois-anti-blasphe-me>).
- ¹¹ *Le Monde*, "Pakistan : la révolte des robes noires" (Pakistan: the revolt of the black robes), 3rd October 2007 (http://www.lemonde.fr/asi-pacifique/article/2007/10/03/pakistan-la-revolte-des-robes-noires_962476_3216.html).
- ¹² *Dawn*, "At least 22 dead in Parachinar clothes market blast," 14th December 2015 (<http://www.dawn.com/news/1226103>).
- ¹³ *New York Times*, "Pakistani Rights Activist, Khurram Zaki, Is Fatally Shot in Karachi," 8th May 2016 (<http://www.nytimes.com/2016/05/09/world/asia/pakistani-rights-activist-is-shot-and-killed-in-karachi.html>).
- ¹⁴ *Voice of America*, "Pakistani Hindus Complain of Forced Conversion of Teenage Girls," 18th March 2016 (<http://www.voanews.com/content/pakistani-hindus-complain-of-forced-conversion-of-teenage-girls/3243234.html>).
- ¹⁵ *Pakistan Herald*, "Conversion will not annul a Hindu marriage," 18th February 2016 (<http://www.pakistanherald.com/article/9641/18-february-2016/conversion-will-not-annul-a-hindu-marriage>).
- ¹⁶ *Pakistan Christian Post*, "Court orders to register FIR against Muslim kidnapper of Christian girl," 20th February 2016 (<http://www.pakistanchristianpost.com/detail.php?communityid=255#sthash.ekhxEnb8.dpuf>).
- ¹⁷ *Eglises d'Asie*, "Chrétien persécutés : fuir ou rester ?" (Persecuted Christians: flee or stay), 15th September 2015 (<http://eglasiemepasie.org/asi-du-sud/pakistan/2015-09-15-chretiens-persecutes-fuir-ou-rester>).
- ¹⁸ *Eglises d'Asie*, "La Thaïlande restreint le droit de visite aux chrétiens pakistanais en détention" (Thailand restricts visiting rights of detained Christians), 1st April 2016 (<http://eglasiemepasie.org/asi-du-sud-est/thaillande/2016-04-01-la-thaillande-restreint-le-droit-de-visite-aux-chretiens-pakistanais-en-detention>).
- ¹⁹ *Eglises d'Asie*, "Lahore : arrestations en masse de chrétiens suite aux attentats contre les églises" (Lahore: mass arrests of Christians following Church bombings), 24th March 2015 (<http://eglasiemepasie.org/asi-du-sud/pakistan/2015-03-24-lahore-arrestations-en-masse-de-chretiens-suite-aux-attentats-contre-les-eglises>).
- ²⁰ *Eglises d'Asie*, "Les autorités de l'Eglise catholique dénoncent la lenteur des poursuites engagées contre les responsables des émeutes meurtrières du 1er août 2009" (Catholic Church authorities slam slow investigation against those responsible for deadly riots on 1 August 2009), 16th September 2009 (<http://eglasiemepasie.org/asi-du-sud/pakistan/2009-09-16-les-autorites-de-leglise-catholique-denoncent-la>).
- ²¹ *Eglises d'Asie*, "Un haut magistrat demande pardon aux chrétiens pour les émeutes de Shantinagar" (Top magistrate asks Christians for forgiveness for the Shantinagar riots), 16th April 1997 (<http://eglasiemepasie.org/asi-du-sud/pakistan/1997-04-16-un-haut-magistrat-demande-pardon-aux-chretiens>).
- ²² *Eglises d'Asie*, "La mort atroce d'un couple de chrétiens pakistanais souligne l'urgence à réformer les lois anti-blasphe-me," (The shocking death of a Pakistani Christian couple underscores the urgency to reform the blasphemous laws), 7th November 2014 (<http://eglasiemepasie.org/asi-du-sud/pakistan/2014-11-07-la-mort-atroce-d2019un-couple-de-chretiens-pakistanais-souligne-l2019urgence-a-reformer-les-lois-anti-blasphe-me>).
- ²³ *Radio Vatican*, "Paul Bhatti, l'espérance d'un Pakistan guéri de l'islamisme" (Paul Bhatti: hope for a Pakistan healed from Islamism), 6th April 2016 (http://fr.radiovaticana.va/news/2016/04/06/paul_bhatti_lesp%20ance_dun_pakistan_gu%20ri_de_lislamisme/1220786).