

WCC-CCIA

International Study Consultation on Freedom of Religion and Rights of Religious Minorities (Istanbul, Turkey. 27 Nov – 2 Dec 2011)

Country Situation – Pakistan

Introduction

Pakistan came into being in 1947, much the same time as her neighbour India gained independence from the British. The State of Pakistan was created with a grand vision of showcasing the potential of the religious vitality in prosperity of her peoples.

The vision itself was short-lived. Various internal and cross border pressure on her eastern and western fronts rendered her incapacitated to fend for herself. Series of regime changes, personality politics, and demonising the other for ones existence, have all contributed to what Pakistan is today.

Reports of rampant corruption, poor governance, short-sighted planning, human rights violations, etc., that feed into national and international media overshadow the richness of whatever the country represents – both in terms of the country's wealth and in terms of the largely enthusiastic citizens and their cultural and literary heritage.

Country Profile

The country has a land area of 310,527 square miles with about 174 million population. Approximately 95% of the population is said to be Muslim with sunnis amounting for 75% of this figure. The population is divided in its four provinces viz., Punjab, Sind, NWFP, and Baluchistan.

Within the minorities Christians amount for 42% - approximately 2.05 million, and Hindus 50% (this includes dalits) - approximately 2.44 million. Ahmadis/Qaidianis form 6 %of the minorities, and others 2%.

State Position

The State professes to protect the interest of the minorities. It readily condemns any act of intolerance. In 2001 the Nawab Sharif government attempted to regulate the Blasphemy laws of the country by making it mandatory to be investigated by the District Commissioner before the case is taken to the court. This had to be backtracked. Later, the Pervez Musharraf regime issued an ordinance for a joint electorate system by which the minorities are not discriminated in the exercise of their franchise in public elections. This too attracted a lot of flak from the general public.

Bangladesh, also a Muslim majority country, had to show one-upmanship against its arch rival Pakistan and so went secular while maintaining Islam as state religion; Pakistan had to show one-upmanship against its arch rival India with its large population of Hindus and so, possibly, had to take the hard-line.

Despite the attempts that the State takes to address the issue of minority rights, mostly due to international pressure, it cannot but keep the Islamic flag flying lest it lose its legitimacy to exist.

Pakistan ratified the ICCPR in June 2010.

Constitutional provisions

The following are the relevant provision in the constitution relating to the religious freedom. The National Council of Churches has given its comments on the specific articles. They are placed under each of the articles quoted.

- **Article: 13: Right and interest of minorities:-**

“Article of 36 of the Constitution of Pakistan (1973) makes it obligatory on State to safeguard legitimate rights and interests of minorities including their due representation in the Federal and Provincial services. Personal, fundamental and other rights of individuals had to yield to national Interest, collective rights and welfare of society.”

Comment: The Article 13 is clear about the rights and interest of minorities – But no Law was enacted for the implementation. Recently the federal and provincial governments announced 5% quota reserved in all the services for the members of minorities, but it is still a dream.

- **Article 21: Freedom to profess and practice – extent of.**

“The exercise of freedom to profess and practice religion is expressly made, “subject to law, public and order and morality”. Therefore it is not absolute. The expression subject to law, implies a recognition of similar freedom of every other citizen of Pakistan and also subject to the requirements of maintenance of law and order and morality.”

Comment: Freedom to profess and practice religion is expressly made “this is also subject to Law” the Christianity and Islam are evangelistic religions. Islam is allowed to propagate, but Christianity only profess and practice, and in certain cases and areas this is also denied by force. So the freedom for Christians or other religious communities are only allowed to profess and practice their faith. Ahmadies are worst victim in Pakistan. they are not allowed to use the Koranic verses and they cannot call their worship places as “Mosque”. They are so many riders on Ahmadies.

- **Article 22: Safeguard as to educational Institutions in respect of religion, etc.**

(1) **“No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, or take part in any religious ceremony or worship relates to a religion other than his own”**

(2) “ In respect of any religious institution, there shall be no discrimination against any community in granting of exemption or concession in relation to taxation.

(3) Subject to law,

a- “no religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination; and

b- no citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only for race, religion, cast or place of birth.

(4) Nothing in this Article shall prevent any public authority from making provision for the advancement of any socially or educationally backward class of citizens.

Comment:

This particular clause is totally denied. The subject of Islmiyat is made compulsory in all the Schools, public or private, but no arrangement is done for imparting religious education for minorities communities in their own faith.

The students of minority community are forced to take Islamiyat being a compulsory subject- hence this article is practically denied in all spheres of educational career.

The Government has made a rule that any student who is Hafz-e-Quran shall get extra 20 marks for admission to the educational institution or appointment in the public service. Non Muslim are on disadvantage.

- **Article 25: Equality of citizens.**

(1) All citizens are equal before law and are entitled to equal protection of law.

(2) there shall be no discrimination on the basis of sex alone.

(3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.

Comment: This article is denied in the system of election, in the public service. The election were held in the country on separate electorate basis:-

- 1- Muslims should cast vote for Muslim Candidates.
- 2- Christians should vote for Christian candidates.
- 3- Hindus and others should vote for their candidates. This is virtually labeling minorities as second class citizens.

President Pervez Musharraf through an Ordinance introduced joint electorate system but this was not legislated by the Parliament – this might be again reversed to separate electorate which would be discrimination for the religious minorities.

- **Article 35: Protection of family etc.**

“The State shall protect the marriage, the family, the mother and the child.

Comment: This article is violated by Courts of Pakistan, for example, if a married Christian woman is abducted and forced to embrace Islam – the Court would not consider and protect the Christian marriage which was performed under the Christian marriage act and shall give judgment, i.e. since she embraced Islam her Christian marriage has become automatically void. Over here under the Article 35 if a spouse embraced other religion of his own he must divorce first divorce and then she/he could marry with a person of other religion. Hence this Clause is used in favor of person who embraced Islam.

- **Article 36: Protection of minorities.**

“The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services.

Comment: The rights of minorities is not protected particularly representation in Federal and provincial services. No such law is made where the protection or providing quota in federal and provincial services.

- **Article 51: National Assembly.**

(1) there shall be three hundred and forty two seats of the members in the National Assembly; including seats reserved for women and non Muslims.

- **Islamic provisions in the constitution of Pakistan**

(as listed by the NCC Pakistan)

- Islam is declared as the state religion of Pakistan.
- Steps shall be taken to enable the Muslims of Pakistan, individually or collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam.
- Steps shall be taken to make the teaching of the Qur'an and Islamiyat compulsory, to encourage and facilitate the learning of Arabic language and to secure correct and exact printing and publishing of the Qur'an.
- Proper organisation of Zakat, waqf and mosques is ensured.
- **Only a Muslim could be qualified for election as President (male or female) and Prime Minister (male or female). No restriction as to religion or gender on any other post, up to and including provincial governor and Chief Minister.**
- All existing laws shall be brought in conformity with the injunctions of Islam as laid down in the Qur'an and Sunnah and no law shall be enacted which is repugnant to such injunctions.
- A Council of Islamic Ideology shall be constituted referred to as the Islamic Council. The functions of the Islamic Council shall be to make recommendations to Parliament and the Provincial Assemblies about the ways and means of enabling and encouraging the Muslims of the Pakistan to order their lives in accordance with the principles of Islam.
- The President or the Governor of a province may, or if two fifths of its total membership so requires, a House or a Provincial Assembly shall, refer to the Islamic Council for advice on any question as to whether a proposed law is or is not repugnant to the injunctions of Islam.
- For the first time, the Constitution of Pakistan gave definition of a Muslim which states: 'Muslim' means a person who believes in the unity and oneness of Allah, in the absolute and unqualified finality of the Prophethood of the Islamic prophet, Muhammad, and does not believe in, or recognise as a prophet or religious reformer, any person who claimed or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad.
- The state shall endeavor to strengthen the bonds of unity among Muslim countries.
- **The Second Amendment (wef 17 September 1974) of the 1973 Constitution declared for the first time the Ahmadiyya Community (derogatorily known as**

Qadianis) or the Lahore Ahmadiyya Movement for the Propagation of Islam (Lahoris) as non-Muslims, and their leader, Mirza Ghulam Ahmad, who claimed to be prophet of God, to which mainstream Muslims do not agree with.

Other legislations and ordinances

1. Blasphemy Laws

- **Article 295A** **Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs:**
Whoever, with deliberate and malicious intention of outraging the 'religious feelings of any class of the citizens of Pakistan, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.
- **Article 295B** **Defiling, etc., of Holy Qur'an:**
Whoever wilfully defiles, damages or desecrates a copy of the Holy Qur'an or of an extract there from or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.
- **Article 295 C** **Use of derogatory remarks, etc., in respect of the Holy Prophet:**
Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.
- **Article 296. Disturbing religious assembly:**

Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.
- **Article 298**

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

298-A prohibits the use of any derogatory remark or representation in respect of Muslim holy personages. § 298-B and § 298-C prohibit the Ahmadiya from behaving as Muslims behave, calling themselves Muslims, proselytizing, or "in any manner whatsoever" outraging the religious feelings of Muslims. Violation of any part of 298 makes the violator liable to imprisonment for up to three years and liable also to a fine.

Between 1986 and 2007, Pakistani authorities charged 647 people with blasphemy offences. Fifty percent of these were non-Muslims, who represent only 3% of the national population. It is noted that no judicial execution for blasphemy has ever occurred in Pakistan, but 20 of those charged were murdered.

The present PM of Pakistan Mr. Yousouf Raza Gilani has ruled out any possibility of reviewing the Blasphemy laws in Pakistan. The Pope had appealed for the repeal of the infamous laws (Continental News January 11, 2011)

2. Offence of Zina (Adultery) Hadood ordinance 1979

The **Hudood Ordinance** (Urdu: **مسودہ حدود**) (also spelled **Hudud**) was a law in Pakistan that was enacted in 1979 as part of then-military ruler Muhammad Zia-ul-Haq's Islamization and replaced or revised in 2006 by the Protection of Women (Criminal Laws amendment) Act 2006. On account of the 2006 law these cases were moved to secular rather than Shari'a courts. It is said that on account of this thousands of women were released from prisons, but the social ostracism is said to continue in some cases

3. Law of Witness (Under the Islamic Law)

- 1- In case of a Women her witness shall be considered $\frac{1}{2}$ (50%)Two women together shall be considered as one (complete)witness
- 2- In case of rape of women –four male witnesses are required to prove the case –the witnesses should be male pious Muslims and confess that they have seen performing the sex.

Situations warranting attention

(as reported by NCC Pakistan and as recorded in the IRF Report)

A Christian Village named SHANTI NAGER in District Khanewal about 200 Miles from Lahore was attacked by the Muslims of nearby villages who destroyed almost every house of the village. Christians ran away to save their lives. All this was done under the pretext of 295-B dealing with the desecration of the Holy Quran. This was a big attack which destroyed the buildings and the moveable properties were also looted.

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National identity card application forms require to spell out ones religion. Those wanting to be listed as Muslims are required to swear their belief that Prophet Muhammad is the final prophet and denounce the Ahmadiya movement and its founder as false prophet and all its followers as non-muslims. ON account of this the Ahmadiya community boycotts elections.

“Ahmadis and Christians are the communities that have most regularly documented cases of discrimination and oppression, both at the official and societal levels Shias have local information – mostly anecdotal– or taken from the press, but this is not yet in a documented form. Most Bahais, Buddhists, Ismailis and Parsis are highly educated, urban and commercial groups, with exceptional economic performance. Their general level of self-sufficiency and cosmopolitan contacts further ensure their security. These communities are comparatively less vulnerable to majoritarian

backlashes. Sikhs, likewise, are not perceived to pose any social, religious or economic threat to others; and the common Muslim view of them as being 'anti-Hindu' allows them a bit more space. The small size of the Sikh community and its diversity equally allows them a sort of 'invisibility'. It is the 4 million Hindus who may be in need of most support in Pakistan, because they suffer from stigmatization and a lack of proper support networks".(Dr. Iftikhar H. Malik, Minorities in Pakistan, A Minority Rights Group International Report 2002)

The USCIRF records a host of instances of abuse of religious freedom and the violation of rights of minorities. It had recommended to the US Congress to place Pakistan in the list of nations to be of particular concern since 2002.

Two of the country's leading lights, and who championed the cause of the minorities including calling for the repeal of the Blasphemy laws:

- On March 2, 2011 Shahbaz Bhatti, Pakistan's Federal Minister for Minorities Affairs (a Roman Catholic member of the National Assembly), was killed by gunmen in Islamabad as he was travelling to work, a few weeks after he had vowed to defy death threats over his efforts to reform Pakistan's blasphemy laws.
- In November 2010, Asia Bibi was sentenced to death by hanging on a charge of blasphemy; the case that has yet to be upheld by the Lahore High Court has sparked international reactions. Punjab Governor Salman Taseer was shot dead by his security guard for supporting Asia Bibi. Salman Taseer had visited Asia Bibi in Jail and had held a press conference with her. ^[17] He had told media that Asia Bibi will be released soon and the President of Pakistan will soon annul her death sentence. This triggered mass protests in Pakistan with many imams of local mosques claiming that Salman Taseer had defied Mohammed and should be sentenced to death for it. Taseer was later assassinated in early 2011.

Stories of tolerance and communal harmony

One incident took place very recently in Gujranwala city. Christians were blamed for Blasphemy 295-C and were rounded up by the police. Police also involved the Muslims in the investigation both Christians and Muslims suspect were remained under the custody of the police. The Christian members and Muslim clerics joined together and declared that the Christians are not involved in blasphemy, hence they were set free. this happened only with the co-operation of both the faith communities.

- On 12th July 2010 the Ministry of Minority affairs of the Government of Pakistan organised a National Inter-faith consultation in Islamabad. "The participants of the session showed their concern regarding increasing trends of extremism and terrorism in Pakistan. They all agreed that Pakistan is a homeland of peaceful people with diversified colors, races and religion, which is being targeted by the conspirators to harbor, hate amongst various sects and religions to propagate extremism and terrorism. It is need of the day that all patriotic citizens including leaders of various faiths and denominations should

join hands for interfaith harmony and in order to defeat the conspirators and anti state elements. They need to work together for formidable defence of national peace". The Consultation unanimously resolved the following:

- No religion of the world allows terrorism and extremism against humanity; hence, followers of all sects and faith condemn the acts of extremism and terrorism and declare them as "Haram/forbidden".
- Terrorist attacks on religious places /shrines, schools, hospitals, state institutions, offices of law enforcing agencies, public and private buildings are the worst example of barbaric act.
- Interfaith session also appreciated the extreme sacrifices of invaluable lives made by Pakistan Army and the Law enforcing agencies in the war against terrorism and extremism and reiterated their wholehearted support for the Government in the war against terrorism.
- All the religions teach peace, fraternity, brotherhood tolerance and unity amongst the people. The unity of all patriotic citizens for the sake of peace and national integration is need of the hour.
- As the participants of the session are of the considered view that hate speeches and literature are one of the major causes of religious intolerance, the session demands ban against hateful speeches and literature and appeal to the Government for legislation.
- Session also demands that the subject of Interfaith Harmony be made part of curriculum at appropriate levels
- Session also agreed that a nationwide campaign be launched to promote interfaith harmony and peaceful co – existence at provincial and district level under the umbrella of Ministry of Minorities in which scholars, religious leaders, intellectuals and human rights actives should participate enthusiastically.
- The participants demand exemplary punishment for culprits involved in the act of terrorism against religious extremism including Data Darbar Lahore and other places.
- The government should take strong action against terrorist organizations.
- Session also gave the firm commitment to establish blood banks throughout the country to ensure provision of blood for innocent victims and also gave commitment to motivate their followers to donate blood.

Conclusion

The National Council of Churches in Pakistan and the Catholic Bishops Conference have their own departments in which the different religious communities are welcome to discuss and accelerate the possibilities of religious freedom, peace and harmony. The slogan of Interfaith harmony is at its peak and the Christians are the pioneer of the ecumenical initiatives in the country in regard to the religious freedom and harmony.

There is no such guideline by which the different constituent of the Church in Pakistan guides and regulates the mission and ministrations. It appears that whenever there is a conflict the leaders of different faiths are contacted and the issues are resolved.

The NCC Pakistan believes that the sub-continent has its own history and that the temperaments of

the fellow citizens have to be understood. Religious freedom is impossible in Pakistan, because the majority people do not tolerate other religious communities. Religiously they are convinced that those who don't believe Prophet Muhammad and Allah are "KAFIR" (non believers). This mindset of the common Muslim should be addressed in order that those belonging to minority communities will live in peace