

Baptist World Alliance
405 N. Washington Falls Church, VA 22046
[Tel:+1703-790-8980](tel:+1703-790-8980) Fax: +1703-893-5160
Website: www.bwanet.org Email: fandj@bwanet.org



Veiled Violence: BWA Report on Religious Freedom Violations in Pakistan

Report Submitted by BWA Division of Freedom & Justice

Director: Raimundo C. Barreto Jr., Ph.D.

Introduction

This submission is made by the Baptist World Alliance (BWA), a worldwide movement of Baptist churches with a total of 222 national member bodies, comprising 44 million people in 120 countries. In accord with its constitution, one of the BWA's main objectives is "to act as an agency of reconciliation seeking peace for all persons, and uphold the claims of fundamental human rights, including full religious liberty."ⁱ Thus, from its inception in 1905, issues of human rights and justice have been a priority on the organization's agenda. Since 1974, BWA has held consultative status with ECOSOC. It is also affiliated with UN Department of Public Information (DPI) and is an active member of the board of the Conference of NGOs in Consultative Status with the United Nations (CoNGO), and of several of its NGO committees.

Pakistan will be under examination by the UN Human Rights Council during its second cycle of Universal Periodic Review (UPR) in October of 2012. In reviewing the recommendations that were made to Pakistan in the last UPR cycle, the BWA wants to highlight that despite all the recommendations and the positive responses from the country to most of those recommendations in the past cycle, the status of freedom of religion and belief in Pakistan has deteriorated more recently, increasing our concern. The killings of Punjab Governor Salman Taseer and Federal Minister for Minorities Affairs Shahbaz Bhatti, well known opponents of anti-blasphemy laws, and the increasing number of attacks against different religious minorities since then, are undisputed facts that speak of the deteriorating situation of religious freedom in Pakistan and require a stronger response on the part of its government to the demands of freedom of religion and belief in the country.

This submission points to a number of cases that reinforces the increasing concern with discrimination and violence against religious minorities in Pakistan. The violations highlighted here directly contrast the commitments made by Pakistan as signer of specific international treaties to protect freedom of religion and belief. In preparing this submission, the Baptist World Alliance worked with local individuals, churches and non-governmental organizations from Pakistan, whose names—for the sake of their own security, since they are among the religious minorities being victimized in the country—cannot explicitly appear in it. On the other hand, the facts highlighted in this submission confirm the findings of other recent credible reports on the status of freedom of religion and belief in Pakistan, such as the one by the World Council of Churches, on its consultation in Istanbul,ⁱⁱ and the most recent annual report of the United States Commission on International Religious Freedom.ⁱⁱⁱ

Aware that many other reports covering a variety of issues have also been submitted by other organizations, we decided to address the issue from a specific perspective. Recalling the recent statement of the Special Rapporteur on freedom of religion or belief, Mr. Heiner Bielefeldt, during the 19th session of the Human Rights Council on March 5, 2012, who for the sake of contributing to clarifying terms, suggested a differentiation between three different meanings of "recognition" which relate to different levels of the conceptualization and implementation of freedom of religion or belief, this report seeks to highlight the practical sense of due respect for the status of rights holders, which considers all human beings as rights holders in the area of freedom of religion or belief. Among other

things, we strongly sense the need to reinforce the recommendation made to Pakistan during its past UPR session in March of 2008, to “effectively protect and satisfy the unimpeded exercise of freedom of religion of non-Muslim citizens.”

The exploitation, violence and persecution against religious minorities are on an increasing curve across the country, imposing constant threats to the fundamental rights of the non-Muslim citizens of Pakistan. Religiously based discrimination has taken many forms in Pakistan in recent years: extra judicial killings, enforced disappearances, violence against women, misuse of blasphemy laws, injustices at workplace against non-Muslims and attacks on places of worships. All these forms of violence are alarming and can potentially threaten peace and security. In light of the upcoming UPR Review of Pakistan, the following report outlines some of the specific human rights violations still taking place against religious and ethnic minorities in this region. Among other things, BWA would like to revisit the recommendation rejected by Pakistan in March of 2008, to review the legislation on blasphemy to align it with the principles of freedom of thought, conscience and religion and inter alia relevant obligations under the ICCPR.

a) Provisions and Discrimination in the Constitution of Pakistan.

1. The State of Pakistan professes to protect the interest of the minorities, readily condemning any act of intolerance. Pakistan ratified the International Covenant on Civil and Political Rights in 2010. On the other hand, the structure of the Constitution of Pakistan and the execution of the law are routed through a religious lens. While many of the articles within the Constitution are geared toward creating a solid framework for universal human rights and a balanced and fair system, the government which enforces the articles and the Sharait Court system it relies on are known for developing amendments and countermanding reforms that violate the rights of minorities and in turn protect the violator that perpetuate internal intolerance.
2. This duality in the laws and their enforcement is one of the challenges which need to be addressed by the Pakistani executive, legislative and judiciary authorities. Thus, whereas the Article 13 of the Constitution of Pakistan is clear about the rights and interest of minorities, apparently no laws have been enacted for its effective implementation. Those belonging to religious minorities continue to see themselves as second class citizens.
3. Article 2 of the Constitution of Pakistan, for instance, declares that Islam will be the state religion, but Article 2A limits those who can hold higher positions in court. Citizens belonging to other faiths, like a Pakistani Christian pastor who prefers not to be identified has affirmed, “are systematically excluded and relegated to a secondary position”. He also states that “every provision that reduces the citizenship status of groups of people is a direct contradiction to Article 25 (1) of the fundamental rights chapter proclaiming that all citizens are equal before the law.
4. There are several examples of the judiciary where judges of the superior courts have favored the religious extremists. In 2000, Lahore High Court Judge Mr. Justice Nazir Akhtar publicly stated that anyone accused of blasphemy should be killed on the spot by Muslims as a religious

obligation (swab). He further remarked that there was no need for any legal proceedings for a blasphemer. Although the statement was subsequently retracted, it indicated the extent of judicial bias on the subject. Other reports suggest that cases are prosecuted because “unsubstantiated oral testimony of the complainants where statements are taken out of context.” (SSCMP, 2010).

5. Article 4 & 8 is countermanded by the Hudood Ordinances which violate the protection laws that the constitution puts in place for its citizens. The ordinances put in place a structure that criminalizes extramarital affairs, which put victims at risk. There were court movements against the 2006 Protection of Woman Act; the Shari at Court ruled many portions of the Act unconstitutional and moved to have the Act repealed. This further highlights the tug of war the leadership is locked into and why the lives and rights of many of its citizens fall to the wayside. Article 8 (1) avers that any law, custom or usage is inconsistent with the rights conferred by this chapter shall be null and void. It follows that all the provision that create discrimination and inequality among citizens shall be removed and yet the Pakistan government still directs many of its cases through the Federal Shari at Court that is designated specifically for the purpose of ruling on any particular law that is repugnant the injunctions of Islam.
6. Article 36 directs the State to safeguard the legitimate rights and interest of minorities, including their due representation in the federal and provincial services. The 18th Amendment to this Constitution was intended to designate seats for religious minorities however, it is not comparable to the size of the minority population within the country.
7. According to a Christian Non-profit organization in Pakistan we talked with, a combination of policies from the legislative and the executive powers have weighed heavily against religious minorities. These initiatives strengthen the hands of Islamist extremist activists. Furthermore, they also find accessible mechanisms through the court system to override rights guaranteed by the Constitution.

b) Pakistan Penal Code: Blasphemy Laws

8. Criminal laws to punish blasphemy are laid out in the Pakistan Penal Code, Sections 295-298, 500 and 506. Anti-blasphemy laws are often used to terrorize religious minorities and guarantee conformity. There have been consistent accountants for repeated accusations of abuse and violence occurring throughout Pakistan because of these laws.
9. Working with local NGOs and individuals, the BWA has documented 46 cases of individuals that have been jailed in 2011 on the base of these blasphemy laws.^{iv} Here are some of those cases:
10. On January 6, 2011, a Muslim prayer leader Mohammad Shafi and his son Mohammad Aslam were sentenced to life in prison after being arrested in April 2010 for allegedly removing poster advertising an Islamic event after it was over.

11. On February 2, in Bahawalpur, additional district judge Malik Riaz Ahmed Khokhar handed down a death sentence along with Rs. 0.2 million fine for Jalalpur Peerwala. His crime was reportedly wearing a wooden slab hanging around his neck inscribed with blasphemous remarks.
12. On March 4, two days after Shahbaz Bhatti, Federal Minister for Minorities, was gunned down in Islamabad for condemning Salmaan Taseer's murder and wanting amendments in the blasphemy law, Mohammad Imran, a man accused in a blasphemy case was shot dead on the outskirts of Rawalpindi. Two weeks later, Qamar David, a Christian accused of blasphemy in 2006 was found dead in his prison cell. Prison guards claimed it was due to a heart attack, but David's family and lawyer maintain David was in good health.
13. On April 29, 65 followers of Pir Gohar Shahi (19 women, 7 children and 39 men) fled away from Pakistan to India to save them from persecution on blasphemy charges.
14. On May 26, in Sargodha, a man was arrested on charges of allegedly sending text messages that contained blasphemous content about the companions of Prophet Mohammad. (Sections 295-A, 298-A)
15. In December 2011, Salma Emmanuel was granted bail after have been unlawfully imprisoned and abused along with her husband for false allegations from her former employer for theft. Harsh treatment was supposedly enforced to produce a confession. Despite the abuse and threats to their unborn child, they were unwilling to confess to the false allegation. Both individuals have since been released and forced to face the stigma that comes with involvement in any criminal proceedings, including losing their jobs.
16. In 2012, the situation has not changed. On 24 February 2012, at 9 am, in accord with local sources, a mob from a village not far from the school burst into the building accusing Saira Khokhar of burning Islam's holy book. The school is run by a Christian NGO, City Foundation. The attackers seized the woman but police prevented them from taking her away. The local police chief took the Christian teacher into custody to examine whether the case warranted a First Information Report. Representatives from human rights associations, SSCMP, the All Pakistan Minorities Alliance (APMA) and Life for All came to her rescue. Christian activists plan to monitor the affair to guarantee Saira's safety and stop any formal charges of burning a copy of the Quran from being laid in; such as those of Asia Bibi.^v After Asia Bibi, another Christian woman has been targeted in Mehar Town Lahore (Christian Residence Area) by Muslim fundamentalists because of allegations of blasphemy.
17. On 25 February, 2012, a court in Karachi sentenced a Christian man to life imprisonment for hurting the religious feelings of Muslims by sending blasphemous SMS.
18. Defamation laws do not leave room for dissent; they are easily turned into a mechanism to control and diminish any dissonant voice, violating the very rights that the Government of Pakistan committed to promote and protect. In order to change this situation of continuous abuses and violence on the base of accusations of blasphemy, and to prevent the oppression and death of the innocent, these laws must be reviewed.

Conclusion

In the same line as other organizations such as the World Council of Churches, and the National Council of Churches in Pakistan, the Baptist World Alliance respects the particularities of each country, region and culture, which must be given breadth to generate understanding. However it also recognizes that these aforementioned incidents, which have repeatedly taken place in Pakistan in recent times, indicate the continuation of human rights violations behind the veil of a traditional infrastructure. There must be an increased effort on the part of the Pakistan government to create and enforce policy which safeguards the human rights of all its citizens including the marginalized minorities. These measures should ensure equal status for all citizens before the law and protect the rights of all individuals within both religious majority and minority groups.

The BWA concurs that Pakistan must be urged to enforce the human rights guarantees secured by its own constitution, and align its laws, particularly those regarding blasphemy and the Ahmadis, with international human rights standards. The Human Rights Council has the opportunity to take a proactive role by ensuring that the UPR recommendations are drawn up in a manner that reflects the universal human rights in which each person, of any faith or no faith at all, would have the right to respectfully search for truth and justice in accord with their own conscience.

ⁱ Constitution of the Baptist World Alliance as amended by the General Council, Seoul, Korea, July 2004.

ⁱⁱ World Council of Churches (2011) *International Study Consultation on Freedom of Religion and Rights of Religious Minorities Report* (Istanbul, Turkey; Nov.27-Dec. 2, 2011).

ⁱⁱⁱ U.S. Commission on International Religious Freedom, *2012 Annual Report*, p. 120-135

^{iv} Except in the cases already internationally known, we will reserve the right of not publishing the names of the victims in this submission, in order to avoid increasing danger to them. We can provide more details on the cases by request. For further information, please contact us at fandj@bwanet.org

^v World Council of Churches (2011) *International Study Consultation on Freedom of Religion and Rights of Religious Minorities Report (Istanbul, Turkey; Nov.27-Dec. 2, 2011)*. P. 7 Asia Bibi sentenced to death by hanging on blasphemy charge. She is currently still awaiting release.