



# **Universal Periodic Review (UPR) for Pakistan**

## **June 2012**

Joint NGO Submission by

**International Association for Religious Freedom (IARF) – International NGO with a  
General Consultative Status with the UN ECOSOC<sup>1</sup>**

South Asia Centre for Peace (SACP)

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<sup>1</sup> IARF, the world's first interfaith organization, began work in India since 1979 and enjoys a General Consultative Status with the UN ECOSOC since 1995. For more information on IARF activities in Pakistan, visit <http://www.iarfsacc.org/nationalchapters.htm>

## **Introduction**

1. This stakeholder's report is a joint submission of the above-mentioned organizations. The first section of this submission relates to the following human rights issues: ***Freedom of Religion and Beliefs, Religious Intolerance and Persecution of Religious Minorities, Root causes of religious violence and intolerance in Pakistan and the Blasphemy Laws***. The second section looks into the implementation of the accepted recommendations by the Government of Pakistan during its 1<sup>st</sup> UPR in June 2008. IARF specifically highlights one recommendation among of the forty-three accepted recommendations by the Government of Pakistan, which is on freedom of religion or belief and taking the case of the Ahmadis in Pakistan to expound the issue:

*Remove restrictions on freedom of religion or belief and amend legislation that discriminates against persons belonging to minorities (Canada) and effectively protect and satisfy the unimpeded exercise of freedom of religion of non-Muslim citizens (Greece) and the repeal of laws discriminating against non-Muslims, if any (Denmark)<sup>2</sup>*

The third section of the submission conveys IARF specific recommendations to the Pakistan Government.

2. The data and information obtained for this submission came from various sources and includes information from IARF member organization in various parts of Pakistan, including information provided by IARF partner organization in the country, the South Asia Centre for Peace.

### **I. Current human rights situation on the ground**

3. According to the Constitution of Pakistan, as stated in its preamble, "it is the will of the people of Pakistan to establish an order ... wherein shall be guaranteed fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality".<sup>3</sup>

4. The Constitution of Pakistan also speaks of the equality of its citizens. Although the constitution establishes Islam as the state religion, it provides all citizens the right to profess, practice and propagate their religion subject to law, public order, and morality. The constitution assures non-Muslims of equal access to jobs in the public sector (though at the same time, it states that only Muslims are allowed to hold top positions, such as the President and Prime Minister).<sup>4</sup>

5. However, as proven by the recent case of religious persecution of religious minorities due to existing blasphemy laws<sup>5</sup> in Pakistan, the right to freedom of religion or beliefs provided by the Constitution has been put into question. No less than the UN Special Rapporteur on Freedom of Religion or Beliefs, during her country visit to Pakistan in 1995 pointed out that "such legislation should not be

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<sup>2</sup> A/HRC/8/42/Add.1

<sup>3</sup> "Preamble", Constitution of Pakistan, Government of Pakistan

<sup>4</sup> Constitution of Pakistan, Government of Pakistan. <http://www.pakistani.org/pakistan/constitution/part2.ch1.html>

<sup>5</sup> Blasphemy laws in Pakistan instill fear, intimidation, and persecution and encourage hostility not only towards religious minorities but also to liberal Muslim and Human Rights Defenders alike. Pakistan blasphemy laws have been a long subject of condemnation by the international community. At the UN level, despite recommendations provided by the UN Special Rapporteur on Freedom of Religion and Beliefs on his only visit to Pakistan in 1995 with the government providing assurance that it would change its blasphemy laws in 8 -12 months in the same year, nothing has changed so far. In fact, the situation is worsening.

discriminatory and should not give rise to abuse, nor should it be so vague as to jeopardize human rights, especially those of minorities. In addition, Pakistan has a Commission for Minorities, but there are no details provided to religious minorities on accessing the commission to lodge their complaints/concerns.<sup>6</sup>

6. It is important to recall when and where the nation became derailed from the path identified by the father of the nation, Muhammad Ali Jinnah which in 1947 wished for an inclusive and impartial government where religious freedom, rule of law and equality for all are promoted and respected. However, due to his sudden death in 1948, reactions from Islamic groups and some prominent scholars demanded Pakistan as Islamic state. Islamic parties lobbied for the Islamization of the state in order to secure their own survival, relied on the support of Islamists and consequently “Islam” emerged as the *raison d’être* of the state. Thus, the more the state became ‘Islamic’, the more religious minorities suffered in Pakistan and it got worsened with the implementation of the blasphemy laws by the dictator General Zia ul Haq in the 1980s.

### **Recent cases on Religious Intolerance & Persecution of Religious Minorities: Highlighting the Case of the Ahmadis**

7. According to official figures, over 96 percent of Pakistan’s population is Muslim, with 3.54 percent religious minorities, including Christians, Hindu, Ahmadiya, Parsi, Buddhist, Sikh and others. As Christianity is the second biggest religion in the country, with 1.59 percent (roughly 2.5 million) followers, in comparison to other minority groups Christians have been highly exposed to injustices under the blasphemy laws.

8. According to a report of Daily Dawn (August 6, 2009), 500 people have been charged with blasphemy in Pakistan, the majority on the basis of false accusations. In 2010 alone, 99 Ahmadis were killed as a result of faith-based violence in Pakistan. Hindus in Pakistan face a high risk of abduction for ransom. Therefore, 500 Hindu families from Baluchistan migrated to India in 2010.<sup>7</sup> The law and its enforcement agencies have increasingly failed to protect religious minorities against existing threats. For example in Baluchistan, there were over 100 groups involved in kidnapping Hindus for ransom, but the police couldn’t stop it.<sup>8</sup>

9. Considering the alarming rate of emigration of religious minorities from Pakistan, the UK-based Minority Rights Group has put Pakistan seventh in the list of countries where minorities are under great threat. Whether Hindu, Christian, Sikh or Ahmadi, religious minorities have been living under such insecurity in Pakistan that they emigrate at any opportunity.

10. The situation in Pakistan grows worse for the religious minority groups on a daily basis. The security and law and order situation has become so chaotic that the authorities seem to have no control over providing protection to these minorities. The fundamentalist Muslim leaders (Mullahs) have a free rein and relentlessly exploit the blasphemy laws for their personal interests and these laws were legislated to debilitate and undermine universal human rights. Members of all faiths have been victims of these merciless violations of human rights including Christians, Hindus and even Shiites. However, the main focus of this brutality is the Ahmadi and the killing of Ahmadis is not considered a crime by the state and the law of the land.<sup>9</sup>

11. IARF is deeply concerned on the persecution of the Ahmadis since they were declared non-Muslim by the Government of Pakistan in 1974 is overt and blatant. For Ahmadis, to profess Islam as their religion and practice it in any form is a crime in Pakistan punishable by imprisonment, fines, penalties

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<sup>6</sup> State of Human Rights in 2010, Human Rights Commission of Pakistan, p.136.

<sup>7</sup> State of Human Rights 2010, Human Rights Commission of Pakistan, p. 130.

<sup>8</sup> “Pakistan: Hindu families seeking asylum in India”, Dawn, December 27, 2010.

<sup>9</sup> A Statement from the Asian Human Rights Commission

and even death. Killing them is considered a great honor for Muslim fundamentalists, which allows them direct entry into paradise.

12. Reports received by IARF from the ground allege that hundreds of Ahmadis have been murdered. In two separate instances alone, almost a hundred were killed when the two Ahmadi mosques were blown up by accomplices of the Mullahs in May 2010 in Lahore. Numerous such incidents have become a huge push factor for Ahmadis to move to Nepal, Canada, UK, USA and Germany.

13. Since January 2011, another ten have been murdered. During the last two weeks more Ahmadis were shot and killed in Nawab Shah, Sindh province. The latest one to be killed was Dr Maqsood Ahmad, a homeopathic practitioner. He was a man that was always helpful, generous and kind to everyone regardless of their religion. Just a week earlier, another prominent Ahmadi, Mr. Ikram, was shot and killed. His grandson, Munib, was also shot and remains in hospital under treatment. He is a brilliant young man, just eighteen years of age and a student. There were quite a few others who were shot but escaped death. Some of them are suffering from severe trauma and other forms of stress related disability. The Government authorities, police and judiciary take absolutely no notice of such cruelty practiced upon the Ahmadis but on the other hand overtly support anti-Ahmadiyya activities and deny Ahmadis the right to even protect themselves.

14. There are thousands who have been prosecuted and linger in dark cells not knowing their fate and who fear imminent death.

15. For some years now, Ahmadi elites in Pakistan have been targeted. Several businessmen, engineers, doctors, academics and others have been either killed or kidnapped. Some have been ransomed at a very high cost and there are others, who have not been traced and the authorities have shown no interest in their recovery.

16. Ahmadi teachers have been discriminated against and even terminated because of their faith. Some of them were known to be of excellent calibre but they have been deprived the opportunity to serve the youth of the nation.

17. In the current resurgence of religious persecution and hate mongering, the role of the media is equally frustrating. Everywhere in Pakistan, walls are littered with writings and posters exhorting people to kill Ahmadis. Mullahs are free to organise and lead anti-Ahmadiyya processions and conferences which are painfully indecent and abusive. The media has a critical responsibility to be absolutely just, neutral, truthful and contribute to the development of an enlightened and armonious society imbued with the spirit of unity, cooperation, tolerance and understanding.

18. On December 12, 2011, about 45 students, some of them young children, were discovered held in chains in a basement, when the police raided an Islamic seminary (madrassa). This seminary was located on the outskirts of Karachi. These students were brought from the remote parts of Khyber Pakhtunkhawa Province which is a hotbed of Taliban activities. This place is called Madrassa Zakarya in Sohrab Goth District of Karachi. The police have also arrested two clerics but the head of the seminary has escaped.

19. Most of the victims showed signs of severe torture and had developed wounds from the chains. The students who varied in age from 15-45 and were kept 30 to the room were still in chains while shown on television. Zainullah Khan, 21, said "I was there for 30 days and I did not see the sky or sun even once". Another student called Mohi-ud-din said "I was whipped with a rubber belt and forced to beg for food. I was kept in the basement for the past month and was kept in chains. I was also beaten with sticks and tortured". One boy said that visiting Taliban members often told them to prepare for battle---they were being trained to fight in Afghanistan.

20. This tragic incident has hit the national headlines in Pakistan. Interior Minister Rehman Malik told journalist "Those boys were kept in such an environment like animals".

21. A few of these students are supposed to be drug addicts and mentally challenged persons.

22. As the parents of these children are too poor and cannot afford non-religious schools, so they send them to these madrassas. Here they are made to memorize the Koran, learn Arabic and study Islam. Many madrassas offer free boarding and lodging.

23. Pakistan government records seen by AFP suggest that there are 15,148 seminaries in Pakistan, with over 2 million students. But officials suspect that there are thousands more which are unregistered.

24. Now there is a frightening surge in such incidents against Ahmadis. The Government of Pakistan needs to be cautioned about the consequences of such anarchy. Upholding justice and the fundamental freedoms of all is an essential obligation of democracy which includes human rights. Without fulfilling such obligations claiming to be a democratic state is no better than a farce.

25. For Pakistan, human rights, justice, respect, safety and security of its citizens is in a perilous situation and presents a serious challenge for the government of President Zardari. In order to sustain and solidify democracy it must build up a joint and solid foundation of the dignity and deployment of human rights.

### **Root causes of religious violence and intolerance in Pakistan**

26. There are multiple factors behind the misery of religious minorities in Pakistan. As the country was created in the name of Islam - as a home for Muslims from the sub-continent - political Islam has found deep roots in affairs of state and in law. Currently, with increased religious intolerance and perceived tension between major faith traditions, against the backdrop of the war against Islamist insurgents in Afghanistan and Pakistan, blasphemy laws are increasingly being misused. In addition, the rise of insurgency in some parts of the country has resulted in direct attacks on religious minorities. For example, in 2008 Sikhs living under the rule of local Taliban in the Malakand region were forced to pay Jizya (Islamic tax on non-Muslims).<sup>10</sup> In general, the government's so-called peace deal, and failure to control the insurgents, led to human rights violations in the Malakand region on a bigger scale, in which both Muslims and non-Muslims suffered.<sup>11</sup>

27. Shortly before the 62nd birthday of Pakistan in 2009, in Gojra (Toba Tek Singh district) a group of Muslims looted and burned houses and a Catholic church in the colony; seven Christians were killed and 20 were injured. Likewise a group of extremists known as Sipah-e-Sahaba reacted over an incident that allegedly involved Christian children tearing pages of the Qur'an.

28. According to a report by the Human Rights Commission of Pakistan, the Gojra incident was pre-planned and the police had the information that an attack was developing, but did nothing to prevent it. The reaction of the local police did not surprise me because the majority belonging to the "followers" group tends to avoid any tension related to religious extremists. Thus, we need to brainstorm for ways to protect the innocent from the reach of extremism propagated in the name of religion.

### **Pakistan's Blasphemy Law**

29. Pakistan's blasphemy laws are considered the strictest among countries with a Muslim majority. Their provisions forbid, among other things, defaming of the Quran and the Prophet Muhammad. Punishments include imprisonment for life, fines, and even the death penalty.<sup>12</sup>

30. There have been serious and continuous attempts from the international community and the civil society in Pakistan to repeal the blasphemy laws, but both civilian and military governments have failed to withstand pressure from religious parties in doing the much-needed.

31. Pakistan's draconian blasphemy laws are routinely used by criminals and intolerant Pakistani Muslims to bully religious minorities. Simply to declare belief, in the Christian Trinity is considered blasphemous, since it contradicts mainstream Muslim theological doctrines. When a Christian group is

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<sup>10</sup> "Indian clerics flay imposition of „Jizya“ on Pakistani Sikhs," Indian Express, May 5, 2009.

<sup>11</sup> Zahid Shahab Ahmed 2009, "Swat: Peace deal or compromise," South Asia Defence & Strategic Review.

<sup>12</sup> IARF noted that Sections 295 B, 295 C, 298 A, B and C, of Pakistan's Penal Code are commonly known as "blasphemy laws" which were promulgated between 1980 and 1986 through Presidential Orders by Gen. Zia Ulhaq. These five Sections of the Penal Code protect the honour of Prophet Mohammad, the Holy Quran, the Companions and Wives of the Prophet. This laws has been most detrimental to religious minorities in Pakistan, especially to the Ahmadis which barred them from using Islamic terminology and symbols and prohibits them from, „preaching their faith or posing as Muslims.“ Any offenses to these five sections of the penal Code come with a corresponding punishment: Sections 298 A, B and C concerning insult against Companions and Wives of Prophet Mohammad is imprisonment for three years and a fine; Section 295- B carries life imprisonment and Section 295-C on offering insult to Prophet Mohammad is a mandatory capital punishment.

suspected of transgressing the blasphemy laws, the consequences can be brutal. A poignant example of this is the experience of the Christian aid group called World Vision. Its offices were attacked in the spring of 2010 by ten gunmen armed with grenades, leaving six people dead and four wounded. A militant Muslim group claimed responsibility for the attack on the grounds that World Vision was working to subvert Islam. In fact, it was helping the survivors of a major earthquake.

32. Recently, a Pakistani Christian woman, Aasia Bibi, was sentenced to death for allegedly insulting the Prophet Muhammad. She is believed to be the first woman sentenced to death under Pakistan's infamous blasphemy laws, therefore Pope Benedict XVI has demanded justice, and this issue has become international. As a consequence of pressure from abroad, the President of Pakistan initiated an inquiry, though Aasia Bibi remains imprisoned (as of end-2011) – almost a year since her death sentence.<sup>13</sup>

33. In general no one is safe in Pakistan due to the double impact of terrorism and counterterrorism measures. In such an environment, religious minorities and human rights advocates have been targeted. For example, Christian Minister Shahbaz Bhatti and then the Governor of Punjab, Salmaan Taseer, both were assassinated for opposing the infamous blasphemy laws.

## **II. Implementation of Accepted Recommendations**

### ***Removing restrictions on freedom of religion or belief and amending legislation***

34. In view of this experience in Pakistan mentioned above, our submission relates primarily to the **Recommendation provided by the Canadian, Greek, and Danish Delegations** to Pakistan's first UPR, to "*Remove restrictions on freedom of religion or belief and amend legislation that discriminates against persons belonging to minorities and effectively protect and satisfy the unimpeded exercise of freedom of religion of non-Muslim citizens and the repeal of laws discriminating against non-Muslims, if any*".

35. IARF believed that the Government of Pakistan has fallen short in the implementation of this specific recommendation as cases due to restrictions on freedom of religion or beliefs and discriminatory legislation such as the blasphemy laws increased.

36. Such specific cases have been highlighted in the earlier section of this report on the human rights situation on the ground, where the case of the Ahmadis was given due attention.

## **III. IARF's Recommendations:**

37. For the aforementioned reasons, IARF calls the Human Rights Council to urge the Pakistani Government to:

1. Urgently repeal its discriminatory laws and practices, such as the hate speech against religious minorities in Pakistan.
2. Provide a safe environment for all of its citizens to practice their religion. In this regard, there is a need to provide special security arrangements for communities under risk of attacks from religious extremists. In particular, special security should be provided to minority leaders and activists. The state should sensitize the law enforcement agencies on the special needs of the religious minorities.
3. Institutionalize autonomous Commission for Minorities. The provisions of the Commission should be advertised widely among the minority communities so as to receive direct reports of minority rights violations.

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<sup>13</sup> "Aasia Bibi and the Blasphemy Law," Jinnah Institute: <http://www.jinnah-institute.org/issues/secular-space/184-aasia-bibi-and-the-blasphemy-law>

4. Urgently repeal the blasphemy law. There is the example of the Hudood Ordinance, another discriminatory law of Zia's dictatorial rule, which was abolished by the Women Protection Bill. That change also met strong opposition from the religious parties; therefore, the current leadership must not hesitate to face opposition at the cost of the violation of minority rights.
5. Promote respect for religious diversity throughout the educational curriculum at all levels for a better social dispensation for the religious minorities; components of peace education and human rights education should be included in school syllabi.
6. The government should engage civil society through dialogues and consultation in the drafting of the National Action Plan for Human Rights Education in accordance with the objectives of the Universal Periodic Review as agreed among UN member States.
7. Consider the manner in which the topic of religion is presented from the earliest phase of educational instruction through to lower secondary level. (Approaches which focus on the specifically Pakistani forms of the country's various religious communities and which emphasize their longevity and relatively harmonious co-existence with one another and the majority religion, are preferable to the teaching of religions as historical and monolithic).
8. Introduce modules into the higher secondary and college levels that will inculcate a familiarity with fundamental human rights such as the right to freedom of religion and beliefs.
9. Consider incentives for the Pakistani film industry to engage the issue of religion-based intolerance, in order to carry to mass audiences the message of national unity above divisive sectarianism.
10. Declare a National Day for interfaith activities and inter-religious dialogue, which would enhance trust between the various religious communities, specifically targeting young people and children, education and religious institutions.
11. Introduce a separate department under the Human Resources Ministry for interfaith and interreligious dialogue, to encourage harmonious relations between the various faith communities.