



In coordination with the

CENTRE FOR LAW & JUSTICE - PAKISTAN

Presents this report to the

U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

JANUARY 7, 2012

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RELIGIOUS FREEDOM IN PAKISTAN

Introduction

1. The American Center for Law & Justice (ACLJ) and its globally affiliated organizations are committed to ensuring the ongoing viability of freedom and liberty in the United States and around the world. The Centre for Law & Justice – Pakistan, located in Lahore, Pakistan, is an affiliate of the ACLJ and provides legal representation to those persecuted for their faith in Pakistan. Many of the instances cited in this report are firsthand accounts gained through legal representation or fact-finding missions on the ground in Pakistan. Where the accounts were reported in the media, we supply the citation.

2. The purpose of this report is to highlight systematic human rights abuses committed against religious minorities in Pakistan. Religious persecution results from both government policies and practices, and a lack of protection from extremist activity—Pakistan’s anti-blasphemy laws, acquiescence to criminal activity, and the failure to prevent abuse by its security officers continue to be of major concern.

Anti-blasphemy Laws

3. Pakistan’s anti-blasphemy laws impede the freedom of religion or belief and conflict with recognized international standards.¹ Pakistan’s common rebuttal that its anti-blasphemy laws are not discriminatory and apply to offensive statements against all religions² does not hold true in practice. Non-Muslims, who account for only 5 percent of the population, account for over half of the accused in all registered blasphemy cases.³ The biggest concern, however, is the laws’ breadth and purpose to silence minority viewpoints. These anti-blasphemy laws stifle expression by religious minorities, help to further divide Pakistanis by caste, and serve as the basis for arresting non-Muslims under questionable evidence or where the complainant had a clear conflict of interest.

4. In September 2011, school official expelled Faryal Bhatti, a Christian 8th grade student, because she mistakenly misspelled an Urdu word. On an exam, the girl misplaced a dot, transforming the word “naat,” which means a poem in praise of Muhammad, into the word “lanaat,” which means curse. In spite of Bhatti and her mother’s apologies and continuous statements that it was an innocent mistake, a mob of protestors demanded that action be taken against the entire family.⁴ Facing violent threats, the family was forced to relocate. Pakistan’s failure or unwillingness to stand up against mob violence has created a precarious environment for non-Muslims as any expression, no matter how innocent or trivial, can be deemed blasphemous and result in retaliation from the government or the mob.

¹ See Rep. of the Working Group on the Universal Periodic Review, Human Rights Council, 8th sess, June 2008, ¶¶ 23, 27-28, U.N. Doc. A/HRC/8/42 (4 June 2008) [hereinafter Working Group Report].

² *Id.* at ¶ 46.

³ Nina Shea & Paul Marshall, *Blasphemy in Pakistan*, THE WEEKLY STANDARD, 24 Jan. 2011, available at <http://www.weeklystandard.com/author/nina-shea>.

⁴ Muhammad Sadaqat, *Girl accused of blasphemy for a spelling error*, THE EXPRESS TRIBUNE, 25 Sept. 2011, available at <http://tribune.com.pk/story/259907/girl-accused-of-blasphemy-for-a-spelling-error/>.

5. In May 2011, Babar Masih, a mentally ill Christian man, was charged with blasphemy after having a public fit of rage, in which he allegedly yelled blasphemous comments to the stars. The family notified the police that Masih had a history of mental illness, was being medicated, and lacked the mental capacity and intent to demean Islamic beliefs.⁵ Although section 84 of Pakistan's penal code provides an "unsound mind" defense,⁶ Masih was arrested without a preliminary examination and the police made no mention of Masih's mental illness or prescriptions in its police report (*callan*). More alarming, however, is the fact that the complaint was not filed by the Muslim cleric who allegedly witnessed the blasphemous conduct but by a neighboring dairy farmer.⁷ The ACLJ's affiliate in Pakistan has since obtained a court order for a medical examination and secured Masih's release on bail.

6. Unfortunately, the social disorder and threats stemming from Babar Masih's case go far beyond the criminal action. The three Christian families in Masih's hometown fled the area after threats by locals. They were permitted to return to their homes on the condition that none would provide moral, legal, or financial support for Masih. Masih himself has faced violence at the hands of Muslim inmates after prison officials labeled him as a blasphemer. Mobs of angry Muslims have attempted to intimidate the family and judges involved both inside the courtroom and outside the court hearing his case. Members of Masih's defense team have received written and verbal threats to drop the case, and one team member was run off the road by four men threatening to ensure his work for minorities comes to an end.

7. In December 2010, Naushad Valiyani, an Ismaili⁸ doctor, was arrested for blasphemy after he discarded the complainant's business card, which contained the complainant's full name, Muhammad Faizan. This act was alleged to denigrate the prophet Muhammad⁹ even though freedom of expression is guaranteed under the Pakistani Constitution¹⁰ and the act was in no way religiously motivated.

8. In April 2010, Muhammad Shafi and his son were convicted of blasphemy for allegedly trampling a poster celebrating the birth of Muhammad. The Muslim accusers came from the ruling caste in the area (Baloche), and were in competition with Shafi's business, which had become very successful. Shafi and his family are members of a different Muslim sect and belong to Kumhar (potter) caste. On January 10, 2010, the trial court judge awarded each of them life imprisonment (25 years in Pakistan) and a fine of Rs. 200,000 (roughly U.S. \$2,300) under section 295-C, ten years of imprisonment under section 295-A and a fine of Rs. 10,000 (roughly \$1,150), and another five years under section 7(g) of Anti-Terrorism Act. An appeal is pending.

⁵ *Mentally Ill Christian Charged with 'Blasphemy' in Pakistan*, COMPASS DIRECT NEWS (6 May 2011), http://www.compassdirect.org/english/country/pakistan/article_112140.html.

⁶ PAK. PENAL CODE, ch. IV, § 84 (1860) (amended 2006), available at <http://www.unhcr.org/refworld/docid/485231942.html>.

⁷ *Mentally Ill Christian Charged with 'Blasphemy' in Pakistan*, *supra* note 5.

⁸ Ismailism is a branch of Shia Islam. All Pakistanis, Muslims and non-Muslim alike, may be charged under the amorphous blasphemy laws for almost any reason.

⁹ *Doctor arrested on blasphemy charges*, THE EXPRESS TRIBUNE, 13 Dec. 2010, available at <http://tribune.com.pk/story/89180/doctor-arrested-on-blasphemy-charges/>

¹⁰ PAKISTAN CONST. art. 19.

9. In July 2010, Christian pastor Rashid Emmanuel and his brother, who were accused of writing a blasphemous pamphlet, were shot while being transported from the courtroom to the jail. The victims were likely to be exonerated after experts concluded that they did not write the pamphlet.¹¹ In January 2011, Governor Salman Taseer was murdered by one of his bodyguards after vowing to repeal Pakistan's blasphemy laws and supporting Asia Bibi.¹² Sherry Rehman, a Muslim MP, was threatened shortly thereafter for introducing a bill seeking to amend the blasphemy laws.¹³ A few months later, Minister Shahbaz Bhatti was assassinated after advocating against Pakistan's blasphemy laws.¹⁴ Pakistan's inability to combat this climate of vigilantism undermines its declaration that it is working towards full democracy, restoring the rule of law, and mainstreaming universal human rights.¹⁵

10. These incidents are indicative of a larger pattern. The blasphemy laws have become a tool to target, intimidate, silence, and take advantage of religious minorities and moderate Muslims. The blasphemy laws have also created a permissive climate of vigilantism in which mobs have unjustly influenced the judicial and legislative process and assumed the role of judge and executioner.

Criminal Acts Against Religious Minorities

11. USCIRF should continue to highlight Pakistan's acquiescence to criminal acts being committed against non-Muslims. Religious minorities have been the predominant targets of sexual assaults, fraudulent property conversions, and acts of institutional violence.

Sexual Assaults

12. Christian women have reported sexual assaults and rapes by Muslim men with alarming frequency. Traditionally, a rape victim may be imprisoned for fornication and released on the condition that she marry her rapist, which requires her to convert to Islam if she is not a Muslim.¹⁶ Although these laws are in flux, many rape victims were socially ostracized at the very least.¹⁷ Because Christians make up a fraction of the population, Muslim rapists "assume they will not be prosecuted if their victims are Christians."¹⁸

13. In September 2011, a Christian woman was gang-raped by two Muslim men and an unidentified accomplice. Local Muslims threatened that they would kill the victim's family and

¹¹ *Christians Accused of 'Blasphemy' Slain in Pakistan*, COMPASS DIRECT NEWS (19 July 2011), <http://www.compassdirect.org/english/country/pakistan/22927>.

¹² U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, ANNUAL REPORT 2011, at 112 (2011) [hereinafter ANNUAL REPORT 2011], available at <http://www.uscifr.gov/images/book%20with%20cover%20for%20web.pdf>.

¹³ *Pakistan: Religious Freedom Issues in 2011*, INTOLERANCE AND DISCRIMINATION BASED ON RELIGION OR BELIEF (Human Rights Without Frontiers Int'l), 19 Jan. 2012, at 1 [hereinafter *Human Rights Without Frontiers*].

¹⁴ ANNUAL REPORT 2011, *supra* note 12, at 113.

¹⁵ See Working Group Report ¶ 103.

¹⁶ Nina Shea, *Another Christian Martyred in Pakistan*, NATIONAL REVIEW ONLINE (4 Dec. 2011), <http://www.nationalreview.com/corner/284856/another-christian-martyred-pakistan-nina-shea>.

¹⁷ U.S. DEP'T OF STATE, *July-December, 2010 International Religious Freedom Report – Pakistan*, § II, at 5-6 (13 Sept. 2011) [hereinafter *July-December, 2010 Int'l Religious Freedom Report*].

¹⁸ *Christian Mother of Five in Pakistan Alleges Rape*, COMPASS DIRECT NEWS (21 Sept. 2011), http://www.compassdirect.org/english/country/pakistan/article_120617.html.

see that a similar fate would come to her daughters if she pressed charges against her Muslim attackers. Police urged the victim to drop the case.¹⁹ In that same month, a Christian nurse was raped by a Muslim colleague who videotaped the incident to blackmail her into renouncing her faith and marrying him. The police delayed the investigation, and the accused was able to obtain bail.²⁰ In July 2011, a Catholic nursing student was gang-raped and beaten by a Muslim doctor and his accomplices. The doctor then threw the victim from a fourth-floor window. The attackers were only charged with attempted murder in spite of medical evidence confirming the rape.²¹ In March 2011, a Christian woman was kidnapped, raped, trafficked, and threatened with death if she did not renounce her faith.²² In January 2011, a Muslim man, who confessed to raping five Christian girls, was charged for the rape of a 10-year-old Catholic girl. The victim's family was pressured not to press charges because it would negatively affect Christian-Muslim relations.²³ In July 2010, a group of 16-year-old students gang-raped a 12-year-old Christian girl to "teach [her] a lesson."²⁴ The police refused to file a complaint.²⁵ In May 2010, a Christian father, who attempted to file charges after his daughter was raped, was pressured to drop the charges or endure the expulsion of all Christians in the area.²⁶

14. Hindu women faced a similar problem of abduction, rape, and forced conversion.²⁷ An attorney with the Human Rights Commission of Pakistan estimated that approximately twenty to twenty-five Hindu women and young girls are abducted and forcibly converted to Islam *each month*.²⁸ Complaints are usually not filed with the police because assailants and the Muslim community intimidate and threaten families of the victims.²⁹

15. Although this pattern of sexual assaults against non-Muslim women raises women's rights concerns, it must be recognized that women of minority faiths are the target of most of this violence. In light of the Federal Shariat Court's ruling that the 2006 Protection of Women Act is unconstitutional and un-Islamic,³⁰ women face a difficult situation. Should the system default back to the way things were before the 2006 Act, rape victims will bear the burden of having to produce four Muslim male witnesses to prove the crime or the perpetrator's confession,³¹ an exceptional challenge for non-Muslim women. If a victim fails to provide sufficient proof, she is

¹⁹ *Id.*

²⁰ *Christian Nursing Student Nearly Dies from Assault in Pakistan*, COMPASS DIRECT NEWS (26 July. 2011), <http://www.compassdirect.org/english/country/pakistan/23166>.

²¹ *Id.*

²² *Christian Woman Freed from Muslim Kidnappers in Pakistan*, COMPASS DIRECT NEWS (11 Mar. 2011), <http://www.compassdirect.org/english/country/pakistan/69730>.

²³ *Muslim Villager in Pakistan Allegedly Rapes Sixth Christian Girl*, COMPASS DIRECT NEWS (14 Jan. 2011), <http://www.compassdirect.org/english/country/pakistan/31261>.

²⁴ *Rapes of Christian Girls in Pakistan Reflect Hidden Trend*, COMPASS DIRECT NEWS (16 Aug. 2010), <http://www.compassdirect.org/english/country/pakistan/24114>.

²⁵ *Id.*

²⁶ *July-December, 2010 Int'l Religious Freedom Report*, *supra* note 17, § II, at 19.

²⁷ See ASIAN HUMAN RIGHTS COMM'N, *Pakistan: The Courts Were Complicit in the Forced Conversion to Islam of a Young Hindu Woman* (11 Nov. 2011), <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-176-2011>.

²⁸ ANNUAL REPORT 2011, *supra* note 12, at 114-15.

²⁹ *Id.* at 115.

³⁰ *Id.* at 118.

³¹ See *id.*; The Offence of Zina (Enforcement Of Hudood) Ordinance, No. 7 of 1979, Feb. 9, 1979 [hereinafter *Hudood Ordinance*], available at <http://www.pakistani.org/pakistan/legislation/hudood.html>.

subject to criminal sanctions for fornication or adultery.³² It is critical that Pakistan take more action to prevent sexual assaults from occurring, train police officers to better deal with victims and societal intimidation, ensure that victims have redress in the courts, and punish perpetrators who are found to have violated the law. All women, regardless of their creed or caste, have the fundamental right to be protected from such heinous acts. Likewise, perpetrators of such heinous acts, regardless of caste or creed, should be punished. Anything less undermines the integrity of the judicial system and is in conflict with the international commitments Pakistan voluntarily undertook.

Fraudulent Property Conversion

16. Pakistan has argued that there is a misconception concerning the treatment of non-Muslims, in part because non-Muslims hold important positions.³³ This statement exaggerates the truth. To date, only one non-Muslim, Shahbaz Bhatti, who was assassinated for his beliefs, has held any significant position within the Pakistani government. Furthermore, even if the statement were true, it does not justify glossing over the conditions faced by non-Muslims as a whole. Currently, religious minorities face legal, physical, and economic persecution. Individuals and government actors have fraudulently seized non-Muslim's legally owned property through corruption and illegal threats of force.

17. In November 2011, police officers and associates of a military officer seized 12.5 acres of farmland, which they claimed had been allotted to the Pakistani army by the government. After the Christian owners refused to abandon their property, the group physically attacked them and shot at other Christians who attempted to help. The owners had been given legal title to the land by the government in 1976; the land, which was initially barren, only became arable through years of hard work. Although the rightful owners sought redress from the government, no action has been taken against the group for the violence done or to investigate the improper land seizure.³⁴

18. In November 2010, a group of Muslim land-grabbers, allegedly acting with the support of the local government, seized a Christian cemetery. The group demolished 150 Christian graves and desecrated religious symbols in an effort to erect shops on the property. Christians, who were intimidated and threatened by local Muslims, filed a complaint with the police. Police downplayed the incident as an overreaction and stated that the Muslim land-grabbers had a legal right to erect shops because they were the rightful owners.³⁵ The Pakistani Constitution prohibits property from being compulsorily taken unless it is for a public purpose and just compensation is paid.³⁶

19. In September 2011, the ACLJ's affiliate in Pakistan successfully defended the United Presbyterian Church in Pasroor. Muslim landlords had forcibly seized land belonging to the

³² See Hudood Ordinance, *supra* note 31.

³³ *Id.* ¶ 51.

³⁴ *Muslims in Pakistan Beat, Shoot at Christians in Land Grab*, COMPASS DIRECT NEWS (1 Dec. 2011), http://www.compassdirect.org/english/country/pakistan/article_123795.html.

³⁵ *Pakistani Officials Back Muslim Land-Grabbers, Christians Say*, COMPASS DIRECT NEWS (1 Dec. 2011), <http://www.compassdirect.org/english/country/pakistan/69663>.

³⁶ PAKISTAN CONST. art. 24, § 2.

church by annexing it to their house; the church building had been built through personal donations and investments. Griffin Masih, acting on behalf of the church, filed for and was granted a permanent injunction to block the annexation. The Pakistani Constitution provides the right to freely manage religious institutions.³⁷

20. These instances are merely symptoms of a larger problem. Non-Muslims' economic and social opportunities are severely limited by these illegal takings and the government's discriminatory policies in education and employment. Pakistan's actions, whether implicit or explicit, violate its commitments under international law and have perpetuated a system of bonded labor.

Police Malfeasance.

21. Pakistan's security officers willing disregard humanitarian standards, both directly by committing actions against religious minorities and indirectly by ignoring incidents after the fact.

22. In November 2011, a Christian couple, who was wrongly accused of burglary, was severely beaten by the police in an attempt to illicit a confession. The wife, who was pregnant at the time, stated that officers threatened to kill her unborn baby unless she confessed. The husband stated that the police offered to drop the charges against him if he renounced his faith. The police denied any wrongdoing. An investigation was only ordered following press reports.³⁸

23. In June 2011, the police tortured a 17-year-old Christian girl and physically assaulted her family. The girl's older sister was subjected to a similar circumstance the day before.³⁹ In January 2011, an autopsy revealed that a Christian man had been sexually assaulted, tortured, and shot by the police before he was thrown into a drainage ditch. The police threatened to kill the victim's family or file false charges if they did not retract their complaint.⁴⁰

24. In May 2010, Muslim militants attacked a Christian church. Rather than investigate and arrest the attackers, the police filed a report against four Christians for threatening the man who planned the attack.⁴¹ On March 28, 2010, police falsely charged forty-seven Christians for alcohol possession in an attempt to intimidate and extort money. The Christians were granted bail; their case is pending.

Murder

25. On March 9, 2010, four Muslim businessmen lured Rasheed Masih, a successful Christian potato merchant, to a farmhouse where they attempted to force him to convert to Islam

³⁷ *Id.* art. 20, cl. b.

³⁸ *Police in Pakistan Beat Pregnant Christian, Husband for 3 Days*, COMPASS DIRECT NEWS (29 Nov. 2011), http://www.compassdirect.org/english/country/pakistan/article_123726.html.

³⁹ *Human Rights Without Frontiers*, *supra* note 13, at 3.

⁴⁰ *Pakistani Police Allegedly Make Threats after Murdering Christian*, COMPASS DIRECT NEWS (18 Jan. 2011), <http://www.compassdirect.org/english/country/pakistan/31466>.

⁴¹ *Pakistani Militants Invade Church, Threaten to Massacre Christians*, INTERNATIONAL CHRISTIAN CONCERN (25 May 2010), <http://www.persecution.org/2010/05/25/pakistani-militants-invade-church-threaten-to-massacre-christians/>.

and then beat him with iron rods, chains, and an axe. A bystander witnessing the event notified Masih's family, and the police were called. Masih was rushed to the hospital, and on the way told his family in the presence of the police the name of his attackers. Masih died shortly thereafter from the severe beating. The ACLJ's affiliate office in Pakistan intervened when the police refused to press charges against the named attackers and denied that Masih gave a statement of the events that lead to his death. On July 7, 2011, and after 30 hearings on the matter, three of the four named assailants received life sentences for Masih's murder.

26. The deep-rooted cultural disparity between the Christian minority as descendants of the outcaste Hindus and the majority Muslims is evident by the murder of 36-year-old Abbas Masih. Masih worked as a street cleaner near a Muslim shrine, which operated a small flower shop at its entrance. Notably, Christians account for 90 percent of all sewage workers and sweepers, despite accounting for only 1.59 percent of the overall population.⁴² On May 21, 2011, Muhammad Ali, who worked at the flower shop, approached Masih and demanded he stop sweeping. When Masih replied that he could not or he would lose his job, Ali asked how a "Chuhra", a derogatory term used for the Christian minority, could argue with him, a member of the Arain agricultural caste. Eyewitnesses to the encounter informed the ACLJ's affiliate in Pakistan that Ali then stabbed Masih in the heart. Again, the police initially refused to file a case against Ali, but were forced to do so after our affiliate in Pakistan presented the police with the evidence it had collected. Despite that Ali confessed to the murder, the police also delayed filing its report with the court for months. The case is presently pending.

Conclusion

27. Pakistan must be held accountable to its own Constitution and international commitments. While Pakistan has created a human rights commission, the overwhelming evidence suggests that the commission is ineffective in curtailing religious persecution and lacks the necessary authority because of limitation placed on the commission by the government. Pakistan must be called to account for its consistent disregard for religious minorities and its failure to protect these minorities from non-governmental violence or persecution.

⁴² <http://www.census.gov.pk/Religion.htm>.