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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the International Association for Religious Freedom, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The alarming state of extremism, religious violence and intolerance against religious minorities and the issue related to blasphemy law in Pakistan**

Introduction

The International Association for Religious Freedom (IARF) in collaboration with the South Asia Centre for Peace (SACP)¹ welcomes the UN Special Rapporteur on Freedom of Religion or Beliefs report on the Elimination of all Forms of Religious Intolerance, and his ongoing commitment to dialogue with various stakeholders, especially NGOs and civil society organizations.

IARF and its partner organizations welcome the report focusing on the role of the State in promoting inter-religious communication, and his emphasis on “public debate as a crucial element for human rights to become a reality, [so] that freedom of religion or belief can flourish only in a climate of open public discourse...”¹. IARF believes that the Special Rapporteur’s report came out very timely, especially in South Asia in general and in Pakistan in particular, given an increase in reports received by the organization concerning freedom of religion and beliefs in Pakistan.

IARF notes that despite Pakistan’s pre-election pledge to the Council to abide by its international obligation under article 18 of the Universal Declaration of Human Rights during its candidacy as an aspiring member of the Human Rights Council in 2008, to date this pledge has yet to be fulfilled.

It is with this situation in view that IARF and SACP are providing this joint statement expressing concern at the worsening of religious intolerance toward, and violence against, religious minorities as a result of the existence and abuse of application of the blasphemy laws in Pakistan.

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”.²

There is no doubt that the Constitution of Pakistan speaks of the equality of citizens. Although the constitution establishes Islam as the state religion, it also 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).³

However, as proven by the recent case of the blasphemy laws⁴ in Pakistan, the provisions of the Constitution have been violated by certain laws.

** The South Asia Centre for Peace, an NGO without consultative status, also shares the views expressed in this statement.

¹ A/ /66/156

² “Preamble,” Constitution of Pakistan, Government of Pakistan.

³ Constitution of Pakistan, Government of Pakistan.
<http://www.pakistani.org/pakistan/constitution/part2.ch1.html>

⁴ 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

Pakistan has a Commission for Minorities, but there are no details provided to religious minorities on accessing the commission to lodge their complaints/concerns⁵

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.

Pakistan’s blasphemy laws are considered the strictest among countries with a Muslim majority. Their provisions forbid, among other things, defaming of the Qur’an and the Prophet Muhammad. Punishments include imprisonment for life, fines, and even the death penalty.⁶

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. In the meantime, attacks on and discrimination against religious minorities continue across the country.

Current situation

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 2010.⁷ 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.⁸

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.

⁵ State of Human Rights in 2010, Human Rights Commission of Pakistan, p.136.

⁶ 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.

⁷ State of Human Rights 2010, Human Rights Commission of Pakistan, p. 130.

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

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.

The rights of religious minorities have been violated in a number of ways, such as attacks on their religious sites and homes, and kidnapping.

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. In May 2010 a couple of Ahmadi mosques were attacked by terrorists in Lahore. Numerous such incidents have become a huge push factor for Ahmadis to move to Nepal, Canada, UK, USA and Germany.

Root causes of religious violence and intolerance in Pakistan

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)⁹. 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.¹⁰

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.

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.

Recently, a Pakistani Christian woman, Asia 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,

⁹ "Indian clerics flay imposition of 'Jizya' on Pakistani Sikhs," Indian Express, May 5, 2009.

¹⁰ Zahid Shahab Ahmed 2009, "Swat: Peace deal or compromise," South Asia Defence & Strategic Review.

the President of Pakistan initiated an inquiry, though Aasia Bibi remains imprisoned (as of end-2011) – almost a year since her death sentence.¹¹

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.

For these reasons our recommendation to the Human Rights Council is to urge the Government of Pakistan to:

- Urgently repeal its discriminatory laws and practices, such as the hate speech against religious minorities in Pakistan.
- 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.
- The Commission for Minorities must be made operational, and for that the foremost requirement is to make this body autonomous. The provisions of the Commission should be advertised widely among the minority communities so as to receive direct reports of minority rights violations.
- The parliament needs to take up the issue of repealing the blasphemy law as an urgent matter. 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.
- For a better social dispensation for the religious minorities, the government needs to promote respect for religious diversity throughout the educational curriculum at all levels; components of peace education and human rights education should be included in school syllabi.

¹¹ "Aasia Bibi and the Blasphemy Law," Jinnah Institute: <http://www.jinnah-institute.org/issues/secular-space/184-aasia-bibi-and-the-blasphemy-law>