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USCIRF Annual Report 2012 - Countries of Particular Concern: Pakistan

FINDINGS: The government of Pakistan continues to both engage in and tolerate systematic, ongoing, and egregious violations of freedom of religion or belief. Pakistan's repressive blasphemy laws and other religiously discriminatory legislation, such as the anti-Ahmadi laws, have created an atmosphere of violent extremism and vigilantism. Sectarian and religiously-motivated violence is chronic, and the government has failed to protect members of the majority faith and religious minorities. Pakistani authorities have not consistently brought perpetrators to justice or taken action against societal leaders who incite violence. Growing religious extremism threatens the freedoms of religion and expression, as well as other human rights, for everyone in Pakistan, particularly women, members of religious minorities, and those in the majority Muslim community who hold views deemed "un-Islamic" by extremists. It also threatens Pakistan's security and stability.

In light of these particularly severe violations, USCIRF again recommends in 2012 that Pakistan be designated a "country of particular concern," or CPC. Since 2002, USCIRF has recommended Pakistan be named a CPC, but the U.S. State Department has not followed that recommendation.

The religious freedom situation in Pakistan remained exceedingly poor during the reporting period. The Zardari government has failed to reverse the erosion in the social and legal status of religious minorities and the severe obstacles to the free discussion of sensitive religious and social issues faced by the majority Muslim community. A number of Pakistan's laws abridge religious freedom and freedom of expression. Blasphemy laws, used predominantly in Punjab province but also nationwide, target members of religious minority communities and dissenting Muslims and frequently result in imprisonment on account of religion or belief. While no one has been executed under the blasphemy law, the law has created a climate of vigilantism that has resulted in societal actors killing accused individuals. Anti-Ahmadi laws discriminate against individual Ahmadis and effectively criminalize various practices of their faith. The Hudood Ordinances provide for harsh punishments for alleged violations of Islamic law by both Muslims and non-Muslims. Anti-government elements espousing an intolerant interpretation of Islam continue to perpetrate acts of violence against other Muslims and religious minorities. The government's response to religiously-motivated extremism remains inadequate, despite increased military operations.

PRIORITY RECOMMENDATIONS: Promoting respect for freedom of religion or belief must be an integral part of U.S. policy toward Pakistan, and designating Pakistan as a CPC would enable the United States to press Islamabad more effectively to undertake needed

reforms. The forces that threaten Pakistani and U.S. security interests largely are motivated by a violent extremist ideology that rejects international human rights standards, including freedom of religion or belief. To make religious freedom promotion a key element in the bilateral relationship, the U.S. government should urge Pakistan to reinforce the rule of law and align its laws, particularly those regarding blasphemy and the Ahmadis, with international human rights standards; actively prosecute those committing acts of violence against Sufis, Shi'a Muslims, Ahmadis, Christians, Hindus, Sikhs, and others; unconditionally release individuals currently jailed for blasphemy; and repeal the blasphemy law. Additional recommendations for U.S. policy toward Pakistan can be found at the end of this chapter.

Religious Freedom Conditions

Government Policies toward Religious Groups and Activities

Pakistan's civilian government has been led by Prime Minister Syed Yousuf Raza Gilani and President Asif Ali Zardari since 2008. Both Zardari and Gilani are leaders of the Pakistan People's Party (PPP). Zardari is the widower of Benazir Bhutto, a popular PPP leader and former Prime Minister who was assassinated in December 2007, reportedly by militants linked to al-Qaeda. The Bhutto and Zardari families are Shi'a Muslims from the province of Sindh and have assumed leadership roles in a country traditionally dominated by Sunnis from Punjab.

However, despite the return to democratic control, the Pakistani military and intelligence services continue to be influential. During the reporting period, the civilian government was buffeted by crises with the military and Supreme Court that led commentators to question whether the PPP would finish its five-year term. There also were concerns about extremist infiltration of the military, as a Brigadier General and four others were arrested in 2011 for links with religious extremist organizations, with the general being the highest-ranking official to be arrested on such charges in over a decade.

The situation in Pakistan remains exceedingly poor for religious freedom. Discriminatory laws promulgated in previous decades and persistently enforced have fostered an atmosphere of religious intolerance and eroded the social and legal status of members of religious minorities, including Shi'a Muslims, Christians, Ahmadis, Hindus, and Sikhs. Government officials do not provide adequate protections from societal violence to members of religious minority communities, and perpetrators of attacks on minorities rarely are brought to justice. This impunity is partly due to the fact that Pakistan's democratic institutions, particularly the judiciary and the police, have been weakened by endemic corruption, ineffectiveness, and a general lack of accountability.

After the March 2011 assassination of Federal Minister for Minorities Affairs Shahbaz Bhatti, Prime Minister Gilani appointed his brother, Dr. Paul Bhatti, as Special Adviser to the Prime Minister on Minority Affairs. While Dr. Bhatti cannot serve in the cabinet since he is not an elected official, he reportedly was assured that as the Special Advisor he will have all the powers, responsibilities, resources, and protections of a federal minister, including responsibility over the Ministry of Minorities Affairs. Despite these promises, Riaaz Hussain Pirzada, a Muslim and a member of the PPP coalition partner Pakistan Muslim League-Q, was appointed in May as the Federal Minister for Minorities Affairs. Pirzada soon resigned from the post and received another appointment.

The Pakistani government has taken some positive steps regarding religious freedom and tolerance, mainly through the efforts of the late Minister Bhatti. In May 2009, the government announced a five-percent minimum quota in federal employment for members of religious minority communities; however, it appears that the quota has not been met, and if applied at all, it has been done so unevenly across the country. The government also designated August 11 as an annual federal holiday, called "Minorities' Day," which President Zardari and Prime Minister Gilani celebrated for the first time in 2011, with both giving separate statements about the importance of religious minorities to Pakistan. Minister Bhatti also established a National Interfaith Council, convened in July 2010, to promote understanding and tolerance among the different faiths, as well as District Interfaith Harmony Committees to promote religious tolerance through

understanding in every district of Pakistan. The Pakistani embassy reported that 124 interfaith committees have been established at the district level.

The 18th amendment to the Pakistani constitution, passed in 2010, created 10 seats for religious minorities in the National Assembly, the lower house of Pakistan's parliament, and four seats in the Senate. It also required seats for non-Muslims in the provincial assemblies. However, the allocation of seats was not set on a per-capita basis, so is not reflective of the size of the non-Muslim community. In addition, the 18th amendment specifically stipulated that the prime minister must be a Muslim and did not address the constitution's anti-Ahmadi provisions.

Also under the 18th amendment, unspecified ministries were to be devolved to the provincial level. Despite protests from parliamentarians from religious minority communities, the Ministry of Minorities Affairs was removed from the federal cabinet and devolved to the provinces. It is unclear whether all provinces have created their own ministry for religious minorities (Punjab province already had such a ministry). After devolution, the Zardari government established a new Federal Ministry for National Harmony in July. Dr. Paul Bhatti's title was changed to Advisor to Prime Minister for National Harmony to reflect the new ministry. He also is barred from serving as its minister, due to not being an elected official. Akram Gill, a Christian from the PPP coalition partner Pakistani Muslim League-Q, was named State Minister but not the full Federal Minister. Consequently, there is no religious minority in the federal cabinet and the reporting lines between Dr. Bhatti and State Minister Gill within the new ministry are unclear.

According to information received from the Pakistani embassy, the government is planning to create a National Commission for Minorities, which will consist of two representatives each from the Christian and Hindu communities, a Sikh, a Parsi and two Muslims. These individuals have yet to be named. The Commission will review laws and policies brought to its attention for discrimination, investigate allegations of abuse, recommend actions to fully include minority religious communities into the life of Pakistan, and ensure that places of worship are protected. It is unclear how this Commission will interact with the Ministry for National Harmony or the provincial Ministries for Minorities Affairs.

Although Pakistan has signed and ratified the International Convention on Civil and Political Rights, it has placed a reservation which could potentially be misused to undermine Article 18's religious freedom protections. Its reservation declares that the provisions "shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the Shari'ah laws."

Sectarian or Religiously-motivated Violence and Discrimination

During the reporting period, Pakistan continued to experience acts of violence against members of the majority faith whose views contradicted those of extremists and members of minority faith communities. Armed extremists, some with ties to violent extremist groups or the Pakistani Taliban, continued their attacks, including bombings, against Barelvi Sufis, Shi'a Muslims, Ahmadis, and Christians. Sectarian or religiously-motivated violence reached beyond Pakistan's tribal northwest, targeting groups in major urban centers and foreign countries. The following examples of sectarian or religiously-motivated violence are illustrative of the numerous and often fatal attacks against innocent Pakistanis by extremists who use religion to justify their crimes.

Assassinations of Blasphemy Law Opponents

Two prominent Pakistani officials – Punjab Governor Salman Taseer and Federal Minister for Minorities Affairs Shahbaz Bhatti – were assassinated in early 2011, during the previous reporting period, because of their opposition to Pakistan's flawed blasphemy law. On January 2, Salman Taseer was assassinated by one of his police bodyguards, Mumtaz Qadri, who later confessed that he had killed the governor because of his views on blasphemy. Sentenced to death by an anti-terrorism court on October 1, his case is on appeal and he is being represented by a former chief justice of the Lahore High Court, Khawaja Muhammad Sharif. The Barelvi Sufi group Sunni Ittehad Council and other organizations protested the sentence. The judge and his family have fled to Saudi Arabia

due to death threats. Taseer's son also was abducted in August by militants and remains missing.

On March 2, 2011, Shahbaz Bhatti, a longtime Christian activist for religious freedom and the first-ever Christian in Pakistan's federal cabinet, was assassinated outside his mother's home in Islamabad by members of Tehrik-i-Taliban, commonly known as the Pakistani Taliban. Bhatti had received multiple death threats because of his advocacy against the blasphemy law, including one from Tehrik-i-Taliban threatening to kill him if he was reappointed to the cabinet. The investigation into his murder has made little progress, with initial efforts focusing on the Christian community and Bhatti's family. The government announced the issuance of arrest warrants in December for three Pakistanis residing in the Persian Gulf region. All of those arrested for suspected involvement have been released.

Attacks near and across the Afghan Border

Many acts of violence were perpetrated in response to Pakistani military operations against Taliban elements in the tribal areas of Pakistan near the Afghan border. Since 2009, military offensives there have met with some success, although military forces and Pakistani civilians have suffered significant casualties. Many internally displaced persons, particularly members of religious minority communities including Sikhs, fear to return to these contested areas, and extremists have assassinated religious figures who have worked with the government. Schools and mosques repeatedly were attacked by extremists throughout the year. In August during Ramadan celebrations, at least 25 people were killed and more than 100 injured after a bomb leveled a mosque in Pakistan's Khyber Agency.

An individual who attempted, but survived, a suicide attack reported in April 2011 that 350 individuals were receiving suicide bombing training in Waziristan, on the Afghan border. Religiously-motivated extremists have used Pakistan as a base from which to commit terrorism in other countries, notably the September 2011 attack on the U.S. Embassy and the December 2011 attack on a Shi'a shrine, both in Kabul. These operations are believed to be the work of the Haqqani network and Lashkar-e-Jhangvi, respectively, groups active in Pakistan and widely thought to have links to Pakistan's intelligence agency.

Attacks against Barelvis

Attacks targeted Barelvi Sufi shrines during the reporting period. Sunni extremists condemn Barelvis, who come from a Sufi tradition, for certain beliefs and practices, including the use of music for religious purposes and the veneration of living and dead religious figures. Barelvi leaders publicly have condemned the Pakistani Taliban and supported the government's military campaign against anti-government elements, but some leaders also publicly support the murderer of Salman Taseer. On April 3, two suicide bombers attacked the Sakhi Sarwar Shrine dedicated to a 13th-century Sufi saint, Ahmed Sultan, located in southern Punjab. Over 40 were killed.

Attacks against Shi'a Muslims

Violent extremists targeted Shi'a processions and mosques during the reporting period, particularly in the province of Balochistan. On May 5, 2011, extremists opened fire on a group of Hazara Shi'a in Quetta, Balochistan province, killing at least eight and wounding 10 more. Lashkar-e-Jhangvi (LeJ), a banned sectarian militant group that is anti-Shi'a, claimed responsibility for the attack. LeJ perpetrated a follow-up attack against Shi'a Muslims later in May in Quetta, killing seven more and wounding six. In January 2012, 18 Shi'a were killed during a religious procession by a bomb blast in Punjab province. Three Shi'a lawyers were murdered near the Karachi city court in January. In February, 31 Shi'a Muslims were killed and dozens injured in Kurram agency when a suicide bomber targeted a local mosque. According to Pakistani press sources, security forces shot and killed two Shi'a Muslims who were protesting the bombing.

Attacks on Shi'a pilgrims occurred throughout the year, many perpetrated by LeJ. In June, an attacker fired repeatedly into a bus carrying Shi'a Muslims in southwestern Pakistan, killing three people and wounding nine. In July in Quetta, two separate attacks

killed 18 Shi'a Muslims and injured dozens. In September, seven Shi'a Muslims were killed in Kurram agency when unidentified gunmen opened fire on a minibus. That same month near Quetta, a bus of Shi'a pilgrims travelling to Iran was attacked. The passengers were ordered to disembark, were lined up and shot, and 26 were killed. A follow-up attack that same day on relatives trying to collect the bodies claimed three more lives. LeJ claimed responsibility. In October, another bus of Shi'a pilgrims was attacked, with victims lined up and shot, killing 13. That same month, police arrested 70 individuals suspected of involvement in the sectarian violence.

In July, Parkistan's Supreme Court released LeJ leader Malik Ishaq from prison after 14 years, deciding prosecutors failed to present evidence of his involvement in the murders of Shi'a Muslims. Ishaq was allegedly involved in 44 cases involving 70 murders, but courts acquitted him in 34 of the cases and granted bail in 10. Soon after his July release, he was rearrested under public order laws after giving speeches that could incite violence against Shi'a. However, in January a Punjab provincial review board turned down a government request to extend the arrest and ended his detention.

At least 18 people were killed in late February in the Kohistan district of Khyber-Pakhtunkhwa Province when militants affiliated with Jundullah, a banned Sunni extremist group, attacked a bus of Shi'a. The attackers reportedly pulled all the victims off the bus and checked their identity cards before shooting them. At least seven people were reported to be wounded.

Attacks and Discrimination against Ahmadis

In recent years, scores of Ahmadis have been murdered in attacks which appear to be religiously motivated. In July, a well-known Ahmadi lawyer, Malik Mabroor Ahmad, was killed in a religiously-motivated attack in Sindh when he was shot at point blank range by an unidentified gunman. In September, Naseem Ahmad Butt was murdered inside his home in Faisalabad. In October, three Ahmadi businessmen were kidnapped. An Ahmadi mother of three from Punjab province was murdered in December.

In June, the All Pakistan Students Khatam-e-Nabuwat Federation distributed pamphlets in Faisalabad, Punjab province, urging the killing of named Ahmadis and the boycotting of specific Ahmadi businesses. The organization later disavowed the flier and police arrested one individual. In October, 10 students were expelled and one teacher dismissed from a school in Punjab province because they were members of the Ahmadi religious community. Another teacher, Dilawar Hussain, was murdered in October in Punjab province due to his decision to become a member of the Ahmadi faith.

In Punjab province, a local Ahmadi community intended to build a worship facility, but a member of Lashkar-e-Taiba (a militant organization banned for its terrorist activities), filed a complaint with the district police office to halt its construction. The local authorities agreed, forbidding the construction of a place of worship, but agreeing that the community could build a community hall without minarets. Once construction began, a mob was rallied to destroy the building. Police intervened, but eventually local authorities succumbed to pressure and ordered the building destroyed.

Attacks and Discrimination against Christians

Incidents of mob attacks against Christians were reported during the past year. In April 2011, a mob ransacked several Christian houses and a school after allegations of blasphemy spread through the community in the Gujranwala district of Punjab. Local police intervened to break up the attack, later arresting several instigators after an investigation. Police also took into "protective custody" two Christian pastors who were accused of desecrating the Qur'an and filed charges of blasphemy against them. In May, extremists carrying guns interrupted a church service outside Lahore, threatening the congregation, breaking the glass altar, and desecrating Bibles. Despite the multiple witnesses, police did not arrest the intruders due to their political connections, and reportedly pressed the church members to accept an apology. In January 2012, a group of men attacked a church in Sindh province in response to children singing carols, hitting the children and vandalizing the church. Local police did not file a case and the Christian community apologized to the assailants.

In May 2011, a small Islamic political party launched a campaign to ban the Bible, arguing that the Supreme Court should declare it blasphemous. In response to public pressure, the political party reversed its position in June. Christian NGOs also have noted discrimination in university admissions tests, as Muslim students are given extra credit for memorizing the Qur'an.

Punjab province is the locus for the majority of discrimination, violence and blasphemy cases against Christians, as it is home to the largest Christian community. Members of the Pakistan Muslim League-N, which controls the Punjab provincial assembly, tried to prevent Kamran Michael, a Christian cabinet member of the same party, from presenting the provincial budget in May. In January 2011, in response to criticism by Pervez Rafique, a PPP Christian member of the provincial assembly, that the Punjab government should do more to protect minorities and to help Aasia Bibi (sentenced to death in 2010 for blasphemy), a Punjab government minister threatened violence against those who made blasphemous statements. Also in January, a Catholic facility used to provide community assistance in Lahore was bulldozed to the ground on orders of the provincial government, which claimed the church did not have proper title to the property. During the demolition copies of the Bible were destroyed. The Christian community is requesting the return of the property and restitution for the destroyed facilities. Also, several leading Christian human rights activists in Punjab received death threats during the past year.

Marginalization and poverty make the Christian community in Pakistan vulnerable, and sexual assaults against underage Christian girls by Muslim men continue to be reported. Catholic NGOs estimate at least 700 Christian girls are kidnapped and forced to convert to Islam every year. Throughout the reporting period, multiple reports surfaced of Christian women being raped, with law enforcement either hesitant to act or societal actors pressuring victims to recant their allegations. In September 2011, a Christian woman allegedly was gang-raped and police reportedly pressured her to not press charges. In September, the NGO CLASS reported that a court ruled in favor of a Christian girl, sentencing her rapist to jail for 25 years.

During the current reporting period, the prosecutions of the 2009 attacks in Gojra, where eight Christians were killed and two churches and about 75 houses burned following an accusation that Christians had desecrated the Qur'an, effectively ended. Gojra victims reportedly were pressured to drop their cases. For those that did proceed to trial, all of the alleged attackers were acquitted or granted bail.

However, other court cases resulted in convictions and sentences. Two Christian brothers, Pastor Rashid Emmanuel and Sajid Emmanuel, were murdered in July 2010 in front of a courthouse in Faisalabad, Punjab province, as they were defending themselves against blasphemy charges. On April 18, 2011, an anti-terrorism court found the accused guilty and sentenced him to death. Pakistani NGOs report that this is the first such sentence to be issued for a murder related to blasphemy charges. Three individuals convicted of killing a Christian in Punjab province for refusing to convert to Islam were given life sentences in July, which in Pakistan is 25 years. In July 2011, the American Center for Law and Justice reported that three individuals were sentenced to life in prison for the 2010 murder of a Christian businessman.

Attacks and Discrimination against Hindus and Sikhs

Due to their minority status, Pakistan's Hindus and Sikhs are vulnerable to crime, including robbery and kidnapping for ransom. A Hindu attorney was kidnapped in December in Sindh province, as was a Sikh businessman. Hindus also have been targeted in the province of Balochistan, where they are the largest religious minority and where the security situation is problematic due to a long-running ethnic insurgency. In November 2011, three Hindu doctors were gunned down in Sindh province.

There are persistent reports of kidnappings, rapes, and forced conversions to Islam of Hindu women, including minors. Fifteen to 20 Hindu kidnapping cases are reported each month to the Hindu Council in Karachi, and the Human Rights Council of Pakistan has reported that cases of forced conversion are increasing. In February 2012, a Hindu girl reportedly was kidnapped and forced to convert to Islam in the Ghotki district of Sindh province. NGOs report that President Zardari directed the Sindh government to conduct

an inquiry. In September 2011, two dozen armed men attacked a group of Hindus in Sindh province after allegations of sexual assault of a minor girl by a Hindu. Two people were killed and Hindu properties were destroyed. Police responded to the assault, killing two attackers.

In July, police prevented a Sikh congregation from accessing the Gurdwara Shaheed Bhai Taru Singh in Lahore. Due to a Muslim commemoration scheduled two days later, the Sikhs coming to venerate an eighteenth-century saint were asked to change the date of their celebration.

On a positive note, the 160-year-old Goraknath Hindu temple in Peshawar was reopened on the order of the Peshawar High Court, allowing Hindus in northwest Pakistan to worship there for the first time in 60 years. In addition, the National Database and Registration Authority (NADRA) reportedly was directed by the federal government to register Sikh marriages.

Blasphemy Law

Widespread Abuse

Severe penalties for blasphemy and other activities deemed insulting to Islam were added to the penal code during the regime of General Zia-ul-Haq. Article 295, Section B, makes defiling the Qur'an punishable by life imprisonment. Under Section C of the same article, remarks found to be "derogatory" against the Prophet Mohammed carry the death penalty. Blasphemy allegations, which are often false, have resulted in the lengthy detention of, and occasional violence against, Christians, Ahmadis, Hindus, other religious minorities, and members of the Muslim majority community. Reportedly, more cases are brought under these provisions against Muslims than any other faith group, although the law has a greater impact per capita on minority religious faiths. While no one has been executed under the blasphemy law, the law has created a climate of vigilantism that has resulted in societal actors killing accused individuals.

Despite the law's national application, two-thirds of all blasphemy cases reportedly are filed in Punjab province. Because the law requires neither proof of intent nor evidence to be presented after allegations are made, and includes no penalties for false allegations, blasphemy charges are commonly used to intimidate members of religious minorities or others with whom the accusers disagree or have business or other conflicts. The provisions also provide no clear guidance on what constitutes a violation, empowering the accuser and local officials to rely on their personal interpretations of Islam. Militants often pack courtrooms and publicly threaten violence if there is an acquittal. Lawyers who have refused to prosecute cases of alleged blasphemy or who defend those accused, as well as judges who issue acquittals, have been harassed, threatened, and even subjected to violence. The lack of procedural safeguards empowers accusers to use the laws to abuse religious freedom, carry out vendettas, or gain an advantage over others in land or business disputes or in other matters completely unrelated to blasphemy.

The highest-profile blasphemy case in recent years involved Asia Bibi, a Christian farm worker and mother of five, who was sentenced to death under Article 295C in November 2010. President Zardari stated he would pardon Ms. Bibi, should her appeal not move forward quickly. However, the Lahore High Court ruled in December 2010 that President Zardari did not have the power to pardon an individual whose case was on appeal. In response, President Zardari directed that Ms. Bibi be kept separate from the general prison population during the appeals process, which will take years. NGOs report that Ms. Bibi's health has been affected from being kept separate from the prison population. Ms. Bibi was assaulted by a prison guard in October. In response, the guard was suspended.

Asia Bibi was not the only person sentenced to death for blasphemy. In June 2011, Abdul Sattar was sentenced to death in Punjab province for allegedly texting blasphemous messages. To date, there are at least 14 individuals who have death sentences pending or who are in the process of appeal. Lengthy prison sentences also were imposed for blasphemy or other conduct deemed offensive to Islam during the reporting period. Two Muslims and a Christian were sentenced to life in prison for defiling the Qur'an during the reporting period, joining at least 16 other individuals who are serving life sentences. In addition, more than 40 individuals are currently in jail for

violating the blasphemy law; a detailed list of these individuals is included in the appendix to this Annual Report.

Although, as mentioned, no one yet has been executed by the state under the blasphemy law, individuals accused of blasphemy have been killed, including while in police custody. For example, in September 2011, Aslam Masih died of preventable diseases while in police custody and in March, Qamar David, a Christian, was found dead in a Karachi jail. In addition, the law was used extra-territorially in February 2012. Four Danish nationals not residing in Pakistan were charged in a district court of the Jhang District in Punjab province for publishing "blasphemous material" in Denmark that was accessible in Pakistan via the Internet.

Accusations of blasphemy in a community also can create inter-religious tension. In September, a young Christian girl was expelled from her school near Abbottabad for a spelling error that was deemed blasphemous. The girl and her mother fled to a different city. The Pakistan Telecommunication Authority issued regulations to limit text messages that used language considered obscene or blasphemous. The regulations have yet to be enforced.

In February 2012, Saira Khokar, a Christian from Lahore, was accused of desecrating a Qur'an. After a mob gathered around her Christian school, police took her into protective custody to evaluate whether charges should be brought. The mob gathered outside the police station and demanded she be turned over. Christian activists contacted Paul Bhatti, the Advisor to the Prime Minister on Interfaith Harmony, who then contacted Prime Minister Gilani and urged him to take action for Khokar's safety. Prime Minister Gilani reportedly contacted the Chief Minister of Punjab province, Shahbaz Sharif, and asked him to ensure her safety. At the end of the reporting period, Saira Khokar was safe and no charges had been brought.

Before the murders of Governor Taseer and Minister Bhatti, discussions were underway to reform the blasphemy law. Sherry Rehman, PPP parliamentarian and now ambassador to the United States, introduced amendments, and Awami National Party (ANP) parliamentarian Bushra Gohar had introduced a bill for the law's repeal. After the murders, Prime Minister Gilani and other PPP officials stated that reform was no longer being considered, and the two bills were not acted upon. Since the killings, the Prime Minister has repeatedly stated that the government will not permit the blasphemy law to be abused, but that it has no plans to amend it.

The Ahmadi Minority and Anti-Ahmadi Legislation

Among Pakistan's religious minorities, Ahmadis are subject to the most severe legal restrictions and officially-sanctioned discrimination. As described above, egregious acts of violence have been perpetrated against Ahmadis and anti-Ahmadi laws have helped create a permissive climate for vigilante violence against the members of this community. Ahmadis, who may number between three and four million in Pakistan, are prevented by law from engaging in the full practice of their faith and may face criminal charges for a range of religious practices, including the use of religious terminology. In 1974, the government of Zulfikar Ali Bhutto amended Pakistan's constitution to declare members of the Ahmadi religious community to be "non-Muslims," despite their insistence to the contrary.

Basic acts of worship and interaction also have been made criminal offenses. In 1984, during General Zia-ul-Haq's dictatorship, sections B and C of Article 298 were added to the penal code, criminalizing Ahmadis "posing" as Muslims, calling their places of worship "mosques," worshipping in non-Ahmadi mosques or public prayer rooms, performing the Muslim call to prayer, using the traditional Islamic greeting in public, publicly quoting from the Qur'an, or displaying the basic affirmation of the Muslim faith. It is also a crime for Ahmadis to preach in public, seek converts, or produce, publish, or disseminate their religious materials. Ahmadis are restricted in building new houses of worship, holding public conferences or other gatherings, and traveling to Saudi Arabia for religious purposes, including the *Hajj*.

Obtaining a Pakistani national identity card or passport requires the applicant to sign a religious affirmation denouncing the founder of the Ahmadi faith as a false prophet.

Moreover, because Ahmadis are required to register to vote as non-Muslims and national identity cards identify Ahmadis as non-Muslims, those who refuse to disavow their claim to being Muslims are effectively disenfranchised from participating in elections at any level. Since Ahmadis were declared non-Muslim in 1974, no Pakistani government has attempted to reform the anti-Ahmadi laws and regulations, with the sole exception of an abortive attempt in late 2004 to remove the religious identification column in Pakistani passports, which would have enabled Ahmadis to participate in the *hajj*. This initiative was reversed in 2005 when the government restored the column, reportedly in response to pressure from Islamist political parties. In recent years, individuals have refused to sign the religious affirmation clause for a passport and still received the document.

Reports also have arisen that the Punjabi government is changing its identification cards to include an entry labeled "Qadiani," which is a pejorative term for Ahmadis. As discussed below, applicants for Pakistani national identity cards or passports already are required to denounce the founder of the Ahmadi faith as a false prophet. Under this new scheme, the Punjabi government will also require that Ahmadis affirmatively identify themselves as such, thereby placing them at risk of persecution.

Hudood Ordinances

Under the Hudood Ordinances, which criminalize extramarital sex, rape victims risk being charged with adultery, for which death by stoning remains a possible sentence. In 2003, the National Commission on the Status of Women in Pakistan reported that as many as 88 percent of the women in prison, many of them reported rape victims, were serving time for allegedly violating these decrees. The Hudood laws apply to Muslims and non-Muslims alike. The UN Committee against Torture and the UN Special Rapporteur on Torture have stated that the punishments of stoning and amputation breach international obligations to prevent torture or cruel, inhuman, and degrading treatment or punishment. Although these extreme corporal punishments generally have not been carried out in practice in Pakistan, lesser punishments such as jail terms or fines have been imposed.

In 2006, the Protection of Women Act removed the crime of rape from the sphere of the Hudood Ordinances and put it under the penal code, thereby eliminating the requirement that a rape victim produce four male witnesses to prove the crime. Under the law, convictions for rape must be based on forensic and circumstantial evidence. The Act also prohibited a case of rape from being converted into a case of fornication or adultery, which had been possible under the Hudood laws. Marital rape once again was made a criminal offense, as it had been prior to the implementation of the Hudood laws in 1979. However, an offense of fornication was included in the penal code, punishable by imprisonment for up to five years. In December 2010, the Federal Shariat Court ruled that key sections of the 2006 law were unconstitutional and un-Islamic, which threatened to undermine these reforms entirely. The federal government is appealing and has taken no action to implement the ruling.

Religious Freedom Concerns in Pakistani Education

A significant minority of Pakistan's thousands of religious schools, or *madrassas*, reportedly continue to provide ongoing ideological training and motivation to those who take part in religiously-motivated violence in Pakistan and abroad. In mid-2005, the Pakistani central government required all *madrassas* to register with the government and expel all foreign students. While most registered, the registration process reportedly has had little if any effect on the curricula, which in many of these schools includes materials that promote intolerance and exhortations to violence. The government also still lacks full knowledge of the *madrassas'* sources of funding. A memorandum of understanding was signed in October 2010 between the Ministry of Interior, which oversees the *madrassa* system, and the five main *madrassa* boards in another attempt to better reform their curriculum and regulate their financing.

Religious freedom concerns also are evident in Pakistan's public schools. Pakistani primary and secondary schools continue to use textbooks that foster prejudice and intolerance of religious minorities, especially Hindus and Christians. Hindu beliefs and practices are contrasted negatively with those of Islam. Bangladesh's struggle for independence from Pakistan is blamed in part on the influence of Hindus in the education sector of the former East Pakistan. Such references are not restricted to

Islamic studies textbooks but take place in both early elementary and more advanced social studies texts used by all public school students, including non-Muslims. Moreover, the textbooks contain stories, biographies, and poems regarding exclusively Muslim characters.

In 2011, USCIRF commissioned a study that analyzed more than 100 social studies, Islamic studies, and Urdu textbooks used in grades 1 through 10 by schools in Pakistan's four provinces: Balochistan, Sindh, Punjab, and KPK (formerly the North West Frontier Province). The study also examined pedagogical methods and asked teachers and students their views on Pakistan's religious minority communities. Researchers in Pakistan interviewed students and teachers from schools in the four provinces, visiting 37 middle schools and high schools, 19 *madrassas*, and speaking with over 500 students and teachers.

The study found that Pakistan's public schools and privately-run religious *madrassas* devalue religious minority groups, fostering a climate conducive to acts of discrimination and even violence against these groups. For instance, in public schools, all children, regardless of their faith, had to use textbooks that often had a strong Islamic orientation and frequently omitted mention of religious minorities or made derogatory references to them. Hindus were depicted in especially negative ways, and descriptions of Christians often were erroneous and offensive. Also, both public school and *madrassa* teachers lacked an understanding of religious minorities and a large portion of their pupils could not identify these minorities as citizens of Pakistan. The Executive Summary of the study and recommendations can be found in the appendix to this annual report.

U.S. Policy

Pakistan is central to the United States' global campaign against al-Qaeda and to the support of U.S. and multinational forces fighting in Afghanistan. The Obama administration is actively engaged with Pakistan, viewing Afghanistan and Pakistan as a single theater in the ongoing conflict with al-Qaeda and the Taliban. The administration's quarterly review of its Pakistan and Afghanistan policy of disrupting, dismantling, and defeating al-Qaeda most recently was released in September 2011. While it reported progress toward defeating al-Qaeda, there was little sustainable progress on the other objectives, none of which referred to human rights. Furthermore, the State Department's most recent annual report on terrorism around the world reported that Pakistani courts acquit 75 % of all terrorism suspects. It noted that the Pakistani justice system is "almost incapable of prosecuting suspected terrorists."

U.S.-Pakistan relations often have been marked by strain, disappointment, and mistrust. Regardless of the large-scale U.S. relief efforts after recent earthquakes and floods, many Pakistanis view the United States as untrustworthy because of its perceived lack of support in Pakistan's conflicts with India, cancellation of assistance over Pakistan's acquisition of nuclear weapons, and sharp drop-off in engagement after the Soviet withdrawal from Afghanistan in 1989. Many in Pakistani civil society also view the United States as too focused on the security component of the relationship. They note that the United States has provided massive assistance to Pakistan's powerful military establishment, excused past military rule and downplayed attendant human rights abuses, and failed to support elements of Pakistani society that espouse respect for human rights. Anti-Americanism is widespread among the Pakistani public, and this negative popular sentiment has strained bilateral relations and limited government-to-government cooperation. In the past year, the U.S.-Pakistan bilateral relationship was further strained by a series of events, including the arrest of CIA contractor Raymond Davis, the Navy SEAL raid that killed Osama Bin Laden near Pakistan's equivalent to West Point, deeply unpopular drone attacks by American UAVs launched from Pakistani military bases, and a November incident near the Pakistan-Afghanistan border in which U.S. and NATO forces fired on Pakistani soldiers, killing two dozen Pakistanis.

Human rights and religious freedom have not been visible priorities in the bilateral relationship. According to the joint statement issued after the first strategic dialogue in March 2010, the "core foundations of [U.S.-Pakistani] partnership are shared democratic values, mutual trust and mutual respect." Human rights was absent from the list of bilateral concerns incorporated into the dialogue, which included "economy and trade; energy; security; strategic stability and non-proliferation; law enforcement and counter-

terrorism; science and technology, education; agriculture; water; health; and communications and public diplomacy." However, Embassy Islamabad has been active in tracking cases and privately raising concerns with Pakistani officials.

The aid relationship with Pakistan is complex and changing. Non-military U.S. aid dramatically increased in recent years, while military aid has risen and fallen over the decades of engagement. In October 2009, President Obama signed the Enhanced Partnership with Pakistan Act (also known as the Kerry-Lugar Bill) authorizing an additional \$7.5 billion (\$1.5 billion annually over five years) in mostly non-military assistance to Pakistan. Particularly controversial in Pakistan, however, were provisions intended to lend U.S. support to effective civilian control of Pakistan's powerful military. Many Pakistanis viewed these provisions, which include a reporting requirement to the U.S. Congress to describe the elected government's oversight of the military, as well as the process for determining Pakistan's defense budget and even the promotion process for senior military officers, as intrusive to Pakistan's sovereignty. Since 2009, \$2.2 billion in civilian assistance has been disbursed, of which \$500 million was for emergency humanitarian relief. That same year Congress also established the Pakistan Counterinsurgency Fund (PCF) within the Defense Department appropriations and the Pakistan Counterinsurgency Capability Fund (PCCF) within the State-Foreign Operations Appropriations. The Congressional Research Service reported that Pakistan is the second highest recipient in aid after Afghanistan, as Congress provided \$4.5 billion in fiscal year 2010 in military and economic assistance, the majority coming from the coalition support fund. In addition, a provision was added to the FY 2012 defense spending bill providing \$1 million for the Department of Defense to conduct an outside review of U.S. strategy in Afghanistan and Pakistan. The Afghanistan/Pakistan Study Group would be comprised of experts from outside of government, but the Secretary of Defense has yet to establish the group.

After the May killing of Osama Bin Laden, Members of Congress seriously questioned the partnership and levels of funding, while also understanding the need to balance Pakistan's strategic importance. Several laws condition aid or have certification requirements and new bills were introduced to encourage greater accountability. For instance, both the Economic Support Funds and the Pakistan Counterinsurgency Fund place conditions on U.S. assistance. Other laws, before U.S. aid can be disbursed, require the Executive branch to certify that Pakistan meets specific criteria, such as on human rights or in combating terrorism.

Recommendations

Promoting respect for freedom of religion or belief must be an integral part of U.S. policy in Pakistan, and designating Pakistan as a CPC would enable the United States more effectively to press Islamabad to undertake needed reforms. USCIRF has concluded that the conflict with violent religious extremists now taking place in Pakistan and in neighboring Afghanistan requires the United States actively to bolster the position of elements in both societies that respect democratic values, the rule of law, and international standards of human rights, including freedom of religion or belief.

To this end, USCIRF recommends a number of measures to advance religious freedom through specific U.S. programs and policies, end violations of religious freedom, and improve education in Pakistan.

I. Advancing Religious Freedom through U.S. Programs and Policies

In addition to designating Pakistan as a CPC, the U.S. government should:

- articulate clearly that upholding religious freedom and related human rights is an essential element of the U.S. policy toward Pakistan, and include discussions on religious freedom and religious tolerance in U.S.-Pakistan dialogues and summits;
- instruct the Secretary of Defense and the commander of U.S. Central Command to raise with Pakistan's military leadership the importance of combating violent extremism through rule of law, law enforcement, and policing, and stress the need to reform Pakistan's blasphemy law;

- ensure that allocations in the Pakistan assistance package for fiscal years 2010-2014 from the funds provided through the Enhanced Partnership with Pakistan Act of 2009 strengthen the promotion and protection of religious freedom and tolerance by supporting Pakistani government and civil-society institutions that work to uphold and guarantee these rights;
- ensure that U.S. assistance for government capacity development going to the Pakistani executive, legislative, and judicial branches addresses religious freedom and related human rights by, for example, assisting the programs developed by the Federal Ministry of National Harmony that promote pluralism and religious tolerance;
- ensure that U.S. assistance focuses on improving security and legal institutions through police training, addresses religious freedom and related human rights, and promotes the rights and full participation of women and girls in Pakistan's social and political life;
- fund teacher-training programs that promote positive concepts of tolerance and respect for the rights of others and exclude material promoting intolerance, hatred, or violence against any group of persons based on religious or other differences;
- engage the political leadership of Punjab province about reducing the large number of blasphemy cases in that province and preventing violence against religious minorities; and
- expand the Fulbright Program, the International Visitor Program, Hubert Humphrey Fellowship Program, and other exchanges for professionals, journalists, students, women, and religious and civil society leaders from all of Pakistan's diverse religious and ethnic communities, in order to promote a vibrant civil society in Pakistan.

II. Ending Violations of Religious Freedom in Pakistan

The U.S. government should urge the government of Pakistan to:

- repeal the blasphemy law, immediately release those detained on blasphemy charges, and unconditionally pardon all individuals convicted of blasphemy;
- ensure that those accused of blasphemy, their defenders and individuals willing to testify against such charges, and trial judges are given adequate protection, including by investigating and prosecuting death threats and other statements inciting violence issued by political leaders, religious officials, or other members of society;
- increase efforts to find, arrest and prosecute all those involved in the murder of Shahbaz Bhatti, as well as prioritize the prevention of religiously-motivated and sectarian violence and the punishment of its perpetrators;
- amend the constitution and rescind criminal laws targeting Ahmadis, which effectively criminalize the public practice of their faith and violate their right to freedom of religion;
- ensure that the Ministry for National Harmony is adequately funded and staffed and that minority affairs ministries are established in all four provinces;
- make permanent the National Interfaith Council established by Shahbaz Bhatti and create an interfaith directorate under the President's office that can serve as a secretariat for ongoing activities;
- enforce government-mandated employment quotas for minorities and work to see that religious minorities are proactively recruited into government jobs, consistent with current policies, and that the representation of non-Muslims in the parliament is increased;

- ensure security measures are in place along processional and pilgrimage routes during specific holidays to protect against sectarian attacks;
- address incitement to imminent violence against disfavored Muslims and non-Muslims by prosecuting government-funded clerics, government officials, or individuals who incite violence against Muslim minority communities or individual members of non-Muslim religious minority communities, and disciplining or dismissing government-funded clerics who espouse intolerance.

III. Improving Education

The U.S. government should urge the government of Pakistan, and provincial authorities, as appropriate, to:

- set national textbook and curricula standards that actively promote tolerance toward all persons, establish appropriate review and enforcement mechanisms to guarantee that such standards are being met in public schools, and take concrete steps to fully implement the 2006 curricular reforms;
 - introduce into the curriculum for all students the "Ethics for Non-Muslims" course in order to promote interfaith understanding;
 - sign into law and implement the *madrassa* reform agreement made with the National *Madrassa* Oversight Board; until that can be accomplished, ensure that a temporary *madrassa* oversight board is empowered to develop, implement, and train teachers in human rights standards and provide oversight of *madrassa* curricula and teaching standards; and
 - implement guidelines for textbooks used in public schools and replace current public school textbooks with ones that exclude messages of intolerance, hatred, or violence against any group of persons based on religious or other differences.
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