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IRB – Immigration and Refugee Board of Canada

Pakistan: Treatment of persons in mixed Sunni-Shia marriages; ability to relocate to other parts of the country; state protection available (2017-December 2018) [PAK106222.E]

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

For information on the differences between Shia [Shi'a, Shi'i] and Sunni Muslims and the situation and treatment of minority Shia Muslims in Pakistan, see Response to Information Request PAK104713 of January 2014.

1. Treatment of Persons in Mixed Sunni-Shia Marriages

According to a Country Information Report on Pakistan by the Department of Foreign Affairs and Trade (DFAT) of Australia, "[t]here are no formal legal barriers to inter-sectarian marriage between Shi'a and Sunnis in Pakistan" and "such marriages do occur across the country (most commonly in large cities such as Lahore)" (Australia 1 Sept. 2017, para. 3.37). However, the same report adds that according to "credible sources," "Sunni-Shi'a marriages are becoming less common in the face of increasing religiosity across the country" (Australia 1 Sept. 2017, para. 3.37). The report further states that "[w]hen inter-sectarian marriages do occur, one partner (typically the bride) usually undergoes religious conversion" (Australia 1 Sept. 2017, para. 3.37). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In correspondence with the Research Directorate, a reader in politics at SOAS (School of Oriental and African Studies) University of London who studies the politics of Islamic institutions in South Asia, including in Pakistan, stated that views on Sunni-Shia marriages "vary considerably" throughout Pakistan (Reader 12 Dec. 2018). Similarly, a representative of the Human Rights Commission of Pakistan (HRCP), an independent NGO that monitors and defends human rights in the country (HRCP n.d.), stated, in correspondence with the Research Directorate, that "[m]ixed marriages between Sunni and Shia are perceived differently by the different factions of society" (HRCP 14 Dec. 2018). In correspondence with the Research Directorate, a professor of law at the University of Warwick who studies Islamic law, human rights and women's rights, particularly in Pakistan, stated that the treatment of those in mixed Sunni-Shia marriages in Pakistan "would very much depend upon where the parties come from in

Pakistan. There are some places where the Sunni-Shia tensions run very high; other places simply get on with life without too much friction" (Professor of Law 14 Dec. 2018).

The Reader explained that

[t]here are some places in which the politicisation of Sunni-Shi'i cleavages is well-known (Quetta, Gilgit, Kurram Agency, Jhang, parts of Karachi, etc.), but these locations are sprinkled in both urban and rural areas across all of Pakistan's provinces (and, thus, all ethnic groups). (Reader 12 Dec. 2018)

In correspondence with the Research Directorate, a teaching fellow at the department of Humanities and Social Sciences at Lahore University of Management Sciences (LUMS), who teaches courses related to Islam and Islamic law, stated that "generally speaking," marriages between Shia and Sunni "are not easy, and the difficulty factors may range from social disdain or discouragement to life threats, depending on the locality and region, social stratum, and particular family circumstances" (Teaching Fellow 10 Dec. 2018). The same source added that "[p]eaceful acceptance of such marriages [is] rare" (Teaching Fellow 10 Dec. 2018).

The Reader stated that "toleration for mixed marriages [is] somewhat more common amongst the super-elite" (Reader 12 Dec. 2018). The Teaching Fellow similarly stated that mixed Sunni-Shi'a marriages "are usually successful only in the uppermost echelons of society," adding that among "some members of upper class-groups educated at certain English-medium institutions ... acceptability might be much higher" (Teaching Fellow 10 Dec. 2018).

According to the Reader, there is "less acceptance amongst urban/rural non-elites as well as middle-class families, with some being overtly hostile" (Reader 12 Dec. 2018). According to the Teaching Fellow, "generally speaking, the acceptance level will be much lower in rural and tribal areas" (Teaching Fellow 10 Dec. 2018). The HRCP representative stated that "[s]uch marriages are more acceptable in [the] educated class[,] which is generally more tolerant and inclusive," adding that, in Pakistan, "[p]eople are more educated in cities than [in] rural areas, [and] hence generally more tolerant" (HRCP 14 Dec. 2018). The Teaching Fellow added that "Pahstun ethnic groups, rural landowning families [and] the more religiously inclined ... will also be quite aggressive towards such marriages" (Teaching Fellow 12 Dec. 2018).

The HRCP representative stated that acceptance of mixed marriages will vary "from family to family" and "depends on the culture and value system of a particular family," adding that certain families will not accept such marriages (HRCP 14 Dec. 2018). The Reader explained that "some families would be strongly opposed to mixed marriages," because of

the practicalities associated with specific family issues (e.g., divorce, child custody, inheritance, etc.), where subtle Sunni-Shi'i differences can emerge (e.g., in interpretations of Islamic law), or in local contexts where Sunni-Shi'i cleavages have been sharply politicised (thus posing risks for the larger families associated with a mixed couple). (Reader 12 Dec. 2018)

The Reader added that "[t]his is particularly true if families are averse to 'love marriages' in the first place and the marriage was not supported by each of the two families" and where "sectarian or even doctrinal 'mixing'" could be seen as making the situation worse (Reader 12 Dec. 2018).

According to the Reader,

[w]here family members reject marriages that proceed without family support, it is often extremely difficult for those involved to find refuge in their local social circles - not impossible, but rare and a matter of chance. (Here, the mobility of super-elites can often - but not always - provide a cushion.) (Reader 12 Dec. 2018)

The Teaching Fellow stated that

[s]ometimes, [NGOs] and human rights activists are able to reach out to lower class couples that need help. However, something of this sort often happens when, for any extraordinary reason, the media highlights the issue to a heightened level. (Teaching Fellow 10 Dec. 2018)

The Reader stated that "[l]ocal NGOs may have some scope to offer protection (e.g. in the form of shelters), but in my experience that support would be of extremely limited availability and duration; in other words, a rare and short-term option at best" (Reader 12 Dec. 2018).

2. Ability to Relocate to Other Parts of the Country

According to the HRCP representative, "[i]f there are cases of mistreatment in any particular region, people relocate to the bigger cities where people are usually not much bothered about such issues" (HRCP 14 Dec. 2018). In contrast, the Teaching Fellow stated that "in most situations," the ability for a mixed Sunni-Shi'a couple to relocate to another part of the country "will be very difficult owing to a number of economic, social and legal reasons," and that it will also be just as or more difficult to find a more accepting social situation (Teaching Fellow 10 Dec. 2018).

According to the Reader, a couple would generally need to conceal their "mixed" status to make their relocation desirable (Reader 12 Dec. 2018). The Reader added that "[i]f this status is revealed, social circles may become constrained, offering less protection if the mixed couple were targeted" (Reader 12 Dec. 2018). The Reader further stated that

there is no reason to believe that mixed-marriage risks are confined to places with high levels of sectarian polarisation/politicisation ... because although some places are especially polarised along Sunni-Shi'i sectarian lines, there is no place where local norms are such that mixed couples are positively valued as such. (Reader 12 Dec. 2018)

3. State Protection

According to the HRCP representative, "[t]here are no special departments or agencies to deal with the problems of people in mixed marriages in Pakistan" (HRCP 14 Dec. 2018). The HRCP representative added that "[i]f there is a security issue or any other problem, people in mixed marriages can always contact the police or other law enforcement agencies" (HRCP 14 Dec. 2018). However, the Reader stated that "state authorities are generally reluctant to get involved in 'family matters' like marriage choices, particularly where, in a strict sense, the marriage is not actually illegal so the authorities are being called upon to protect the couple against extra-legal family norms" (Reader 12 Dec. 2018). Similarly, the Teaching Fellow stated that "it will be almost impossible" for authorities to intervene if cases of mistreatment are not considered crimes (Teaching Fellow 10 Dec. 2018).

According to the Reader, "[b]roadly, where there is credible evidence of a violent threat, current trends suggest very little scope for reliable in-country protection extending to mixed couples" (Reader 12 Dec. 2018). The Teaching Fellow stated, "[a]s in the case of acceptability, assistance too will be available far more in urban areas and ... to 'upper-class' or educated upper middle-class couples" (Teaching Fellow 10 Dec. 2018). The Reader added that

[i]f violence or kidnapping is involved (and this is not difficult to imagine), local authorities will be sensitive to local hierarchies, i.e. if powerful families press for action 'against' the perpetrators of such crimes (unlikely in these cases), the authorities may intervene, but if powerful families push against police intervention (for whatever reason), support from the authorities will be less likely. (Reader 12 Dec. 2018)

The Reader further stated that

[d]uring the past year, local authorities (and the police in particular) have not always been deployed in a 'neutral' way vis-a-vis doctrinal divisions; in some cases, they have been deployed in partisan ways. Having said this, however, police were deployed in very large numbers to prevent Sunni-Shi'i violence during Muharram [the first month of the Islamic calendar]. (In the past, this was not always the case, leaving room for predictable periods of violence.) So, the record is mixed and unpredictable. (Reader 12 Dec. 2018)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

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Teaching Fellow, Lahore University of Management Sciences (LUMS). 10 December 2018. Correspondence with the Research Directorate.

Additional Sources Consulted

Oral sources: Asian Human Rights Commission; assistant professor of anthropology who has studied Islam in South Asia; Jinnah Institute; medical anthropologist who has researched religious minorities and religious intolerance in Pakistan; Pakistan – Council of Islamic Ideology; Pakistan Interfaith League; Pakistan International Human Rights Organization; professor of history who has studied minorities and secularization in South Asia, including in Pakistan; professor of religion and women studies who has researched Muslim communities in South Asia; retired professor who has studied Islam in Pakistan; senior lecturer in politics who studies Islamic thought and practice in South Asia; two professors of Islamic studies.

Internet sites, including: Amnesty International; AsiaNews.it; BBC; Dawn.com; ecoi.net; EU – European Asylum Support Office; *The Express Tribune*; Factiva; Freedom House; *The Guardian*; Human Rights Focus; Human Rights Watch; Ireland – Refugee Documentation Centre; *The Nation*; *The New York Times*; Pakistan – Ministry of Religious

Affairs & Interfaith Harmony; *Pakistan Today*; Parhlo.com; Reuters; Shirkat Gah; S. Rajaratnam School of International Studies; UK – Home Office; UN – Refworld; Women Living Under Muslim Laws.

ecoi.net summary:

Query response on treatment of persons in mixed Sunni-Shia marriages, including state protection and relocation (2017 - December 2018)



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