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USCIRF STATUS: Tier 1 Country of Particular Concern

BOTTOM LINE: Religious freedom violations in Pakistan rose to unprecedented levels due to chronic sectarian violence particularly targeting Shi'i Muslims. The government continues to fail to protect Christians, Ahmadis, and Hindus. Pakistan's repressive blasphemy laws and anti-Ahmadi laws are widely used to violate religious freedoms and foster a climate of impunity.

EXECUTIVE SUMMARY

FINDINGS: The government of Pakistan continues to engage in and tolerate systematic, ongoing, and egregious violations of freedom of religion or belief. Sectarian and religiously-motivated violence is chronic, especially against Shi'i Muslims, and the government has failed to protect members of religious minority communities, as well as the majority faith. Pakistan's repressive blasphemy laws and other religiously discriminatory legislation, such as the anti-Ahmadi laws, have fostered an atmosphere of violent extremism and vigilantism. Pakistani authorities have not consistently brought perpetrators to justice or taken action against societal actors who incite violence. Growing religious extremism threatens Pakistan's security and stability, as well as the freedoms of religion and expression, and other human rights, for everyone in Pakistan.

In light of these particularly severe violations, USCIRF recommends in 2013 that Pakistan be designated a "country of particular concern," or CPC. Since 2002, USCIRF has recommended Pakistan be named a CPC, but the State Department has not followed that recommendation. Pakistan represents the worst situation in the world for religious freedom for countries not currently designated as "countries of particular concern" by the U.S. government.

The exceedingly poor religious freedom environment in Pakistan worsened during the reporting period. The Pakistani government failed to effectively intervene against a spike in targeted violence against the Shi'i Muslim minority community, as well as violence against other minorities. With elections scheduled for May 2013, additional attacks against religious minorities and candidates deemed "un-Islamic" will likely occur. Chronic conditions remain, including the poor social and legal status of non-Muslim religious minorities and the severe obstacles to free

discussion of sensitive religious and social issues faced by the majority Muslim community. The country's blasphemy law, used predominantly in Punjab province but also nationwide, targets members of religious minority communities and dissenting Muslims and frequently results in imprisonment. USCIRF is aware of at least 16 individuals on death row and 20 more serving life sentences. The blasphemy law, along with anti-Ahmadi laws that effectively criminalize various practices of their faith, has created a climate of vigilante violence. Hindus have suffered from the climate of violence and hundreds have fled Pakistan for India. Human rights and religious freedom are increasingly under assault, particularly for women, members of religious minority communities, and those in the majority Muslim community whose views are deemed "un-Islamic." The government has proven unwilling or unable to confront militants perpetrating acts of violence against other Muslims and religious minorities.

PRIORITY RECOMMENDATIONS: Promoting respect for freedom of religion or belief must be an integral part of U.S. policy towards Pakistan, and designating Pakistan as a CPC would enable the United States to press Islamabad 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 a key element in the bilateral relationship, the U.S. government should include discussions on religious freedom and religious tolerance in U.S.-Pakistan strategic dialogues and summits. It should urge Pakistan to protect religious minorities from violence and actively prosecute those committing acts of violence against Shi'a, Ahmadis, Christians, Hindus, and others; unconditionally release individuals currently jailed for blasphemy; repeal or reform the blasphemy law and repeal anti-Ahmadi laws; and ensure that the Federal Ministry for National Harmony continues in the new government. Additional recommendations for U.S. policy towards Pakistan can be found at the end of this chapter.

RELIGIOUS FREEDOM CONDITIONS

GENERAL OVERVIEW

The situation in Pakistan for religious freedom declined during the reporting period. Pakistan's civilian government has been led by President Asif Ali Zardari since 2008, and is scheduled to complete its full term after the close of the reporting period, which will be a first in the history of Pakistan. President Zardari is the widower of former Prime Minister Benazir Bhutto, who was assassinated in 2007, reportedly by militants linked to al-Qaeda. The Bhutto and Zardari families are Shi'i Muslims from the province of Sindh and have assumed leadership roles in a country traditionally dominated by Sunnis from Punjab. Despite a civilian government, the Pakistani military and intelligence services continue to be influential and independent of civilian oversight and are believed to maintain close contacts with terrorist organizations and other militant groups.

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, Christians, Ahmadis, and Hindus. While the constitution provides for religious freedom, the right is undercut by other provisions and basic laws. Government authorities do not adequately protect members of religious minority communities from societal violence, and rarely bring perpetrators of attacks on minorities 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. Also important are the suspected links between Pakistan's army and intelligence service with militants who target religious minorities.

In December 2012, Tehreek-e-Taliban Pakistan (the TTP, also known as the Pakistani Taliban) offered, in exchange for a cessation of TTP violence, that Pakistan amend its constitution to bring

it into conformity with their version of Islamic law and break all ties with the United States. While a senior Pakistani government official reportedly called the offer "preposterous," there are concerns Pakistan would agree to such an offer, as similar demands were met in 2009 after the TTP took the Swat valley. In that situation, both the local and federal government agreed to implement the Nizam-e-Adl Regulation 2009, which imposed the TTP's interpretation of Shari'ah (Islamic law) in that area. According to the International Crisis Group, these regulations remain in place and there has been no effort to repeal them.

Pakistan is a religiously diverse country. U.S. government figures estimate that 85-90 percent of the population is Sunni Muslim, with 10-15 percent belonging to the Shi'i Muslim community. The Sunni community is divided into Barelvi, Sufi, Deobandi, Whahabbi, and other sects. Approximately 4 percent comprise other minority religious communities, such as Christian, Hindus, and Sikhs. Ahmadis are estimated to comprise 3-4 million Pakistanis, and the community considers themselves part of the Muslim majority.

SECTARIAN OR RELIGIOUSLY-MOTIVATED VIOLENCE AND DISCRIMINATION

Violent attacks continued during the reporting period against members of minority faith communities and members of the majority faith whose views contradicted those of extremists. During the reporting period, militants and terrorist organizations consistently attacked schools. In October 2012, the Pakistani Taliban attempted to execute Malala Yousafzai, a 15-year-old advocate for girl's education from the Swat District of Khyber Pakhtunkhwa province, because of her outspokenness. She survived the attack and was taken to the United Kingdom to receive medical care.

Sunni Muslim leaders and other members of the majority faith also were attacked. In June, a bomber targeted a Sunni mosque in Quetta, killing 14 and wounding 40. In the same city the following month, a Sunni religious leader, Maulvi Abdul Qasim, was killed in a drive-by shooting. Also in June, a bomb exploded near the Panj Pir Sufi shrine, killing three individuals and wounding 34 others. In May, a Sunni cleric described as "anti-Taliban" was targeted for assassination; Maulana Syed Moshin Shah and his son were killed in Khyber Pakhtunkhwa province when militants attacked his madrassa.

Overall, the U.S. Department of State has noted a five-fold increase in extremist violence since 2006. In this environment, armed extremists, some with ties to banned militant groups, continued their attacks on religious minorities, including bombings, against Shi'a, Ahmadis, Christians, Hindus and others. The following examples of sectarian or religiously-motivated violence are illustrative of the numerous and often fatal attacks against innocent Pakistanis by militants who use religion to justify their crimes.

Attacks against Shi'i Muslims

Militants and terrorist organizations targeted Shi'i processions and mosques with impunity during the reporting period. Organizations such as Human Rights Watch put the number of Shi'a killed over the past year at over 400. Attacks occurred across Pakistan, but particularly large bombings occurred in the province of Balochistan. Information collected by USCIRF during the reporting period, which is not exhaustive, documented approximately 50 incidents of violent attacks causing death, as well as 10 different attacks with explosive devices or suicide bombers. Shi'i activists have referred to the level and severity of attacks as constituting genocide.

The response by the Pakistani government has been grossly inadequate. While at times police were present when attacks occurred, they were unable to stop attackers before people were killed. Recognizing this inadequacy, in September 2012, a panel of three Supreme Court judges, led by Pakistan's Chief Justice Iftikhar Chaudhry, issued a highly critical statement of government efforts to bring security in Quetta, the capital of Balochistan. Federal rule was imposed in Balochistan

after a large bombing in January 2013. This move came in part as a result of families of the deceased refusing to bury the dead until there was an adequate governmental response. However, the government has proven unwilling or unable to crack down on groups that repeatedly plan, conduct, and claim credit for attacks, or prevent future violence.

Following are select examples of violence against Shi'a that occurred during the reporting period:

- On January 10, 2013, 81 people died in twin bombings on a pool hall in a Shiite area of Quetta. Lashkar-e-Jhangvi (LeJ) claimed responsibility. The day before, Dr. Syed Riaz Hussain was shot outside his Karachi medical clinic in a drive by shooting and later died of his wounds. He was a leader in the Karachi Shiite community and had received death threats from LeJ and other militant groups for his advocacy against violence.
- In November 2012, a suicide bomber struck a Shi'i procession during Muharram in Rawalpindi, killing 23 people, including 8 women and children. Police reportedly tried to search for the attacker, but he evaded capture and detonated his explosives in a crowd. The Pakistani Taliban claimed responsibility. In Hyderabad, members of the Dawoodi Bohra community, which is considered a subset of Ismaili Shiism, were targeted in shootings in November, with 11 individuals killed.
- On September 10, a car bomb killed 12 Shi'a in the Kurram tribal region, the only tribal area where Shi'a are a majority. On September 19, the Dawoodi Bohra community in Karachi was targeted in two bombings, killing at least seven people, including a three-month-old baby and a 12-year-old girl, and injuring at least 22. There was also separate drive by shootings targeting Shi'i Muslims in Quetta that month.
- At least 25 Shi'a were killed on August 16, when armed men intercepted four buses en route to Gilgit Baltistan. The attackers lined the people up and opened fire on passengers whose identity documents listed them as being Shi'a.
- On July 11, two brothers were reportedly beheaded for converting to the Shi'i faith in Punjab province. That same month, 14 Hazara Shi'a were killed in Balochistan after LeJ gunmen opened fire on a bus carrying 50 pilgrims to Iran.
- On June 28, attackers bombed a bus carrying pilgrims to Iran near Quetta. At least 13 people died and 20 were injured. The bus had a police escort and two policemen were also killed.
- On April 3, a group described as a Sunni mob forcibly removed 9 Shi'a from buses and killed them. The incident occurred about 60 miles south of Gilgit.
- In February, 18 Shi'i pilgrims were murdered while returning from a religious pilgrimage. They were taken off the buses on which they were traveling from Rawalpindi to Gilgit Baltistan. Also in February, 29 Shi'a died in a bomb blast targeting a Shi'i market near Peshawar.
- On January 16, a remote controlled bomb detonated near a Shi'i religious procession in Khanpur. 18 people were killed, and at least 30 wounded. On January 25, four Shi'i attorneys were targeted in a drive-by shooting near a courthouse in Karachi. Three of the four died of their wounds.

Many of the attacks were perpetrated either by LeJ or TTP. LeJ, which originated from Punjab province but has developed a nationwide network, has proclaimed its goal of "cleansing" Pakistan of Shi'a, who it believes are not true Muslims. The Pakistani Taliban has stated they are in a "war or beliefs" against Shi'a and will "continue attacking them." Both organizations have been designated as Foreign Terrorist Organizations by the U.S. State Department. While the Pakistani

government has banned them both, some observers conclude that the Pakistani intelligence maintains contacts with the groups and fosters relationships.

The Pakistani government and court system have been unable to keep LeJ's leader Malik Ishaq in jail. In July 2011, Pakistan's Supreme Court released Ishaq from prison after 14 years, deciding prosecutors failed to present evidence of his involvement in the murders of Shi'i Muslims. Ishaq was implicated 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 2012 a Punjab provincial review board turned down a government request to extend the arrest and ended his detention. Ishaq was again arrested for inciting violence against Shi'a in August 2012 in Lahore, after his return from a pilgrimage in Saudi Arabia, but was released on bail the next month. He was rearrested after the close of the reporting period, after LeJ claimed responsibility for a major bombing targeting Shi'a.

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 because of their opposition to Pakistan's flawed blasphemy law. On January 2, 2011, 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 judge who sentenced Qadri to death and his family have fled to Saudi Arabia due to death threats. Taseer's son also was abducted in August 2011 by militants and remains missing.

On March 2, 2011, Shahbaz Bhatti, a longtime Christian activist for religious freedom and the only Christian in Pakistan's federal cabinet, was assassinated outside his mother's home in Islamabad by the Pakistani Taliban. Bhatti had received multiple death threats because of his advocacy against the blasphemy law. The investigation into his murder has seemingly ended and no one is currently in jail.

Attacks and Discrimination against Ahmadis

In recent years, scores of Ahmadis have been murdered in attacks which appear to be religiously motivated. During the reporting period, USCIRF received reports of 44 different attacks targeting Ahmadis, with 22 incidents resulting in the death of 23 individuals. Attacks occurred across the country, including major cities such as Lahore, Quetta, and Karachi. For instance, the president of the local Ahmadi community in the Orangi Town section of Karachi, Mr. Naeem Ahmad Gondal, was killed in July in a drive-by shooting as he left his home for work. Many of the targeted Ahmadis were professionals, such as doctors or businesspersons, with drive-by shootings a common tactic. In addition, an Ahmadi schoolteacher, Mr. Abudl Qudoos Ahmad, died while in police custody in Punjab province, with his body showing signs of torture. The poor legal standing of Ahmadis under Pakistan's constitution and criminal code (discussed below) fosters a climate of impunity, where perpetrators feel empowered to attack them with little or no fear of arrest or prosecution.

In addition to attacks on individual Ahmadis, local police repeatedly forced Ahmadis to remove Qu'ranic scripture from mosques and minarets. USCIRF is aware of nine such incidents over the past year, including the following examples. On January 18, 2013, local Punjab police ordered scripture to be removed from an Ahmadi owned property. When the president of the local community refused, police destroyed the tiles with chisels. In September 2012, local police, at the insistence of imams from the town, removed Islamic scripture from an Ahmadi mosque in Punjab

province. In March, local police removed Islamic scripture from within an Ahmadi mosque in Lahore.

There were also at least seven instances of Ahmadi graves being desecrated, some by local police. Graves often have inscribed passages from the Qu'ran. On September 4, 2012 in Faisalabad, police demolished 23 Ahmadi gravestones to remove Islamic inscriptions at the request of local Islamic leaders. A similar event occurred in Hafizabad in Punjab in August, with police removing religious text from Ahmadi graves.

Attacks and Discrimination against Christians

Violence against Christians continued, usually perpetrated by banned militant groups or other societal actors, but also at times at the hands of government officials. USCIRF received reports of 16 different incidents of violent attacks against Christians during the reporting period, with 11 individuals killed. While the murders could not always be definitely linked to religious animus, five churches were attacked by mobs during the reporting period, as were one Catholic hospital and one Christian village. These attacks were on: St. Francis Xavier's Catholic Cathedral in Hyderabad; St. Francis Catholic Church in Karachi; Bawa Chak Presbyterian Church in Faisalabad; Philadelphia Pentecostal Church in Karachi; St. Paul's Lutheran Church in Mardan; St. Elizabeth Hospital in Hyderabad; and the Christian colony in Lahore. The vulnerable position of Christians in Pakistani society makes them susceptible to such violence.

Punjab province is the locus for the majority of violence, blasphemy cases, and discrimination against Christians, as it is home to the largest Christian community. (See the section below for more about blasphemy cases.) Observers note a trend of Christian cemeteries being seized without compensation. In addition, some Christian schools that were nationalized by past governments have yet to be de-nationalized. In January 2012, 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. Local authorities have reportedly made a verbal commitment to do so, but it had not been fulfilled by the end of the reporting period.

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. During the reporting period, two reports surfaced of Christian women being forcibly converted to Islam, married, and then raped, with law enforcement either hesitant to act or societal actors pressuring victims to recant their allegations. Three cases of kidnapping of Christians were also reported.

Attacks and Discrimination against Hindus

Due to their minority status, Pakistan's Hindus are vulnerable to kidnapping, rapes, and forced conversions of Hindu women, including minors. Hindus predominately live in Sindh province, as well as Balochistan. Persistent reports of such abuses continued to arise during the reporting period. 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.

Allegations of kidnapping of Hindu women, followed by the forced conversion to Islam and force marriage to Muslim men, consistently arose throughout the reporting period. In early 2012, 16 year-old Rachna Kumari was reportedly kidnapped by a police officer guarding a Hindu temple in Sindh province. A court affirmed the conversion and marriage, despite Kumari's family alleging she was forced into the marriage. In August, the family of Manisha Kumari, a 14 year-old Hindu,

claimed she was forcibly converted and married to a Muslim. Press reports stated she claimed her conversion and marriage were voluntary.

The highest profile case involved a Hindu girl named Rinkle Kumari, who was reportedly kidnapped, forced to convert to Islam, and married to a Muslim man in the Ghotki district of Sindh province in February 2012. Her case, along with that of two others, Lata Kumari and Asha Kumari, was appealed all the way to the Supreme Court. In August 2012 the court gave the three women the right to decide their future and they chose to go with their Muslim husbands. However, as is common in these cases, there is concern that the women's decisions were a result of societal pressure and fear of repercussions from the local community, and not a genuine act of free will.

A parliamentary panel has been established to investigate the issue of forced conversions and, at the direction of President Zardari, prepare amendments to the constitution. The president also directed the Sindh parliament to take action. At the end of the reporting period, USCIRF was unaware of any action taken by either body.

According to local organizations, at least 80 Hindus were kidnapped in Balochistan province between 2011 and the first months of 2012. In July 2012, armed men kidnapped three prominent Hindu businessmen traveling in Sindh province. One of the abducted men was Ramesh Lal, president of a Hindu local council. Their whereabouts are still unknown, and no ransom was demanded. The Asian Human Rights Commission (AHRC) reported in December 2012 that a six year-old Hindu girl named Vijanti Meghwar was raped and tortured in Sindh province, but the police took no action against the perpetrator.

Hindu religious sites have also been targeted for violence. In December 2012, a private developer, assisted by Karachi police and Pakistani Army Rangers, destroyed the Shri Rama Pir Mandir, a century-old Hindu temple, along with several nearby Hindu homes. The event occurred while the Sindh High Court was hearing a petition seeking a stay order. Authorities removed religious statues, but claimed there was no temple, but only unauthorized encroachments. In September 2012, a Hindu temple outside Karachi was attacked by violent mobs protesting the YouTube film about the Prophet Mohammed. Religious statues were broken, a copy of the Bhagavad Gita destroyed, and the temple's priest assaulted.

USCIRF received reports of 250 Hindu families having left Balochistan and Sindh provinces for India during the reporting period, due to concerns of violence and impunity. The Pakistan Hindu Council (PHC), a non-governmental body representing Hindus in Pakistan, estimates that more than 50 Hindu families are migrating to India from Pakistan every month due to the climate of impunity and fear of violence.

Hindus are also the largest religious minority in Pakistan whose marriages are not registered officially by the government. Without a way to register marriages, Hindu women are left vulnerable to forcible marriage as they cannot prove their marital status. In addition, Hindu wives cannot claim inheritance from deceased husbands and have difficulty obtaining divorces or remarrying. In 2011, the Hindu Marriage Registration Bill was introduced in the National Assembly to correct this serious problem. However, passage has been delayed, due to a lack of cross-party support and reports that some Hindu religious leaders object to provisions in the bill. Notably, in 2011 the federal government directed the National Database and Registration Authority (NADRA) to register Sikh marriages and it has done so.

BLASPHEMY LAW

Legal System

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. In addition, blasphemy offenses are considered cognizable, so that the police file charges and can arrest without a warrant. And blasphemy is a non-compoundable crime, a category that does not allow for out-of-court settlements. Consequently, once a charge is filed, it is difficult for the case to be quashed, and the accuser cannot simply drop the charges.

Once a case is registered and a court hearing is scheduled, 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.

Pakistani law does contain legal provisions that could limit blasphemy abuses, but they are not commonly applied to do so. When allegations of blasphemy arise against members of religious minorities, mobs often form to pressure police to file a First Information Report and to intimidate the broader minority community. In some cases, loudspeakers from mosque minarets are used to broadcast news about an alleged case, which quickly escalates the situation and fosters the growth of a mob. The use of these loudspeakers in this way violates Pakistani law: Section 3 of the Misuse of Loudspeakers Act limits the use of mosque loudspeakers to the call to prayer and the Friday sermon. In addition, under Article 153 of the Pakistani Penal Code, an individual can be sentenced to prison and fined for "wantonly giving provocation with intent to cause riot." These two legal provisions offer a potential foundation from which to deter communal violence against minority groups.

Individual Cases

During the reporting period, a high-profile blasphemy case caught international attention. Rimsha Masih, believed to be between 10 and 13 years old, was accused of burning pages with Qu'ranic passages. Rimsha comes from an impoverished Christian family living near Islamabad, and reportedly suffers from Down Syndrome. Police took her into custody for her own protection on August 17 after she was reportedly assaulted. Threats against the Christian community forced almost 400 families to flee to other parts of the capital and drove Rimsha's family into hiding.

In response, police filed more than 150 First Information Reports against protesters who damaged property and threatened violence. In an unexpected turn of events, witnesses testified against Rimsha's accuser, a local imam, saying that the imam had falsified evidence by placing pages of the Qu'ran in the trash. Since this was considered blasphemous, he was charged with blasphemy and arrested by Pakistani police. Rimsha was held in jail for several weeks, before being released on bail in October. Dr. Paul Bhatti, the Prime Minister's Adviser for National Harmony, and others worked to have her and her family moved to a safe house, due to death threats (including a veiled one from the accuser's attorney). Her case was eventually dismissed by the Islamabad High Court

on November 20. The case against the accuser was also dismissed, after three of the four witnesses recanted their statements that he falsified evidence.

Before the Rimsha case, the highest-profile blasphemy case in recent years involved Aasia Bibi, a Christian farm worker and mother of five, who was sentenced to death under Article 295C in November 2010. She remains in jail while her case is on appeal. NGOs report that Ms. Bibi's health has been affected from being kept separate from the prison population. Her family is in hiding.

Two individuals were sentenced to death during the reporting period: Sufi Ishaque and Hazrat Ali Shah (the latter was also sentenced to 10 years in prison). These individuals join 14 others USCIRF is aware of on death row for alleged blasphemy. In addition, USCIRF received reports of an additional 20 individuals serving life sentences. Manzarul Haq Shah Jahan was sentenced to life in prison and a fine of 200,000 rupees during the reporting period. In addition, USCIRF has received reports of more than 40 individuals currently in jail for violating the blasphemy law; a detailed list of these individuals is included in the appendix to this Annual Report.

The accusation of blasphemy can lead to acts of violence perpetrated by societal actors. In April, an elderly man was shot dead in Punjab, after being acquitted by a court from blasphemy charges and released from prison. Also shocking was the mob attack in June on Ghulam Abbas, a Sunni Muslim accused of blasphemy. He was pulled from a police station in Punjab province, beaten to death, and his body burned.

On January 17, 2013, the Pakistani Supreme Court accepted a petition filed against the Pakistani ambassador to the United States, Sherry Rehman, over allegedly blasphemous comments made two years ago while speaking on television about Aasia Bibi's sentencing under the country's blasphemy laws. Police were instructed by the two judge panel to collect evidence.

THE AHMADI MINORITY AND ANTI-AHMADI LEGISLATION

Pakistan's Ahmadi community is subjected 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 members of this community. Ahmadis 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*.

During the reporting period, USCIRF received reports of 10 Ahmadis being charged under Article 298. In many of these cases, police were pressured to act by local religious leaders who are opposed to the Ahmadi faith. Many of the individuals arrested were released on bail, but will likely spend years in the backlogged Pakistani court system as their cases are tried and possibly appealed.

In 2002, then President Musharraf issued an executive order that abolished Pakistan's separate electorate system. However, he soon thereafter issued Chief Executive's Order No. 15 mandating that Ahmadis register in a separate voter registry, therefore keeping a separate electoral system for this religious community alone. In addition, 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. 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. In 2012, the government blocked the international website for the Ahmadi community.

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. The Hudood laws apply to Muslims and non-Muslims alike. Although these extreme corporal punishments generally have not been carried out in practice, 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 1979 implementation of the Hudood laws. However, an offense of fornication was included in the penal code, punishable by imprisonment for up to five years. In 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 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, this reportedly has had little if any effect on the curricula, which in many of these schools includes materials that promote intolerance and violence. The government also still lacks full knowledge of the *madrassas'* sources of funding. In 2010, the Ministry of Interior, which oversees the *madrassa* system, and the five main *madrassa* boards signed a memorandum of understanding in another attempt to 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 only in Islamic studies textbooks, but also 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. The study also examined pedagogical methods and asked teachers and students their views on Pakistan's religious minority communities. Researchers visited 37 middle schools and high schools and 19 *madrassas* and interviewed over 500 students and teachers.

The study found that an alarming number of Pakistan's public schools and privately-run *madrassas* devalue religious minority groups. While there are some positive exceptions, many foster a climate conducive to acts of discrimination and even violence against members of 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.

GOVERNMENTAL EFFORTS TO IMPROVE INTERFAITH UNDERSTANDING AND MINORITY RIGHTS

The government has taken some steps to promote interfaith understanding. After the March 2011 assassination of Federal Minister for Minorities Affairs Shahbaz Bhatti, Prime Minister Gilani appointed his brother, Dr. Paul Bhatti, as the Minister In Charge for the Ministry of National Harmony and Advisor to Prime Minister on inter-faith harmony. While Dr. Bhatti cannot serve in the cabinet since he is not an elected official, he enjoys all the powers, responsibilities, resources, and protections of a federal minister, including responsibility over the Federal Ministry of National Harmony. President Zardari and then-Prime Minister Yousaf Raza Gilani issued statements in March 2012 commemorating the one year anniversary of the murder of Shahbaz Bhatti.

Dr. Paul Bhatti played an important role in the release of Rimsha Masih from blasphemy charges (discussed above). During the reporting period, Dr. Bhatti and others in the government worked to expand the number of reserved seats for non-Muslim minorities in the National Assembly and provincial assemblies. The federal cabinet unanimously approved an expansion in early fall 2012, and the government moved a bill in December to amend the constitution. Under what would be the 23rd amendment, the National Assembly would gain four seats for non-Muslim minorities, bringing the total to 14. In provincial assemblies, the number of reserved seats in each would increase at different rates; the Punjab provincial assembly would see an increase of 10 for a total of 18, Sindh increase by 12 for a total of 21, and Khbyer Pakhtunkwa and Balochistan would both have their current 3 seats increased by an additional 4 for a total of 7 each. These increases address concerns that previous increases in reserved seats under the 18th amendment in 2010 did not reflect the size of the non-Muslim community. At the end of the reporting period, the National Assembly had yet to approve the amendment.

Dr. Bhatti also scheduled an international conference on interfaith harmony to be held in Islamabad in January 2013, but it was postponed due to security threats. USCIRF Commissioners and staff were invited to participate and planned to attend. Dr. Bhatti convened a domestic conference after the end of the reporting period that was attended by Prime Minister Raja Pervaiz Ashraf and Muslim and non-Muslim religious leaders.

It has been difficult to gauge the success of previous efforts taken by the Pakistani government under 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 celebrated in 2012 for the second time, giving a statement about the importance of religious minorities to Pakistan. Minister Bhatti also established District Interfaith Harmony Committees to promote religious tolerance through understanding in every district of Pakistan. The Pakistani embassy reported that in 2011, 124 interfaith committees have been established at the district level.

Also under the 18th amendment, the Ministry of Minorities Affairs was removed from the federal cabinet and devolved to the provinces. It is unclear whether all provinces have established a Minority Affairs Ministry, and if so, what level of funding and support they receive from the provincial government. Sindh has reportedly done so and Punjab province already had a ministry that focused on minority concerns and human rights.

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. This 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.

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 2014 scheduled departure of combat troops from Afghanistan will change the relationship with Pakistan, potentially dramatically, as U.S. government reliance on Pakistan for transport of supplies and ground lines of communication to Afghanistan will decrease. However, the United States will remain engaged with Pakistan, due to concerns about Pakistani links to terrorists and other militants opposed to the Afghan government, the country's nuclear arsenal, its contentious relationship with neighboring India, and other issues.

U.S.-Pakistan relations have long been marked by strain, disappointment, and mistrust. The government-to-government relationship improved somewhat during the reporting period, after reaching a nadir following the raid that killed Osama Bin Laden and a November 2011 incident near the Pakistan-Afghanistan border in which U.S. and NATO forces fired on Pakistani soldiers, killing two dozen Pakistanis. In retaliation for the shooting incident, Pakistan closed all ground lines of communication and supply used by NATO forces into Afghanistan. These were not reopened until Secretary Clinton apologized in July 2012. In what the Congressional Research Service calls "an apparent quid pro quo for the reopening," on July 6, 2012, the U.S. government released \$1.18 billion in Coalition Support Fund military reimbursements to Pakistan. In addition, the bilateral Strategic Dialogue was later restarted, albeit with a more modest agenda.

Human rights and religious freedom have not been visible priorities in the bilateral relationship, although U.S. Embassy Islamabad has been active in tracking cases and U.S. officials have raised concerns with Pakistani officials. One example of the lack of visibility is the Strategic Dialogue, established between the United States and Pakistan in 2010 that includes the topics of "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." The Dialogue was dormant for some time, due to the aforementioned challenges in the bilateral relationship. However, by the end of the reporting period, select

bilateral working groups were reportedly restarted: defense, finance, law enforcement and counter-terrorism, strategic stability and non-proliferation, and energy. Human rights remained absent from the list of bilateral concerns incorporated into the dialogue.

The aid relationship with Pakistan is complex and changing. During the reporting period, Congress continued to question the U.S. partnership with Pakistan 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. On September 13, 2012, the State Department notified Congress that the Obama administration would waive two certification requirements that placed conditions on U.S. assistance. According to the Congressional Research Service, the State Department certified that Pakistan was "cooperating with the United States on a range of counterterrorism, nonproliferation, democracy, and other issue-areas."

Non-military U.S. aid dramatically increased in recent years, while military aid has ebbed and flowed 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. However, the \$1.5 billion amount was only met in the first year, and the appropriated amount has been approximately one-third of that each year since.

The Obama administration's FY2013 request for aid to Pakistan totaled \$2.2 billion. The Congressional Research Service reported that Pakistan was the third highest recipient in aid in FY2012. Since 2009, over \$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.

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 to more effectively press Islamabad to undertake needed reforms. USCIRF has concluded that the conflict with violent religious extremists now taking place in Pakistan requires the United States actively to bolster the position of elements in Pakistani society 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. ENDING VIOLATIONS OF RELIGIOUS FREEDOM IN PAKISTAN

As part of designating Pakistan as a CPC, the U.S. government should urge the government of Pakistan to:

- initiate a nationwide effort to end the activities of banned militant groups, such as LeJ and TTP, and arrest and prosecute their leaders and any members perpetrating acts of violence against religious minorities or others deemed "un-Islamic;"

- provide visible security protection for vulnerable minority religious communities, such as Shi'a, Ahmadis, Christians, and Hindus, their routes used for religious processions, and their leaders;
- place a moratorium on the use of the blasphemy law until it is reformed or repealed, immediately release those detained on blasphemy charges, and unconditionally pardon all individuals convicted of blasphemy;
- ensure that those accused of blasphemy, their defenders, witnesses, 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;
- address incitement to imminent violence by prosecuting government-funded clerics, government officials, or individuals who incite violence against disfavored Muslims and non-Muslims, disciplining or dismissing government-funded clerics who espouse intolerance, and enforcing the Misuse of Loudspeakers Act and Article 153 of the Penal Code regarding starting a riot;
- increase efforts to find, arrest, and prosecute all those involved in the murder of Shahbaz Bhatti, and prioritize the prevention of religiously-motivated and sectarian violence and the punishment of its perpetrators;
- amend the constitution and rescind criminal laws targeting Ahmadis and repeal Chief Executive's Order No. 15 to permit Ahmadis to vote alongside all other Pakistanis as part of a joint electorate;
- ensure that the Federal Ministry for National Harmony continues in the new government, is adequately funded and staffed, and that minority affairs ministries are established in all four provinces;
- 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; and
- call on the Pakistani government to comply with and fully implement recommendations from the UN Human Rights Council's Universal Periodic Review of Pakistan, including those related to freedom of religion or belief.

II. ADVANCING RELIGIOUS FREEDOM THROUGH U.S. PROGRAMS AND POLICIES

To clearly articulate that upholding religious freedom and related human rights is an essential element of the U.S. policy toward Pakistan, the U.S. government should:

- include discussions on religious freedom and religious tolerance in U.S.-Pakistan strategic 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 addressing violent extremism by combating militant groups with paramilitary and law enforcement bodies, rule of law, law enforcement, and policing, and stress the need to reform Pakistan's blasphemy law;
- ensure U.S. assistance supports Pakistani government and civil-society institutions that work to uphold and guarantee religious freedom and increase religious tolerance and understanding, including by directing U.S. officials and recipients of U.S. grants to

prioritize projects promoting multi-religious engagement and developing the political ability of ethnic and religious minorities to organize themselves and convey their concerns to the government effectively;

- increase the funding for strategic communications programs to counter violent extremism, and incorporate messaging on the importance of religious tolerance and religious freedom to oppose rhetoric used to promote and justify violent acts;
- ensure that U.S. assistance for 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;
- emphasize the training of Pakistani police officers and leadership to enhance their capacity to fight violent religious extremism by providing technical assistance, equipment, and training on best practices for law enforcement outreach to and protection of vulnerable minority religious communities, such as Shi'a, Ahmadis, Christians, and Hindus;
- 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.

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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