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Pakistan



International Religious Freedom Report Released by the Bureau of Democracy, Human Rights, and Labor October 2001

The Constitution (which was suspended following the October 1999 coup) provides for freedom of religion, and states that adequate provisions shall be made for minorities to profess and practice their religions freely; however, the Government imposes limits on freedom of religion. Pakistan is an Islamic republic; Islam is the state religion. Islam also is a core element of the country's national ideology; the country was created to be a homeland for Muslims. Religious freedom is "subject to law, public order, and morality;" accordingly, actions or speech deemed derogatory to Islam or to its Prophet, for example, are not protected. In addition, the suspended Constitution requires that laws be consistent with Islam and imposes some elements of Koranic law on both Muslims and religious minorities.

There were no significant changes in the Government's treatment of religious minorities during the period covered by this report. The Government fails in many respects to protect the rights of minorities. This is due both to public policy and to the Government's unwillingness to take action against societal forces hostile to those that practice a different faith. Specific government policies that discriminate against religious minorities include: The use of the "Hudood" Ordinances, which apply different standards of evidence to Muslims and non-Muslims and to men and women for alleged violations of Islamic law; specific legal prohibitions against Ahmadis practicing their religion; and separate political electorates for minorities under the suspended Constitution. The number of cases filed under the "blasphemy laws" increased during the period covered by this report. A Christian nongovernmental organization (NGO) reported that 58 cases were registered during the period covered by this report, compared to 53 cases during the same period in 1999-2000. The Government of Chief Executive General Pervez Musharraf, which took power in a military coup on October 12, 1999, reportedly made efforts to seek minority input into decision-making and offered cabinet positions to individuals from minority communities; however, such efforts tapered off during the period covered by this report.

Relations between different religious groups frequently are tense, and the number of deaths attributed to sectarian violence increased during the period covered by this report. Discriminatory religious legislation adds to an atmosphere of religious intolerance, which contributes to acts of violence directed against Muslim groups, as well as against Christians, Hindus, and members of Muslim offshoot groups, such as Ahmadis and Zikris. The Government does not encourage sectarian violence; however, there were instances in which the Government failed to intervene in cases of societal violence directed at minority religious groups. The lack of an adequate government response contributed to an atmosphere of impunity for acts of violence and intimidation committed against religious minorities. Parties and groups with religious affiliations target minority groups.

The U.S. Government discusses religious freedom with the Government in the context of its overall dialog and policy of promoting human rights.

Section I. Religious Demography

The country has a total area of 310,527 square miles and its population is approximately 140 million. According to the 1981 census (latest available figures), an estimated 95 percent of the population are Muslim; 1.56 percent are Christian; 1.51 percent are Hindu; and 0.26 percent are "other" (including Ahmadis). The majority of Muslims in the country are Sunni. An estimated 10 to 15 percent of the Muslim population are Shi'a, and it is estimated that there are between 550,000 and 600,000 Ismailis (a recognized Shi'a Muslim group). Most Ismailis in the country are followers of the Aga Khan; however, an estimated 50,000 Ismailis known as Bohris are not. The Government conducted a census in 1998; however, the updated information is not yet available.

Religious minority groups believe that they are underrepresented in government census counts. Official and private estimates of their numbers can differ significantly. Current population estimates place the number of Christians at 3 million and the number of Ahmadis at 3 to 4 million. Current estimates for the remaining

communities are less contested and place the total number of Hindus at 2.8 million; Parsis (Zoroastrians), Buddhists, and Sikhs at as high as 20,000 each; and Baha'is at 30,000. The "other" category also includes a few tribes whose members practice traditional indigenous religions and who normally do not declare themselves to be adherents of a specific religion, and those who do not wish to practice any religion but remain silent about the fact.

Punjab is the largest province in the country in terms of population. As is true for the country as a whole, Muslims are the largest religious group in Punjab. Although Christians live throughout the country, more than 90 percent of Christians reside in Punjab, making them the largest religious minority in the province. Approximately 60 percent of Punjab's Christians live in villages. The largest group of Christians belongs to the Church of Pakistan, an umbrella Protestant group; the second largest group belongs to the Roman Catholic Church. The rest are from different evangelical and church organizations.

Sindh and Baluchistan provinces also are overwhelmingly Muslim (approximately 97 percent). Christians and Hindus each are estimated to constitute slightly over 1 percent of the population in these provinces. The 2 provinces also have a few tribes that practice traditional indigenous religions and a small population (approximately 7,000 persons) of Parsis. The Ismailis are concentrated in Karachi and the northern areas. The tiny but influential Parsi community is concentrated in Karachi, although some live in Islamabad and Peshawar. According to local Christian sources, between 70,000 and 100,000 Christians and a few thousand Hindus live in the Northwest Frontier Province (NWFP). Christians constitute about 2 percent of Karachi's population. The Roman Catholic diocese of Karachi estimates that there are 120,000 Catholics in Karachi, 40,000 in the rest of Sindh, and 5,000 in Quetta, Baluchistan. Evangelical Christians have converted a few tribal Hindus of the lower castes from interior Sindh. Hindus are concentrated in Sindh and constitute 1 to 2 percent of the province's population. An estimated 100,000 Hindus live in Karachi. Ahmadis are concentrated in Punjab and in Sindh.

While Christianity frequently is seen as a "westernized" religion, it has a long history in the country. Some Christian communities trace their roots to the time of St. Thomas the Apostle. Most trace their origin to mid-19th century missionary movements in both the Roman Catholic and Protestant churches. Many Christians, in particular the recent converts, generally belong to the poorest socioeconomic groups. There are several long-established Baptist churches and, in Karachi, perhaps a dozen storefront Pentecostal and other evangelical churches.

No data are available on active participation in formal religious services or rituals (as opposed to mere membership). However, because religion is tied closely to a person's ethnic, social, and economic identity, there is less room for nominal, secular passivity with regard to religion. Most Muslim men offer prayers at least once a week at Friday prayers, and the vast majority of Muslim men and women pray at home or at the workplace during one or more of the five daily times of prayer. During the month of Ramazan, many of the otherwise less observant Muslims fast and attend mosque services more faithfully. About 70 percent of English-speaking Roman Catholics worship regularly; a much lower percentage of Urdu speakers do so.

The Shikaris (a hunting caste now mostly employed as trash collectors in urban Sindh) are converts to Islam, but eat foods forbidden by Islam.

Many varieties of Hinduism are practiced; the type practiced usually depends upon location and caste. Hindus have retained or absorbed many ancient traditional practices of Sindh. Hindu shrines are scattered throughout the country. Approximately 1,500 Hindu temples and shrines exist in Sindh and about 500 in Baluchistan. Most of the shrines and temples are tiny, no more than wayside shrines. During Hindu festivals, such as Divali and Holi, congregational attendance is much greater.

The Sikh community regularly holds ceremonial gatherings at sacred places in the Punjab. Prominent places of Sikh pilgrimage include Nanakana Sahib (where the founder of the Sikh religion Guru Nanak was born), Hasan Abdal (a shrine where an imprint of his hand is kept), and Andkarta Poora or Daira Baba Nanak Sahib in Sialkot District (where Guru Nanak is buried).

Parsis, who practice the Zoroastrian religion, have no regularly scheduled congregational services, except for a 10-day festival in August during which they celebrate the New Year and pray for the dead. All Parsis are expected to attend these services; most reportedly do. During the rest of the year, individuals offer prayers at Parsi temples. Parsis maintain a conscious creedal and ceremonial separation from other religions, preserving ancient rites and forbidding marriage to members of other religions. The Parsi community is self-sufficient in religious leaders, and there are no known Parsi missionaries operating in the country.

Only one group described by the authorities as a "foreign cult" reportedly has been established in the country. In Karachi members of the U.S.-based "Children of God" are rumored to be operating a commune where they practice polygamy.

Foreign missionaries operate in the country. The largest Christian mission group operating in Sindh and Baluchistan engages in Bible translation for the Church of Pakistan (a united church of Anglicans, Methodists, Presbyterians, and Lutherans), mostly in tribal areas. An Anglican missionary group fields

several missionaries to assist the Church of Pakistan in administrative and educational work. Roman Catholic missionaries, mostly Franciscan, work with the disabled.

Social pressure is such that few persons would admit to being unaffiliated with any religion.

Section II. Status of Religious Freedom

Legal/Policy Framework

The suspended Constitution provides for freedom of religion, and states that adequate provisions shall be made for minorities to profess and practice their religions freely; however, the Government imposes limits on freedom of religion. The suspended Constitution also provides that there will be no taxation for propagation of a religion that is not one's own; no obligation to receive instruction in a religion that is not one's own; and no denial of admission to public schools on the basis of religion. According to the suspended Constitution, the country is an Islamic republic, and Islam is the state religion. Islam also is a core element of the country's national ideology; the country was created to be a homeland for Muslims. Under the suspended Constitution, both the President and the Prime Minister must be Muslims, and all senior officials must swear an oath to preserve the country's "Islamic ideology." Freedom of speech is provided for; however, this right is subject to "reasonable restrictions" that can be imposed "in the interest of the glory of Islam." Actions or speech deemed derogatory to Islam or to its Prophets are not protected.

The suspended Constitution protects religious minorities from being taxed to support the majority religion; no one may be forced to pay taxes for the support of any religion other than his own. For example, Sunni Muslims are subject to the "zakat," a religious tax of 2.5 percent of their income; however, Shi'a Muslims and other religious minorities do not pay the "zakat."

Separate categories exist for different religions in the administration of specific religious sites. Hindus and Sikhs, because of population shifts that occurred between India and Pakistan after partition, come under the auspices of the Evacuee Property Board, which is located in Lahore and is empowered to settle disputes regarding Hindu and Sikh property. However, Hindus and Sikhs may also settle such disputes in civil courts. Christian churches are free to take their disputes over religious property and management to the courts. Some minorities have expressed displeasure over government management of religious property.

In Sindh Muslim mosques and shrines come under the purview of the Auqaf Administration Department, a branch of the provincial government devoted to the upkeep of shrines and mosques, facilities for pilgrims, and the resolution of disputes over possession of a religious site. In both Sindh and Baluchistan, the Government has provided funds for the upkeep and repair of the Hindu Gurumander temple in Karachi, and funded the repair of Hindu temples damaged by Muslim rioters protesting the destruction of the Babri mosque by Hindu mobs in Ayodhya, India in 1992.

Permission to buy land comes from one municipal bureaucracy, and permission to build a house of worship from another. For all religious groups, the process appears to be subject to bureaucratic delays and requests for bribes.

Several Muslim religious holidays are considered national holidays, including Eid ul-Fitr, Eid ul-Azha, Muharram (Shi'a), and the Prophet Mohammed's Birthday. Most businesses also have limited hours during the month of Ramazan.

Restrictions on Religious Freedom

Government policies do not afford equal protection to members of majority and minority faiths. For example, all citizens, regardless of their religious affiliation, are subject to certain provisions of Shari'a. In the Malakand division and the Kohistan district of the NWFP, ordinances require that "all cases, suits, inquiries, matters, and proceedings in the courts shall be decided in accordance with Shari'a." These ordinances define Shari'a as the injunctions found in both the Koran and the Sunna (tradition) of the Prophet Mohammed. Islamic law judges, with the assistance of the Ulema (Islamic scholars), under the general supervision of the Peshawar High Court, try all court cases in the Malakand Division and the Kohistan District. Elsewhere in the country, partial provisions of Shari'a apply.

The blasphemy laws refer to Sections 295, 296, 297, and 298 of the Penal Code and address offenses relating to religion. Section 295(a), a colonial-era provision, originally stipulated a maximum 2-year sentence for insulting the religion of any class of citizens. In 1991 this sentence was increased to 10 years. In 1982 Section 295(b) was added, which stipulated a sentence of life imprisonment for "whoever willfully defiles, damages, or desecrates a copy of the holy Koran." In 1986 during the martial law period, another amendment, Section 295(c), established the death penalty or life imprisonment for directly or indirectly defiling "the sacred name of the Holy Prophet Mohammed." In 1991 a court ruled invalid the option of life imprisonment for this offense. Section 296 outlaws voluntary disturbances of religious assemblies and Section 297 outlaws trespassing on burial grounds. Section 298(a), another colonial-era provision, forbids

the use of derogatory remarks about holy personages. Personal rivals and the authorities have used these blasphemy laws, especially Section 295(c), to threaten, punish, or intimidate Ahmadis, Christians, and even orthodox Muslims. No person has been executed by the State under any of these provisions; however, some persons have been sentenced to death, and religious extremists have killed persons accused under the provisions. The blasphemy laws also have been used to "settle scores" unrelated to religious activity, such as intrafamily or property disputes.

Due to increasing local and international pressure to repeal or modify the blasphemy laws, General Musharraf announced a proposal in April 2000 to modify the administration of the laws so that complainants would have to register new blasphemy cases with the local deputy commissioners instead of with police officials. The goal of the proposed change was to reduce the number of persons who are accused wrongly under the laws; however, many religious minority representatives stated that this suggested administrative change would have done little to protect members of their communities from being charged under the blasphemy laws. Other observers believed that the changes could have led to a reduction in the overall number of cases filed under the blasphemy laws. Religious and sectarian groups mounted large-scale protests against the proposed change and some religious leaders stated that if the laws were changed, even just procedurally, persons would be justified in killing blasphemers themselves. In May 2000, in response to increasing pressure and threats, Musharraf abandoned his proposed reforms to the blasphemy laws. In July 2000, the Government incorporated the Islamic provisions of the suspended Constitution into the Provisional Constitutional Order, including the clause declaring Ahmadis to be non-Muslims.

When blasphemy and other religious cases are brought to court, extremists often pack the courtroom and make public threats about the consequences of an acquittal. As a result, low level judges and magistrates, seeking to avoid a confrontation with, or violence from extremists, often continue trials indefinitely. As a result, those accused of blasphemy often face lengthy time in jail and are burdened with further legal costs and repeated court appearances.

The Government does not restrict religious publishing per se; however, the Government restricts the right to freedom of speech with regard to religion. Speaking in opposition to Islam and publishing an attack on Islam or its Prophets are prohibited. The Penal Code mandates the death sentence for anyone defiling the name of the Prophet Mohammed, life imprisonment for desecrating the Koran, and up to 10 years' imprisonment for insulting another's religious beliefs with intent to outrage religious feelings. Although prosecutions for publishing appear to be few, the threat of the blasphemy law is ever present.

Ahmadis charge that they suffer from restrictions on their press. Christian scriptures and books are available in Karachi and in traveling bookmobiles. However, in recent years, the owner of a Christian bookshop in Karachi has reported frequent questioning by local Muslim religious leaders and occasional questioning by the police. Such questioning may lead to self-censorship among Christians. Hindu and Parsi scriptures are freely available. Foreign books and magazines may be imported freely, but are subject to censorship for objectionable religious content.

The Government does not ban formally the public practice of the Ahmadi religion, but the practice of the Ahmadi faith is restricted severely by law. A 1974 constitutional amendment declared Ahmadis to be a non-Muslim minority because, according to the Government, they do not accept Mohammed as the last Prophet of Islam. However, Ahmadis consider themselves to be Muslims and observe Islamic practices. In 1984 the Government added Section 298(c) into the Penal Code, prohibiting Ahmadis from calling themselves Muslim or posing as Muslims; from referring to their faith as Islam; from preaching or propagating their faith; from inviting others to accept the Ahmadi faith; and from insulting the religious feelings of Muslims. This section of the Penal Code has caused problems for Ahmadis, particularly the provision that forbids them from "directly or indirectly" posing as Muslims. This vague wording has enabled mainstream Muslim religious leaders to bring charges against Ahmadis for using the standard Muslim greeting form and for naming their children Mohammed. The constitutionality of Section 286(c) was upheld in a split-decision Supreme Court case in 1996. The punishment for violation of this section is imprisonment for up to 3 years and a fine. This provision has been used extensively by the Government and anti-Ahmadi religious groups to target and harass Ahmadis. Ahmadis also are prohibited from holding any conferences or gatherings.

The Government distinguishes between Muslims and non-Muslims with regard to political rights. In national and local elections, Muslims cast their votes for Muslim candidates for a specific geographic locality, while non-Muslims may cast their votes only for at-large non-Muslim candidates. Government officials state that the separate electorates system is a form of affirmative action designed to ensure adequate minority representation, and that efforts are underway to achieve a consensus among religious minorities on this issue. However, many Christian activists state that the separate electorates are the greatest obstacle to the attainment of Christian religious and civil liberties. Ahmadi leaders encourage Ahmadis not to register as non-Muslims; consequently, most Ahmadis are not represented. Since December 2000, the Government has held a number of local elections around the country. The elections were held on the basis of separate electorates, which entitle non-Muslims to vote only for minority candidates, while Muslims are entitled to vote for Muslim council members in addition to reserved seats for Muslim women and agricultural laborers. Government officials claim that this measure is designed to ensure minority representation. However, opponents of separate electorates, including the majority of religious minority leaders, state that the system partially disenfranchises them. On June 28, 2001, the Supreme Court ruled that non-Muslims may vote for any candidate at the Union Council level for seats reserved for mayor, deputy mayor, laborers, farmers, and

women; however, non-Muslims still are barred from voting for Muslim candidates who run for general seats. Three of the five rounds of elections already had occurred prior to this ruling. Few non-Muslims are active in the country's mainstream political parties due to limitations on their ability to run for elective office under the current system. Christian and Hindu leaders conducted a boycott to protest the system of separate electorates during the local elections. In October 2000, a coalition of Christian NGO's sent a petition to General Musharraf requesting a dialog between the Government and minority religious leaders on the controversy; the Government did not acknowledge receipt of this petition.

Religious minorities are afforded fewer legal protections than Muslim citizens. The judicial system encompasses several different court systems with overlapping and sometimes competing jurisdiction, which reflect differences in civil, criminal, and Islamic jurisprudence. The federal Shari'at court and the Shari'a bench of the Supreme Court serve as appellate courts for certain convictions in criminal court under the Hudood Ordinances, and judges and attorneys in these courts must be Muslims. The federal Shari'at court also may overturn any legislation judged to be inconsistent with the tenets of Islam.

The martial law era Hudood Ordinances criminalize nonmarital rape, extramarital sex, and various gambling, alcohol, and property offenses. The Hudood Ordinances reportedly are based on the Government's interpretation of Islamic principles and are applied to Muslims and non-Muslims alike. Some Hudood Ordinance cases are subject to Hadd, or Koranic, punishment; others are subject to Tazir, or secular punishment. Although both types of cases are tried in ordinary criminal courts, special rules of evidence apply in Hadd cases, which discriminate against non-Muslims. For example, a non-Muslim may testify only if the victim also is non-Muslim. Likewise, the testimony of women, Muslim or non-Muslim, is not admissible in cases involving Hadd punishments. Therefore, if a Muslim man rapes a Muslim woman in the presence of women or non-Muslim men, he cannot be convicted under the Hudood Ordinances.

For both Muslims and non-Muslims, all consensual extramarital sexual relations are considered a violation of the Hudood Ordinances; if a woman cannot prove the absence of consent in a rape case, there is a risk that she may be charged with a violation of the Hudood Ordinances for fornication or adultery. The maximum punishment for this offense is public flogging or stoning; however, there are no recorded instances of either type of punishment since the 1980's. According to a police official, in a majority of rape cases, the victims are pressured to drop rape charges because of the threat of Hudood adultery charges being brought against them. A parliamentary commission of inquiry for women has criticized the Hudood Ordinances and recommended their repeal. It also has been charged that the laws on adultery and rape have been subject to widespread misuse, and that 95 percent of the women accused of adultery are found innocent in the court of first instance or on appeal. This commission found that the main victims of the Hudood Ordinances are poor women who are unable to defend themselves against slanderous charges. According to the commission, the laws also have been used by husbands and other male family members to punish their wives and female family members for reasons that have nothing to do with perceived sexual impropriety. Approximately one-third or more of the women in jails in Lahore, Peshawar, and Mardan in 1998 were awaiting trial for adultery under the Hudood Ordinances. The Human Rights Commission of Pakistan stated that this ratio remained unchanged during the period covered by this report. However, no Hadd punishment has been imposed since the Hudood Ordinances went into effect. Human rights monitors and women's groups believe that a narrow interpretation of Shari'a has had a harmful effect on the rights of women and minorities, as it reinforces popular attitudes and perceptions and contributes to an atmosphere in which discriminatory treatment of women and non-Muslims is accepted more readily. Some Islamic scholars also stated privately that the Hudood Ordinances are a misapplication of Shari'a.

The Ministry of Religious Affairs, which is entrusted with safeguarding religious freedom, has on its masthead a Koranic verse: "Islam is the only religion acceptable to God." The Ministry claims that it spends 30 percent of its annual budget to assist indigent minorities, to repair minority places of worship, to set up minority-run small development schemes, and to celebrate minority festivals. However, religious minorities question its expenditures, observing that localities and villages housing minority citizens go without basic civic amenities. The Bishops' Conference of the National Commission for Justice and Peace (NCJP), using official budget figures for expenditures in 1998, calculated that the Government actually spent \$17 (PRs 850) on each Muslim and only \$3.20 (PRs 16) on each religious minority citizen per month.

Missionaries are allowed to operate in the country, and proselytizing (except by Ahmadis) is allowed as long as there is no preaching against Islam and the missionaries acknowledge that they are not Muslim. However, all missionaries are required to have specific missionary visas, which have a validity of 2 to 5 years and allow only one entry into the country per year. These visas carry the annotation "missionary." Only "replacement" visas for those taking the place of departing missionaries are available, and long delays and bureaucratic problems are frequent.

Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims that were performed under the rites of the previous religion, are considered dissolved.

Members of minority religions volunteer for military service in small numbers and there are no official obstacles to their advancement. However, in practice non-Muslims do not rise above the rank of major general and are not assigned to politically sensitive positions.

The Government designates religion on citizens' passports. In order to obtain a passport, citizens must declare whether they are Muslim or non-Muslim; Muslims also must affirm that they accept the unqualified finality of the Prophethood of Mohammed, declare that Ahmadis are non-Muslims, and specifically denounce the founder of the Ahmadi movement.

The suspended Constitution safeguards "educational institutions with respect to religion." For example, no student can be forced to receive religious instruction or to participate in religious worship other than his or her own. It also prohibits the denial of religious instruction for students of any religious community or denomination.

"Islamiyyat" (Islamic studies) is compulsory for all Muslim students in state-run schools. Although students of other faiths legally are not required to study Islam, they are not provided with parallel studies in their own religions. In practice teachers compel many non-Muslim students to complete Islamic studies.

The suspended Constitution specifically prohibits discriminatory admission to any governmental educational institution solely on the basis of religion. Government officials state that the only factors affecting admission to governmental educational institutions are students' grades and home provinces. However, students must declare their religion on their application forms. Muslim students must declare in writing that they believe in the unqualified finality of the Prophethood of Mohammed; non-Muslims must have their religion verified by the head of their local religious community. Many Ahmadis and Christians report that they face discrimination in applying to government educational institutions due to their religious affiliation.

The Government nationalized all church schools and colleges in Punjab and Sindh in 1972. The Government of Sindh gradually denationalized church schools (without providing compensation) from 1985 to 1995. The Government of Punjab devised a plan to denationalize schools and return them to their original owners in 1996. In Punjab, several schools belonging to the Presbyterian Church, U.S.A. (PCUSA) were denationalized and returned to the former owners in 1998. However, the notification was withdrawn in 1999. In August 2000, four PCUSA-affiliated schools received notification that they would be denationalized. At the end of the period covered by this report, PCUSA was awaiting official notification that six additional schools are to be denationalized. During the period covered by this report, religion-based political parties in Punjab continued to oppose the denationalization of schools.

The suspended Constitution provides for the "freedom to manage religious institutions." In principle, the Government does not restrict organized religions from establishing places of worship and training members of the clergy. However, in practice, Ahmadis suffer from restrictions on this right. Several Ahmadi mosques reportedly have been closed; others reportedly have been desecrated. Ahmadis also are prohibited from being buried in Muslim graveyards.

The Government restricts the distribution and display of certain religious images such as the Holy Trinity and Jesus Christ.

Links with coreligionists in other countries are maintained relatively easily. The Roman Catholic Church and the Church of Pakistan report no difficulties. Ismailis are in regular contact with their headquarters, and their officials, including Prince Karim Aga Khan, visit the country regularly. Under reciprocal visa arrangements, Indian Hindu and Sikh leaders and groups travel regularly to country. However, the Government prohibits Ahmadis from participating in the Hajj (the Muslim pilgrimage to Mecca, Saudi Arabia) and Bahai's from traveling to their spiritual center in Israel.

Under the Anti-Terrorist Act, any act, including speech, intended to stir up religious hatred, is punishable by up to 7 years of rigorous imprisonment. In the antiterrorist courts, which virtually were shut down by the Supreme Court in 1998, cases were to be decided within 7 working days, and trials in absentia were permitted. Appeals to an appellate court also were required to occur within 7 days, but appellate authority since has been restored to the high courts and the Supreme Court. Under the act, bail is not to be granted if the judge has reasonable grounds to believe that the accused is guilty.

Abuses of Religious Freedom

No estimate of the number of religious detainees exists; however, the Government has arrested and detained numerous Muslims and non-Muslims for their religious beliefs and practices under the blasphemy and anti-Ahmadi laws. The blasphemy laws were meant to protect both majority and minority faiths from discrimination or abuse; however, in practice these laws frequently are used by rivals and the authorities to threaten, punish, or intimidate religious minorities. Credible sources estimate that several hundred persons have been arrested since the laws were implemented; however, significantly fewer persons have been tried. Most of the several hundred persons arrested since 1989 have been released due to a lack of sufficient evidence. However, many judges reportedly handed down guilty verdicts to protect themselves and their families from retaliation by religious extremists. Many judges also repeatedly postpone action in certain blasphemy cases in response to religious extremists; the result of this practice is that accused blasphemers remain in prison for extended periods of time. According to the NCJP, religious minorities constitute a proportionally greater

percentage of the prison population. Government officials state that although religious minorities account for approximately 5 percent of the country's population, 25 percent of the cases filed under the blasphemy laws are aimed at religious minorities.

Prison conditions, except for the "class A" facilities provided to wealthy and politically high profile prisoners, are extremely poor and constitute a threat to the life and health of prisoners. According to the NCJP and the Center for Legal Aid, Assistance, and Settlement (CLAAS), non-Muslim prisoners do not enjoy the same facilities as Muslim inmates.

According to Ahmadi sources, 166 Ahmadis were charged formally in criminal cases on a "religious basis" (including blasphemy) in 2000, compared to 80 cases in 1999. On September 6, 1999, police officials arrested Ahmadi practitioner Dr. Abdul Ghani for preaching; he was denied bail by the antiterrorist court. In November 2000, the court found him not guilty and ordered his release from prison. On December 1, 2000, Ahmadi practitioner Khaled Ahmed Shams was released; Shams was arrested in 1994 for allegedly preaching in violation of Section 298(c). On August 19, 2000, three Ahmadis were charged with blasphemy for allegedly posing as Muslims and preaching the Ahmadi faith. One of the men, Ghaffar Ahmad, was arrested and remains in prison. The other two, Ilyas Ahmad and Manzur Ahmad, avoided arrest by arranging for bail. On August 25, 2000, a blasphemy case was filed against Manzur Qadir Khan, Dr. Khalid Mahmood, Mohammad Hayat, and Mohammad Idrees of Sargodha district for allegedly preaching the Ahmadi faith to a neighbor, Mohammad Suleiman; Suleiman provided a signed statement denying that the accused ever proselytized him. Khan and Idrees were arrested and held in Sarghoda jail; however they were released after several weeks. On October 13, 2000, a blasphemy case was registered against Nasir Ahmad, an Ahmadi, for allegedly defiling a copy of the Koran. According to Ahmadi sources, Ahmad had engaged in an argument with a Sunni Muslim. When the Sunni struck Ahmad with a brick, Ahmad knocked him to the ground along with the copy of the Koran that was in his pocket. Ahmad remained in custody and his trial had not been concluded at the end of the period covered by this report. On April 29, 2001, four Ahmadis, including Abdul Majeed, president of the local Ahmadi community, were charged with blasphemy for constructing minarets and the Mihrab of an Ahmadiyya mosque. Three Ahmadis were convicted of blasphemy in December 1997; they were found guilty and were sentenced to life imprisonment and \$1,250 (PRs 50,000) fines. Lawyers for the men appealed the decision to the Lahore high court, which ruled that the defendants were guilty of blasphemy. However, the court ruled that the men should be released as they had already served a sufficient amount of time in prison.

According to Ahmadi sources, on July 30, 1999, a subdivisional magistrate ordered an Ahmadi mosque sealed in Naseerabad, Sindh; it remained sealed at the end of the period covered by this report. In December 1999, several hundred persons looted and burned property in Haveli Lakha, Okara district, Punjab, which belonged to Mohammad Nawaz, a local Ahmadi leader accused of planning to build an Ahmadi house of worship. A neighbor reportedly incited the incident by accusing Nawaz of building the house of worship after the two were involved in a property dispute. Nawaz, a doctor, reportedly intended to build a free clinic next to his home. The mob looted and burned Nawaz's home. According to Ahmadi sources, police personnel arrived at the scene, but did nothing to stop the crowd. As of the end of the period covered by this report, neither the neighbor nor anyone in the crowd had been arrested or questioned in connection with the incident, and police had not taken steps to find or return any of Nawaz's property. However, Nawaz and his two sons were arrested and charged with blasphemy. Several days later, they were released on bail; however, the blasphemy case against them was pending at the end of the period covered by this report. Three other Ahmadis in Haveli Lakha also were charged with blasphemy in connection with the incident despite being out of town at the time.

Christian minorities also are frequent targets of the blasphemy laws. On January 11, 2001, seven Christian evangelists and their pastor were arrested for distributing religious literature and showing a film entitled "Who Is Jesus?" in a largely Christian neighborhood in Jacobabad. On April 1, 2001, police registered a blasphemy case against Pervez Masih, a Christian who runs a private school in Sialkot district, Punjab. According to CLAAS, the Sunni Muslim owner of another private school charged Masih with blasphemy because he was jealous of Masih's success in attracting both Muslim and non-Muslim students. Masih remained in custody at the end of the period covered by this report.

In May 2001, the Federal Interior Ministry reportedly directed the Punjab provincial authorities to investigate allegations that CLAAS had received funding from foreign governments to propagate false information about the country's blasphemy laws.

In May 2000, a lower court in Sialkot district, Punjab, sentenced two Christian brothers to 35 years' imprisonment each and fined both of them \$1,500 (PRs 75,000). The brothers were convicted of desecrating the Koran and blaspheming against the Prophet Mohammed. Lawyers for the brothers filed an appeal in the Lahore high court; there were no developments in the case during the period covered by this report and the appeal remained pending. On May 2, 2000, Augustine Ashiq Masih was charged with blaspheming against the Prophet in Faisalbad; he remained in custody at the end of the period covered by this report. Ayub Masih (detained since 1996) was convicted of blasphemy for making favorable comments about Salman Rushdie, the author of the controversial book, "The Satanic Verses," and was sentenced to death in April 1998. Two Christian NGO's reported that Masih was tortured while in police custody. The appeal still was pending before the Lahore high court at the end of the period covered by this report.

On January 25, 2001, the Lahore high court acquitted Hussain and Issac Masih of blasphemy charges that were filed in a 1998; the judge ruled that the prosecution had failed to provide sufficient evidence to convict.

Police also arrest Muslims under the blasphemy laws; government officials maintain that about three-quarters of the total blasphemy cases that have been brought to trial involved Muslims. In September 1998, a Shi'a Muslim, Ghulam Akbar, was convicted of blasphemy in Rahimyar Khan, Punjab, for allegedly making derogatory remarks about the Prophet Mohammed in 1995. His death sentence constituted the first time that a Muslim had been sentenced to death for a violation of the blasphemy law. The case was pending at the end of the period covered by this report. On August 5, 2000, Mohammad Yusuf Ali, an Islamic mystic of the Sufi order, was convicted of defiling the name of the Prophet Mohammed and sentenced to 35 years' imprisonment then death. An appeal remained pending in the Lahore high court at the end of the period covered by this report. In October 2000, a Sunni Muslim, Dr. Younis Shaikh, was charged with blasphemy in Rawalpindi, Punjab for reportedly stating that the Prophet Mohammed's first marriage was not conducted according to Islamic law and custom in front of his students at Capital Homeopathic College in Rawalpindi. A judge denied Shaikh's request for bail, claiming that he would be at risk of physical harm from vigilantes if released. Shaikh's trial had not concluded by the end of the period covered by this report. On March 12, 2001, Zahur ul Haq, a Sunni Muslim, was convicted of blasphemy for allegedly coining a blasphemous slogan. Some local newspapers described the atmosphere at his trial as hostile.

Government authorities closed down a leading provincial newspaper, the Frontier Post, and placed five of its employees under protective custody in late January 2001, following the publication of a letter to the editor that contained comments that were critical of Islam. Two employees of the Frontier remained in custody at the end of the period covered by this report. Government law enforcement officials failed to prevent a mob from setting fire to the Frontier Post printing presses on January 30, 2001. Security officials did not arrest any of the participants in the mob violence.

On June 4, 2001, government authorities in Abbotabad, NWFP, sealed the office and printing press of Mahaasaib, a local daily newspaper, and arrested the resident editor, shift manager, and subeditor. The authorities accused the newspaper of committing blasphemy because it published an article that argued that Islam does not require men to grow beards. The governor of the NWFP reportedly asked the local administration to reverse its decision; however, the local administration denied the request, stating that it did not wish to provoke social unrest. The staff members remained in custody and the office still was closed at the end of the period covered by this report.

There are scattered reports that authorities interrogate persons due to their religious beliefs or practices.

The law regulates arrest and detention procedures; however, the authorities do not always comply with the law, and police arbitrarily arrest and detain citizens. Violence in Punjab has prompted the Government on several occasions to round up hundreds of members of religious extremist groups and students at religious schools (madrasahs) believed to be terrorist recruiting centers and training grounds. The police also arrest demonstrators, including members of religious minorities. For example, on January 16, 2001, security personnel arrested 16 Muslim, Christian, and Hindu protesters from the All Faiths' Spiritual Movement International during a demonstration protesting the country's blasphemy laws. Several participants in the demonstration threw stones and ignored police orders to disperse peacefully. No formal charges were filed and all of those arrested were released after several days.

Following the killings of four Sunni clerics on January 28, 2001, Sunni Muslim students participated in violent demonstrations and arson attacks in Karachi (see Section III). The Government dispatched police, paramilitary, and military forces to disperse the demonstrations, and several students and police officers were injured. Following a wave of sectarian killings between Sunni and Shi'a Muslims (see Section III), the Government arrested between 150 and 250 alleged Sunni and Shi'a militants in Karachi. Government officials stated that the arrests and a public call for religious leaders to enforce a code of conduct resulted in a reduction of such killings during the traditionally violent period of Muharram.

The Punjab government ordered a crackdown on extremists in early October 1999; as a result several hundred persons were arrested, including the leader of the Sipah-e-Sahaba Pakistan (SSP), Maulana Mohammad Azam Tariq, and SSP branch president Maulana Mohammad Ahmad Ludhianvi. Tariq was released after a year of imprisonment; however, he was arrested again in February 2001 and remained in prison at the end of the period covered by this report.

The authorities sometimes prevent leaders of politico-religious parties from traveling to certain areas if they believe that the presence of such leaders would increase sectarian tensions or cause public violence.

There have been press reports that the authorities are conducting surveillance on the Ahmadis and their institutions.

There have been instances in which police have used excessive force against individuals because of their religious beliefs and practices; however, it sometimes is difficult to determine whether or not religious

affiliation is a factor in police brutality. The police also have failed to act against persons who use force against other individuals because of their religious beliefs (see Section II). The Government admits that police brutality against all citizens is a problem. However, both the Christian and Ahmadi communities have documented instances of the use of excessive force by the police and police inaction to prevent violent and often lethal attacks on members of their communities. For example, both the Christian and Ahmadi communities claim that in the past persons have been killed because of their religious beliefs; there were no such allegations during the period covered by this report.

Police torture and other forms of mistreatment of persons in custody are common. However, there were no confirmed reports of torture of prisoners or detainees because of their religious beliefs during the period covered by this report. There were a number of deaths in police custody during the period covered by this report. At least three of the persons who died in police custody were Christians; however, they were not arrested in connection with their religious beliefs. It remains unclear whether religion was a factor in their deaths.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the Government's refusal to allow such citizens to be returned to the United States.

Religious minorities state that members of their communities, especially minors, sometimes are pressured by private groups and individuals to convert to Islam. For example, on December 2000, 15-year old Nadia Joseph converted to Islam from Christianity and married a Muslim man, Maqsood Ahmed; the girl's father stated that his daughter converted against her will and filed a case against Maqsood under the Hudood Ordinances.

Improvements and Positive Developments in Respect for Religious Freedom

The Musharraf Government took several specific steps that slightly improved the situation of religious minorities during the period covered by this report. The Government permitted two members of the U.S. Commission on International Religious Freedom to interview the Ministers for Minority Affairs, Religious Affairs, Interior, and Law during a December 2000 fact-finding trip. The human rights wing of the Ministry of Law improved its capacity to catalog reports of abuses, including attacks on religious minorities. In April 2001, the Government sponsored a number of seminars in provincial capitals to promote human rights awareness among police officers. The Government also began revising mandatory school curricula to incorporate human rights issues.

Section III. Societal Attitudes

Many religious and community leaders, both Muslim and non-Muslim, report that a small minority of extremists account for the vast majority of violent acts against religious minorities. However, discriminatory religious legislation has encouraged an atmosphere of religious intolerance, which has led to acts of violence directed against Ahmadis, Christians, Hindus, and Zikris. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such abuses or to charge persons who commit them (see Section II). Wealthy religious minorities and those who belong to religious groups that do not seek converts report fewer instances of discrimination.

Sectarian violence between rival Sunni and Shi'a Muslim groups increased during the first half of 2001. On January 21, 2001, unknown assailants killed Agha Sultani, an Iranian Shi'a teacher. On January 28, 2001, six unidentified assailants killed Sunni Muslim Sheikhul Hadeeth Maulana Inayatullah and two other Sunni clerics from a Karachi madrassah while the clerics were in a van. The assailants also killed the son of one of the clerics and the driver of the van. Local commentators believe that the Sipah-e-Mohammad (SSP), a Shi'a Muslim extremist group, was responsible for the killings in response to the death of Agha Sultani. Following these killings, Sunni Muslim students from the Inayatullah's madrassah participated in violent demonstrations and arson attacks in Karachi. The Government dispatched police, paramilitary, and military forces to disperse the demonstrations, and several students and police officers were injured (see Section II).

On February 5, 2001, unknown gunmen killed two members of Tehrik-e-Jafria (TJP), a Shi'a extremist group in Karachi. Police arrested one person in connection with the killing. Another individual confessed that he took part in planning the killings; however, he already had been sentenced to death in an unrelated murder case. Police officials complained that their investigation was hindered by the fact that relatives of the victims refused to permit postmortem examinations on the two men. On February 5, 2001, two gunmen attempted to kill Allah Wasaya, a Sunni cleric who is affiliated with the SSP. Following the attack, police arrested two Shi'a Muslims from the student wing of the TJP; their trial was underway during the period covered by this report.

Between February 18 and February 23, 2001, four Shi'a Muslims were killed in Faisalabad and Punjab province. Police arrested five suspects. Leaders of the TJP publicly accused the SSP of being responsible for the killings.

At least 10 persons were killed during sectarian rioting in Hangu, a small city in the NWFP on March 1, 2001. The SSP arranged prayer gatherings throughout the NWFP for SSP activist Haq Nawaz Jhangvi, who was executed on February 28, 2001 for the 1990 killing of the head of the Iranian Cultural Center in Lahore. SSP activists reportedly left one such gathering and proceeded to Hangu's main shopping area where they shot and killed three Shi'a shopkeepers and one Sunni passerby. Following this incident, armed Sunni and Shi'a groups used mortars, rockets, and other heavy weapons against each other.

On March 4, 2001, four armed men opened fire on a Shi'a mosque and a local grain market of Sheikhpura, killing between 12 (according to local government officials) and 16 (according to a member of a Shi'a political party) persons, including 2 police personnel. The police arrested two suspects, one of whom reportedly is a member of the Sunni extremist group Lashkar-e-Jhangvi.

On March 13, 2001, armed assailants opened fire inside a Sunni mosque in Lahore, killing 12 persons and injuring 11 others. Most commentators believe that the attack was carried out by Shi'a Muslims, either in retaliation for the March 4 Sunni attack on a Shi'a mosque or over a land dispute between local Sunni and Shi'a Muslims. Police arrested one Shi'a Muslim in connection with this attack and his case was being reviewed at the end of the period covered by this report.

On May 18, 2001, six men with automatic weapons attacked a vehicle carrying the leader of the Sunni Tehrik party, Saleem Qadri, and seven other Sunnis while they were on their way to Friday prayers in Karachi, killing five and injuring three of the passengers. Local commentators speculated that rival Sunni extremist groups including the Jaish-e-Mohammad (JM) and the SSP might have ordered Qadri's killing. Leaders of the SSP claimed that Shi'a extremists were responsible. According to some observers, the killings could signify the beginning of sectarian conflict between the two major Sunni Muslim sects in the country—the majority Brelvis, to which the Sunni Tehrik belongs, and the smaller but more conservative Deobandis, to which the JM and SSP adhere.

Sectarian violence between members of different religious groups continued to be a serious problem throughout the period covered by this report; Ahmadis, Christians and other religious minorities often were the targets of this violence. On October 11, 2000, a mob led by Muslim clerics attacked the homes of several Hindu families in Baluchistan province after a Hindu woman was accused of destroying a copy of the Koran. The woman, who reportedly is illiterate, wrapped sweets in pages torn from a book that allegedly contained excerpts from the Koran. Police filed charges against several members of the mob; however, they dropped the case after local leaders agreed to pay compensation to the Hindu families. On October 30, 2000, four unidentified assailants attacked with automatic weapons an Ahmadi mosque in Sialkot district, killing five persons and injuring six others. Following the attack, police arrested three of the suspects. According to Ahmadi sources, the suspects were in custody at the end of the period covered by this report; however, no charges had been filed against them. Police also arrested 25 Ahmadis, including 5 who witnessed the killings. On November 10, 2000, a violent crowd ransacked and set fire to an Ahmadi mosque in the Punjab, killing five persons. Prior to the attack, Akhtar Shah, the local mullah reportedly led a mob through the streets shouting anti-Ahmadi slogans. Shah was accused of inciting the riot and was being tried for murder at the end of the period covered by this report. Following the mosque killings, three Sunni Muslim groups filed an application against Ahmadis in Sialkot district for "campaigning" against Muslims. Police arrested 51 Ahmadis, five of whom still were in custody at the end of the period covered by this report.

During the period covered by this report, police made no arrests in connection with past sectarian killings. Numerous such killings remain unresolved. In March 2000, 12 men broke into the Lourdes Convent and attacked Sister Christine, a 78-year old nun; she died in a nearby hospital a few days later. According to the NGO, the Christian Liberation Front (CLF), the perpetrators of the attack were Muslims who previously had accused Sister Christine of proselytizing. Police officials have not arrested anyone in connection with this attack. In May 2000, five masked men stopped a factory bus of female factory employees in Ferozewala and raped six to eight Christian girls who were passengers; the assailants reportedly spared the two Muslim passengers on the bus. Initially, police officials urged the girls to report that they were robbed, not raped; however, when the CLF complained to government officials, the officials immediately registered the cases as rape cases, arrested two suspects, and promised to investigate police behavior. The trial of the suspects was underway at the end of the period covered by this report.

In September 1999, a mob raided a church in Sangla Hill, Punjab, allegedly attacking members of the congregation as they fled the church. In December 1999, a mob vandalized the home of an Ahmadi in Okara district, Punjab, in the presence of some members of the local administration; police officials reportedly charged the Ahmadi and his two sons under the blasphemy laws. According to the Human Rights Commission of Pakistan, in January 2000, persons broke into a church in Sialkot and desecrated religious literature. Police have not made any arrests in these cases.

On some university campuses, well-armed groups of students, primarily from radical religious organizations, clash with and intimidate other students, instructors, and administrators over issues such as language, syllabus, examination policies, grades, doctrines, and dress. These groups frequently facilitate cheating on examinations, interfere with the hiring of staff, control who is admitted to the universities, and sometimes also control the funds of the institutions. At Punjab University, a conservative Islamic group attempts to impose its

self-defined code of conduct on teachers and students by threatening to foment unrest on campus if its demands are not met. One professor was arrested and charged with blasphemy during the period covered by this report and many others report that they engage in self-censorship in order to avoid antagonizing conservative religious groups.

Ahmadis suffer from societal harassment and discrimination. Even the rumor that someone may be an Ahmadi or have Ahmadi relatives can stifle opportunities for employment or promotion. Most Ahmadis are home-schooled or go to private Ahmadi-run schools. Those Ahmadi students in public schools often are subject to abuse by their non-Ahmadi classmates. The quality of teachers assigned to predominately Ahmadi schools by the Government reportedly is poor. Christian students reportedly sometimes are forced to eat at separate tables in public schools that are predominately Muslim.

While many Christians belong to the poorest socioeconomic groups, this may be due more to ethnic and social factors than to religion. These factors also may account for a substantial measure of the discrimination that poor Christians face. In Karachi, the majority of Roman Catholics are Goan Christians, or descendants of Eurasian marriages. They often are light-skinned and are relatively well educated and prosperous, in sharp contrast to their coreligionists (mostly members of evangelical denominations), who are often dark-skinned and poorly educated. Many poor Christians remain in the profession of their low caste Hindu ancestors (most of whom were "untouchables"). Their position in society, though somewhat better today than in the past, does not reflect any major progress despite over 100 years of consistent missionary aid and development.

Ismailis report being the object of resentment from Sunni Muslims due to the comparative economic advances they have made. Ismailis have not been harassed by the Government nor have they been targeted by extremist groups; however, they report that they frequently are pressured to adopt certain practices of conservative Muslims or risk being ostracized socially.

Although there are few if any citizens who are Jewish anti-Semitic sentiments appear to be widespread, and anti-Semitic articles in the press are relatively common.

Shikharis generally are ostracized by other Muslims, primarily because of their eating habits.

Some Sunni Muslim groups publish literature calling for violence against Ahmadis and Shi'a Muslims. Some newspapers frequently publish articles that contain derogatory references to religious minorities, especially Ahmadis and Hindus.

Persons who have been accused under the blasphemy laws (see Section II), including those acquitted of the charges against them, often face societal discrimination.

Proselytizing generally is considered socially inappropriate among Muslims; missionaries face some difficulties due to this perception. For example, some Sunni Muslim groups oppose missionary activities and have at times issued verbal threats against missionaries in order to discourage them from working.

While there is no law instituting the death penalty for apostates (those who convert from Islam) as required by the Koran, social pressure against such an action is so powerful that most such conversions reportedly take place in secret. In one high-profile case during the period covered by this report, a movie actress from Karachi converted to Christianity from Islam without penalty. However, according to missionaries, police and other local officials harass villagers and members of the poorer classes who convert. Reprisals and threats of reprisals against suspected converts are common.

Discrimination in employment based on religion is believed to be widespread. Christians in particular have difficulty finding jobs other than those involving menial labor, although Christian activists say that the employment situation has improved somewhat in the private sector in recent years. Christians and Hindus also find themselves disproportionately represented in the country's most oppressed social group, bonded laborers. Illegal bonded labor is widespread. Agriculture, brick-kiln, and domestic workers often are kept virtually as slaves. According to the NCJP, the majority of bonded labor in those sectors is non-Muslim. All are subject to the same conditions, whether they are Muslim, Christian, or Hindu. In 1999 the Government removed colonial-era entries for "sect" from government job application forms to prevent discrimination in hiring. However, the faith of some, particularly of Christians, often can be ascertained from their names.

There are a number of NGO's and civic groups that promote interfaith dialog.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom with the Government in the context of its overall dialog and policy of promoting human rights. U.S. representatives maintain regular contacts with major Muslim and minority religious groups. Embassy officers also maintain a dialog with government, religious, and minority community representatives to encourage religious freedom and to discuss problems. Embassy officers closely monitor the status of religious freedom and act when appropriate. Embassy officers and the former

Ambassador-at-Large for Religious Freedom met with high-level government officials in February 2000 to discuss the blasphemy laws, separate electorates for religious minorities, and the issue of impunity for violent sectarian groups. The Embassy sponsored a series of public speeches by a prominent expert on human rights and Islam during the period covered by this report. On an informal basis, the Embassy has assisted some

Christian-affiliated relief organizations in guiding paperwork through government channels. The Embassy also has assisted local and international human rights organizations to follow up on specific cases involving religious minorities.

[End]

Released on October 26, 2001

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