

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	301
Land:	Pakistan
Kilde:	USCIRF: International Religious Freedom
Titel:	Annual Report 2015 - Pakistan. (31 January - 31 January 2015)
Udgivet:	30. april 2015
Optaget på baggrundsmaterialet:	28. juli 2015



PAKISTAN

Key Findings

Pakistan represents one of the worst situations in the world for religious freedom for countries not currently designated by the U.S. government as “countries of particular concern.” In the past year, the government grappled with a challenging security environment and initiated efforts to fight the Pakistani Taliban. However, despite these efforts, Pakistan continued to experience chronic sectarian violence targeting Shi’a Muslims, Christians, Ahmadi Muslims, and Hindus. Despite positive rulings by the Supreme Court, the government failed to provide adequate protection to targeted groups or to prosecute perpetrators and those calling for violence. Pakistan’s repressive blasphemy laws and anti-Ahmadi laws continue to violate religious freedoms and to foster a climate of impunity. USCIRF again recommends in 2015 that Pakistan be designated a “country of particular concern,” or CPC, under the International Religious Freedom Act (IRFA), as it has recommended since 2002.

Background

Pakistan is an ethnically and religiously diverse country of over 190 million people. The 1998 census of Pakistan found that 95 percent of the population identified as Muslim. Of that, 75 percent identified as Sunni, but that is divided among numerous Sunni sects and denominations. 25 percent of the Muslim population identified as Shi’a. Two to four million Ahmadi Muslims consider themselves Muslims, but Pakistani law does not recognize them as such. Non-Muslim faiths constitute roughly five percent of the population, and include Christians, Hindus, Parsis/Zoroastrians, Baha’is, Sikhs, Buddhists, and others. Shi’a, Christian, and Hindu groups believe their communities are larger than the census reported.

In 2014, the Pakistani Supreme Court took up the issue of violence against religious minorities on several occasions, going so far as to mandate the creation of special police forces and monitoring bodies. Despite

court oversight and democratic institutions, the Pakistani government engaged in and tolerated systematic, ongoing, and egregious violations of freedom of religion or belief. Pakistan’s legal environment is particularly repressive due to its religiously discriminatory constitutional provisions and legislation, including its blasphemy laws. The government failed to protect citizens,

Pakistan represents one of the worst situations in the world for religious freedom

minority and majority alike, from sectarian and religiously-motivated violence, and Pakistani authorities have not consistently brought perpetrators to justice or taken action against societal actors who incite violence.

In this climate, Prime Minister Nawaz Sharif and his party in parliament made condemnatory statements against acts of violence and established a commission on religious minorities under the Ministry of Religious Affairs. While prosecutions of perpetrators were generally rare, this year an anti-terror court did sentence to death an individual for the 2010 attacks on an Ahmadi mosque. An anti-terror court also remanded four individuals for the mob attack that killed a Christian couple in November 2014 over blasphemy allegations. In civilian courts, where the majority of these cases are heard, militants can intimidate judges and lawyers and perpetrators of mob attacks are frequently released on bail.

No action was taken to reform repressive laws, with observers noting that the National Assembly spent only 15 hours out of over 1000 to discuss rising violence against religious minorities. In addition, in contrast to the previous government, the Sharif government decreased the representation of religious minorities

in positions of influence, as the interfaith harmony ministry remained folded into the ministry for religious affairs, which primarily deals with *hajj* participation. The Sharif government continued to recognize the Minorities Day holiday, established by the late Shahbaz Bhatti, the Minister of Minority Affairs who was assassinated in 2011, although the level of participation by government officials was low. The trial of Shahbaz Bhatti's murderers was suspended due to threats to prosecution witnesses made in the courtroom by militants.

In June 2014, after recurring attacks, the Pakistani military launched military operations against the Pakistani Taliban's base of operations in North Waziristan. In retaliation, the Pakistani Taliban attacked soft targets, such as Shi'a mosques, churches, and a school for the children of military officers in Peshawar. The December 16 school attack – which killed over 130 children, many execution style, and wounded scores – led Prime Minister Sharif to launch a National Action Plan, which was supported by the major political parties. The 20-point plan, *inter alia*, created military courts to try terrorists, emphasized actions taken to stop religious extremism and to protect religious minorities, and said an effort would be made to register *madrassas*.

After the reporting period, USCIRF Commissioners made the first ever Commissioner-level visit to Pakistan in March 2015. Commissioners met with high ranking Pakistani officials, including National Security Adviser Sartaj Aziz, as well as officials in the Ministries of Interior and Religious Affairs. Tragically, suicide bombers attacked two churches in Lahore the day the USCIRF delegation departed Pakistan.

Religious Freedom Conditions 2014-2015

Targeted Sectarian Violence

The Pakistani government's failure to effectively intervene against violence targeting the Shi'a minority community, as well as against Christians, Hindus and Ahmadis, continued during the reporting period. USCIRF found that from July 2013 to June 2014, 122 incidents of sectarian violence occurred, resulting in more than 1,200 casualties, including 430 deaths. Authorities have not consistently brought the perpetrators of such violence to justice. Early attempts in 2014 to negotiate peace with the Pakistani Taliban dissolved after repeated attacks, which spurred a major military offensive. The Pakistani Taliban

has been a major persecutor of religious minorities, as well as Sunni Muslims who disagree with their ideology, so the military offensive may limit their ability to use violence. However, the Pakistani Taliban may retaliate, as they have in the past, by targeting Shi'a Muslims and schools. Also, any military gains will likely be short-lived without a similar government effort on the civilian side to ensure arrests and prosecutions of perpetrators and instigators of religious violence.

Shi'a Muslims

During 2014, militants and terrorist organizations continued to target Shi'a processions and mosques, as well as social gathering places, with impunity. Police, if present, have failed to stop attackers before people are killed, and the government has not cracked down on the groups that repeatedly target Shi'a Muslims. The government has not successfully prosecuted the leader of Lashkar-e-Jhangvi, a banned terrorist organization behind many of the attacks, who is regularly released due to a purported lack of evidence.

Christians

Violence against Christians continued, with few concrete actions taken by federal or provincial officials to ensure their protection. For instance, after the 2013 mob attack on the Christian village Joseph Colony in Punjab, the provincial government provided some reparations but all of the attackers were released on bail. The only person serving a prison sentence is a Christian falsely accused of blasphemy, who was sentenced to death. Other attacks against Christians because of allegations of blasphemy continued (see below).

Ahmadis

During 2014, individual Ahmadis continued to be murdered in religiously-motivated attacks. In May 2014, a Canadian-American Ahmadi doctor visiting Pakistan to do relief work was murdered in front of his family. In July, three Ahmadis – a grandmother and her two grandchildren – were killed in an arson attack by a mob. In December, a major Pakistani television station aired an interview with religious scholars who referred to Ahmadis as "enemies." Days later, an Ahmadi was murdered; the community suspects motivation from the television broadcast. (See more about the unique legal

repression of Ahmadis below.) In addition, local police repeatedly forced Ahmadis to remove Qur'anic scripture from mosques and minarets.

Hindus

Allegations of kidnappings of Hindu women, followed by forced conversions to Islam and forced marriages to Muslim men, continued to arise throughout 2014. Hindu women are particularly vulnerable to these crimes because Pakistani law does not recognize Hindu marriages. In March 2014, a mob set fire to a Hindu community center in southern Pakistan after allegations that a Hindu had desecrated a Qur'an. Four other Hindu temples were attacked that month elsewhere.

Forced Conversions

Forced conversion of Christian and Hindu girls and young women into Islam and forced marriage remains a systemic problem. The Movement for Solidarity and Peace in Pakistan estimates that hundreds of Christians and Hindus are victimized each year.

Blasphemy Laws

The country's blasphemy laws, used predominantly in Punjab province but also nationwide, target members of religious minority communities and dissenting Muslims. During the reporting period, five individuals were sentenced to death and one to life in prison,

their actions had blasphemed Islam. After the reporting period, the Punjab Prosecution Department and provincial judiciary announced that they had reviewed 262 blasphemy cases awaiting trial and recommended that 50 be reviewed for dismissal because the accused had been victimized by complainants. No religious minorities were included in the review.

Violence continued to be perpetrated around blasphemy allegations. In March 2014, a Pakistani Christian was murdered after being acquitted. In May, a leading human rights attorney, Rashid Rehman, was murdered in his office for defending a Muslim accused of blasphemy. In September, a leading Islamic scholar was gunned down after allegations of blasphemy. In November, a mob killed a Christian man and his pregnant wife accused of blasphemy by throwing them into a brick kiln. Also in November, a policeman killed a Shi'a Muslim with an axe while in custody due to allegedly blasphemous statements.

Blasphemy laws are inherently problematic and conflict with fundamental human rights protections. In Pakistan, they are particularly pernicious. The punishments are severe: death or life imprisonment. There is no clear definition of blasphemy, which empowers the accuser to decide if a blasphemous act has occurred. No proof of intent is required, nor must evidence be presented after allegations are made. Penalties for false allegations are not part of the blasphemy laws, though

The country's blasphemy laws, used predominantly in Punjab province but also nationwide, target members of religious minority communities and dissenting Muslims.

bringing the total of blasphemy prisoners in Pakistan to 38. In October, the Lahore High Court upheld the death sentence of Aasia Bibi, a Christian woman convicted of blasphemy in 2010 after a dispute with co-workers; she later wrote a letter from her windowless cell to the Pakistani President requesting a pardon. Many others have been charged with blasphemy and await trial. During 2014, charges were brought against the owner of a major Pakistani television station, as well as a popular Pakistan singer-turned imam, when individuals felt

they may exist in other criminal code provisions. The need for specific penalties was demonstrated when USCIRF asked government officials about instances where false allegations of blasphemy were prosecuted and they were not able to offer a single example.

Legal Restrictions on Ahmadis

Ahmadis are subject to severe legal restrictions, both in the constitution and criminal code, and suffer from officially-sanctioned discrimination. 2014 was the 40th

anniversary of Pakistan's second amendment, which amended the constitution to declare Ahmadis to be "non-Muslims." Other discriminatory penal code provisions make basic acts of Ahmadi worship and interaction criminal offenses. They also are prevented from voting.

Education

Discriminatory content against religious minorities in provincial textbooks remains a concern. The provincial government of Khyber Pakhtunkhwa announced plans in October 2014 to restore problematic references to *jihad* that could support violence. More positively, the Sindh provincial Ministry of Education ordered the removal of all discriminatory passages about religious minorities. At the end of the year, it was unclear whether the positive or negative changes had been implemented. In addition, USCIRF received reports of preferential treatment for Muslim students, who can receive extra credit for memorizing the Qur'an, making it easier for them to obtain government jobs or university placement. This also discriminates against students from non-Muslim religions. USCIRF's 2011 study of Pakistani textbooks found that an alarming number of Pakistan's public schools and privately-run *madrassas* devalue religious minorities in both textbooks and classroom instruction. The *madrassa* education system generally relies on very old religious texts and for the most part does not educate children about the value of religious tolerance and diversity.

U.S. Policy

Pakistan plays a critical role in U.S. government efforts to combat al-Qaeda and in supporting U.S. and multinational forces in Afghanistan. However, with the drawdown of combat troops from Afghanistan, U.S. government reliance on Pakistan for transport of supplies and ground lines of communication to Afghanistan will decrease. Regardless, 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.

Overall U.S.-Pakistan relations have long been marked by strain, disappointment, and mistrust. Human rights and religious freedom have not been among the

highest priorities in the bilateral relationship, although U.S. Embassy Islamabad has actively tracked cases and U.S. officials have raised concerns with Pakistani officials. The Strategic Dialogue, established between the United States and Pakistan in 2010, 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," but not human rights. Although the Dialogue was dormant for some time due to challenges in the bilateral relationship, by the end of the reporting period select bilateral working groups reportedly were meeting. USCIRF has recommended the inclusion of a working group on religious tolerance, so as to create a positive forum to engage on issues of mutual concern.

The aid relationship with Pakistan is complex and changing. Congress has placed certification requirements on U.S. military assistance to Pakistan focusing on counterterrorism cooperation. The State Department notified Congress that the Obama Administration would waive the certification requirements in July 2014. 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-Berman Act) 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 Act expired in 2014. The Obama Administration's FY2015 request for aid to Pakistan totaled \$882 million.

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. The forces that target religious minorities and members of the majority faith present a human rights and security challenge to Pakistan and the United States. USCIRF recommends that the U.S. government should:

- Designate Pakistan as a "country of particular concern," as required under IRFA, due to the

government's engagement in and toleration of particularly severe violations of religious freedom, and work to reach a binding agreement with the Pakistani government on steps to be delisted and avoid Presidential actions; such an agreement should be accompanied by Congress appropriating resources for related capacity building through the State Department and USAID mechanisms;

- Press the Pakistani government to implement the Supreme Court decision to create a special police
- Encourage the government of Pakistan to launch a public information campaign about the historic role played by religious minorities in the country, their contributions to Pakistani society, and their equal rights and protections; either in parallel or independently, use the tools of U.S. public diplomacy to highlight similar themes;
- Urge the Pakistani government and provincial governments to review all cases of individuals charged with blasphemy in order to release those subjected

Promoting respect for freedom of religion or belief must be an integral part of U.S. policy in Pakistan

force to protect religious groups from violence and actively prosecute perpetrators, both individuals involved in mob attacks and members of militant groups;

- Recognize the unique governmental offices focusing on religious tolerance at the federal and provincial levels by including discussions on religious tolerance in U.S.-Pakistan dialogues or by creating a special track of bilateral engagement about government efforts to promote interfaith harmony;
- Urge the reestablishment of the Federal Ministry for Interfaith Harmony and the removal of the commission on religious minorities from the Ministry for Religious Affairs, giving both direct access to the cabinet and Prime Minister;
- Work with international partners to raise religious freedom concerns with Pakistani officials in Islamabad and in multilateral settings, and to encourage the Pakistani government to invite the UN Special Rapporteur on Freedom of Religion or Belief for a country visit;
- Encourage national textbook and curricula standards that actively promote tolerance towards members of all religions, both in government schools and the *madrassa* system overseen by the religious affairs ministry;
- Work with federal and provincial parliamentarians to support the passage of marriage bills recognizing Hindu and Christian marriages;
- Call for the repeal of the blasphemy law and the rescinding of anti-Ahmadi provisions of law; until those steps can be accomplished, urge the Pakistani government to reform the blasphemy law by making blasphemy a bailable offense and/or by adding penalties for false accusations or enforcing such penalties found elsewhere in the penal code;
- Ensure that a portion of U.S. security assistance is used to help police implement an effective plan for dedicated protection for religious minority communities and their places of worship; and
- Provide USAID capacity-building funding to the provincial Ministries of Minority Affairs, and work with Pakistan's government and minority religious communities to help them reach agreement on measures to ensure their rights and security in the country.