

briefing

Pakistan

A Submission to the United Nations Human Rights Council Universal Periodic Review

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CHRISTIAN
SOLIDARITY
WORLDWIDE
VOICE FOR THE VOICELESS

PO Box 99, New Malden,
Surrey KT3 3YF

T: 0845 456 5464

E: admin@csw.org.uk

W: www.csw.org.uk

REGISTERED CHARITY NO. 281836

1. Introduction

Christian Solidarity Worldwide (CSW), a human rights organisation specialising in religious freedom, wishes to draw the attention of the OHCHR to the human rights violations directed in particular against religious minorities in Pakistan. This submission seeks to raise the following concerns:

- The abuse of the Blasphemy Laws
- Threats to lawyers and human rights defenders who represent blasphemy cases
- Violence against religious minorities
- Violence against religious minority women
- The Hasba Act which calls for the creation of a Taliban-style religious police system in North-West Frontier Province
- Madrasas
- Media Hate Propaganda

In a population of 145 million in Pakistan, 97% are Muslim. Pakistan is officially an Islamic state, and Islamic Shari'a law was incorporated into the legal code in 1991. Christians number no more than 2-3%, while Hindus, Sikhs and other minorities amount to 1-2%. Pakistan's current President, General Pervez Musharraf, has ruled since he took power in a military coup in 1999, deposing the civilian democratically-elected government of Nawaz Sharif.

CSW has visited Pakistan several times in recent years. In September 2005, CSW organised a Parliamentary Visit to Pakistan led by David Drew M.P (Labour). The delegation met Prime Minister Shaukat Aziz, the Minister for Religious Affairs & Minority Affairs, Muhammaed Ijaz Ul Haq, the Minister of State for Foreign Affairs, Makhdum Khusro Bakhtyar, the Chairman of the Senate Foreign Relations Committee & Secretary-General of the Pakistan Muslim League (PML-Q), Senator Mushahid Hussain Sayed, and a number of other senior political leaders. The delegation also met the Roman Catholic Archbishop of Lahore, Lawrence Saldanha, prominent human rights activist Group Captain (Rtd) Cecil Chaudhry, Executive Secretary of the National Christian Action Forum, Father Emmanuel Yousaf Mani, the National Director of the National Commission of Justice & Peace of the Catholic Bishops Conference of Pakistan (NCJP), representatives of the All Pakistan Minorities Alliance (APMA), the Human Rights Commission of Pakistan and lawyers from Legal Aid for Destitute and Settlement (LADS). CSW also interviewed victims of persecution, including former blasphemy prisoners now in hiding.

2. Recommendations

CSW urges the OHCHR to raise the human rights issues detailed in this submission with the Pakistani Government at every opportunity. Specifically, CSW would encourage the OHCHR to:

1. Urge the Pakistani Government to repeal the blasphemy laws.
2. Urge the authorities in Pakistan to ensure that those who are accused of blasphemy, and those who defend them, are given proper protection. The Pakistani legal system should ensure that the norms of justice are followed, and that a person is treated as innocent until proven guilty. The Government should stop extremists from crowding the court and threatening lawyers and judges.

3. Urge the Pakistani Government to implement proposed reforms of the education system and to regulate madrasas.
4. Continue to monitor the developments regarding the Hasba Act in North-West Frontier Province, and urge the Pakistani federal authorities to take all possible constitutional measures to prevent the implementation of the legislation.
5. Act to protect religious minorities and women victims of violence, and bring the perpetrators of religious or sexual violence to justice.

3. The abuse of the Blasphemy Laws

The Blasphemy laws were introduced by former military dictator General Zia ul-Haq in 1982 and 1986, through amendments to existing blasphemy legislation introduced by the British during the colonial period in India. In 1982, Section 295B made it a specific offence to desecrate the Koran and in 1986, blasphemy against the prophet was made unlawful. The ultimate penalty for blasphemy against the Prophet Mohammad is death, or life imprisonment.

Whilst no-one has been executed by the State, some have been murdered by extremists while they were in prison or on trial. Even if acquitted, the accused is marked for life in the eyes of militant Islamists. Most former blasphemy prisoners have to live the rest of their lives in hiding after their release from prison. They face death threats, mob violence and some have been killed. It is important to note that the laws affect people of all religious backgrounds in Pakistan, including Muslims. They are often misused as a tool with which to settle personal scores or persecute religious minorities.

The accused cannot be guaranteed a fair trial. Evidence is virtually optional as an accusation by one Muslim man against another person suffices to arrest, charge and imprison. In one case in Sargodha, for example, the defence showed that the prosecution witness was unreliable, but the judge ruled that because he had a beard and was a Muslim, his evidence was acceptable, and the accused was found guilty. Furthermore, details of any accusation can seldom be revealed as to repeat blasphemous remarks would bring further accusations of blasphemy.

The number of deaths, false convictions, wrongful imprisonments, cases of torture and religious conflict continue to rise significantly. In 2004 alone, allegations were levelled against 88 people, but the cases did not proceed. Of these, 83 allegations were levelled against Muslims and five against Christians. At least twenty people have been murdered extra-judicially by extremists, after having been accused of blasphemy. In the first half of 2005, according to the NCJP, at least 60 people were accused under the blasphemy laws, 53 of whom were formally charged. Of the 53 individuals charged with blasphemy, 27 (51%) were Muslims, 23 (43%) Ahmadis, two Hindus and one was a Christian. In April 2007, five children were charged with blasphemy in Khanewal.

3.1. Disregard for procedural reforms

The state facilitates these abuses as the laws lack any definition of terms and ignores the question of intent. In President Musharraf's proposed amendment to Section 295C of the Pakistan Penal Code in October 2004, no police officer below the rank of Superintendent shall have the power to investigate accusations of blasphemy. President Musharraf also presented a bill to criminalise honour killings. However, these procedural changes have still

not prevented the misuse of the laws, because the weakness of the blasphemy laws is not the procedure for investigation, but rather the definitions of the laws themselves. No definition of blasphemy, or of 'word', 'action' or 'body language', is provided, and indeed Muslims have different interpretations. The police and judiciary are still susceptible to bribery, corruption, intimidation and/or religious extremism. For example, Samuel Masih, a Christian charged with blasphemy and awaiting trial, was beaten to death in May 2004 (before the procedural reforms were introduced) by an Islamic extremist police officer in hospital.

The reforms will not prevent such attacks taking place. The Archbishop of Lahore, Lawrence Saldanha, said that the procedural reforms "don't mean anything on the ground – they are just cosmetic". Since the introduction of the procedural reforms, there have been several cases in which the new procedure has not been followed and the case has been handled by a junior officer. One example is summarized below:

On 2 September 2005, Mr. Chaman Lal and his wife Krishna, a Hindu couple, were arrested in the North West Frontier Province for allegedly desecrating the Koran, by throwing it into the fields near their home. The incident occurred in Gandaf village in the Swabi district, 150 km from Peshawar, when a Muslim man found the copy of the Koran in the agricultural fields. He told the village council he suspected Chaman Lal and his wife Krishna. A stick-wielding mob chanting anti-Hindu slogans gathered outside Lal's home and finding that the couple and other members of the family were not there, they attacked the house and almost destroyed it. The angry mob demanded that the couple be handed over to them; the mob blocked the road leading to the village for a couple of hours. Paramilitary troops had been deployed after a mob attacked the house of the couple. Mr. Chaman Lal and his wife Krishna were arrested and other members of the family were moved to another location. An FIR 302/05 was registered under section 295B of the Pakistan Penal Code. Mr. Lal is the son of the well-known Hakim Gangahvaish, and the family has lived in the village for over 120 years.

3.2. Acquittal does not equal safety

Even if acquitted, people accused of blasphemy are not safe. They are marked for life in the eyes of Islamist militants, and have to live in hiding.

Pervez Masih, headmaster of a school in Sialkot district, was arrested on 1 April 2001 in Daska, charged under Section 295C. He was accused by Mohammad Ibrahim, a business rival, of making derogatory remarks about the Prophet. This case is still in the trial court. Pervez Masih was reportedly attacked in jail in 2003 by fellow prisoners, who used a piece of glass to attempt to cut his throat. He was acquitted in 2007 after 2,225 days in prison, but he told ASSIST News Service, "I am forced to stay in hiding. I cannot move in any public place. Fearing attacks by the fundamentalist Muslims, even my relatives have abandoned me and they no longer entertain me".

4. Threats to lawyers and human rights defenders who represent blasphemy cases

Lawyers who defend those who have been accused of blasphemy face similar threats to those accused of blasphemy. They are facing increasing death threats and physical assault. Conditions in the courtroom during trials are not conducive to a fair trial, as extremists intimidate judges and other court officials.

Parvez Aslam Choudhry, for example, faces constant danger. He is Chairman of the Lahore-based legal group known as Legal Aid for Destitute and Settlement (LADS), and has defended many blasphemy cases in the High Court. Mr. Choudhry has received numerous anonymous telephone calls and has been physically assaulted outside the court. On 26 January 2006 for example, a van drove into his car on his way home from court, causing him minor injuries. This was not the first time he has been in danger. As President of the Christian Lawyers Association and recipient of the Pakistan Minorities Front Bishop John Joseph Award, he has defended many Muslims and non-Muslims accused of blasphemy and has been attacked on several occasions.

The former Chairman and Secretary-General of the Human Rights Commission of Pakistan, and the current Secretary-General, have received threats and always travel with police protection. However, for most human rights activists the police will not provide security.

5. Violence against religious minorities

On several occasions in recent years churches and Christian communities have been attacked, with homes, schools and church buildings burned by mobs and Christians assaulted, killed or driven away into hiding.

There have been sporadic outbreaks of violence against Christians in Pakistan over recent years. These incidents have included attacks on churches, beatings and even killings of individuals, sexual violence against women and the destruction of Christian homes. Christians in some communities in 2007 have also received threatening letters ordering them to convert to Islam or face death.

On 12 November 2005 there was the worst outbreak of anti-Christian violence since gunmen attacked a church on Christmas Day 2002. A mob destroyed the Roman Catholic, Salvation Army and United Presbyterian churches in Basti Asyia, Sangla Hill village in Punjab, accusing a Christian man of desecrating the Koran. The mob, estimated to be between one and two thousand, also destroyed a convent, St. Anthony's School, a girls' hostel and a Catholic priest's home. They burned Bibles, Christian literature, crosses and other Christian materials, and set fire to Christian homes. According to the APMA, "within minutes, the Christian residential area was blazing. Christian residents fled to save their lives". This attack was followed by a gathering of 3,000 Muslims for Friday prayers at Jamia Mosque in Sangla Hill on 2 December. Islamic leaders using loudspeakers urged Muslims to rise up and eliminate Christians. They also passed a resolution demanding the public hanging of Yousaf Masih, a Christian accused of desecrating the Koran. Over 2,500 Muslims gathered again on 9 December, calling for the release of 88 people arrested by the police, accused of attacking the Christians on 12 November.

6. Violence against religious minority women

Women of all religious backgrounds face various forms of domestic and sexual violence. Muslim women face the threat of 'honour killings'. According to Human Rights Watch, between 70 and 80 per cent of women in Pakistan suffer domestic violence, in the form of physical, sexual or verbal abuse¹. Christian women, and in particular young girls, appear to be particularly targeted for sexual violence. In recent years there have been several cases - one example follows:

¹ *Human Rights Monitor 2004: A report on the religious minorities in Pakistan*, NCJP, March 2004, p. 228

On 8 April 2007, twelve-year-old Shaheena Masih was kidnapped and gang-raped by four Muslim men on her way to the shops in Lahore, according to a report from the APMA. One of the rapists allegedly told his accomplices, “Don’t hesitate to rape a Christian girl. Even if she dies, no one will get us. Her poor parents cannot pursue us”. Shaheena was raped by the four men, locked in a room then beaten and taken to a brothel. She was rescued by Nishtar colony police officers. The APMA claims she returned to her home two days after she was kidnapped, “bleeding profusely and in a pathetic condition”. Shaheena was taken to Lahore General Hospital for a medical examination, but the police refused to give her family the medical report. The four men were arrested and the police registered a case against them under Article 496-A/376 of the Pakistan Penal Code. However, three were subsequently released and police are reportedly under pressure from the kidnapers not to pursue the case.

7. The Hasba Act in North-West Frontier Province

On 13 November 2006, the provincial assembly of the North-West Frontier Province (NWFP) in Pakistan passed the Hasba Bill, which will enable the creation of a Taliban-style religious police system in NWFP. The measures set out in the legislation include the creation of an Islamic watchdog to monitor the strict observance of Islamic practices in public places, similar to the Taliban regime’s Department of Prevention of Vice and Promotion of Virtue in Afghanistan. The NWFP is governed by the Muttahida Majlis-e-Amal (MMA) coalition of Islamist radical parties believed to have close ties to the Taliban and al-Qaeda. A previous draft of this legislation had been passed by the provincial assembly in 2005, but was declared unconstitutional by Pakistan’s Supreme Court. The current legislation has been sent to the Governor of NWFP for ratification. The legislation, described by the APMA as ‘Islamic martial law’ is still being challenged in the Supreme Court.

8. Madrasas

While this issue is not covered in this submission in detail, there is widespread concern that the Pakistani government’s promises to reform the madrasas have not materialized and that these remain centres for training extremists and, in some cases, terrorists. A recent report by International Crisis Group (Asia Report No. 130 – 29 March 2007), called *Pakistan: Karachi’s Madrasas and Violent Extremism* is worth studying, along with several previous ICG reports on the subject.

9. Media Hate Propaganda

A recent article in the *Daily Times* in Pakistan, titled ‘Jihadi media thrives in Pakistan’ (26 April 2007) claims that ‘despite government promises to crack down, hate-filled jihadist propaganda is thriving in Pakistan, especially in print and on the Internet’. According to the report, one newspaper accuses Jews and Christians of engaging in ‘genocide’ against Muslims, and one website says children should love guns instead of cricket. ‘A video shows a child beheading a militant accused of betraying his comrades,’ the article claims. This issue is not detailed in this submission, but it is one which CSW would wish to draw to the attention of the OHCHR.