



Persecution / worsened ↓

Religion

Population

Area

- Muslims : **96.3%**
- Christians : **2.0%**
- Hindus : **1.3%**
- Others : **0%**

192.827.000

796.095 Km²

Legal framework on freedom of religion and actual application

Pakistan was founded as a secular state at the time of India's partition in 1947. Only gradually did the country's more militant Muslim character assert itself, for example, when its name was changed in 1956 to the Islamic Republic of Pakistan. Since then, the "land of the pure" (the word Pakistan is a neologism from pāk, "pure" in Urdu, and the suffix -stan, meaning country, with an i for easier pronunciation^[1]) took on a very distinctly Islamic orientation under the dictatorship of General Zia ul-Haq, in power from 1977 to 1988, as Islamic law (shari'a) played a greater role within the Pakistani legal system. In recent years, attempts by successive governments in Islamabad to fight interreligious violence and discrimination against non-Muslims have not met with much success, with society itself undergoing a very noticeable process of Islamisation.

The 1973 constitution stipulates in its preamble and in articles 20, 21 and 22 that all citizens enjoy the freedom to freely practise and profess the religion of their choice.^[2] However, the right to religious freedom is considerably limited by Pakistan's constitutional, legal and political structures, which do not treat religious minorities as equal citizens to Muslims.

From a constitutional vantage point, article 2 of the constitution establishes that Islam is the religion of the state. Article 41, 2 states that the head of state must be a Muslim and article 91, 3 stipulates that the Prime Minister must also be a Muslim. According to article 203, E, the Federal Islamic Court has the power to invalidate any law contrary to Islam or to suggest amendments thereof. Moreover, on 7th September 1974, the second amendment to the constitution defined who could be considered a Muslim in Pakistan and who could not. This was formulated in such a way as to exclude the Ahmadiyya, a minority whose members consider themselves Muslims but whom majority Sunni Islam rejects as deviant and non-Muslim.

From a legal perspective, the so-called "blasphemy" laws, introduced in 1986 in the Pakistan Penal Code – articles 295

B, 295 C, 298 A, 298 B, 298 C – severely restrict freedom of religion and expression. Profaning the Qur'an and insulting Muhammad are both punishable offences, respectively carrying maximum sentences of life imprisonment and death. In everyday life, these laws are often used as a means to persecute religious minorities. In recent years, various attempts to reform, or define the limits of, these laws have failed to effectively change what is in essence the sword of Damocles hanging over Pakistani citizens of whatever religious denominations.

From a political point of view, the so-called "separate electorate" system admittedly allows for political representation of religious minorities in the country's elected assemblies: according to this scheme ten seats are reserved for them in the Federal Parliament, but this designates religious minorities as "apart" from the rest of the nation.^[3]

In a country whose legal system is based on British law, it has long been thought that respect for the rule of law could be a hindrance to the Islamisation of society, or, at the very least, that minorities could rely on the courts to defend themselves against Muslim violence in the streets. Unfortunately, this has not always been the case. On the contrary, for Ghulam Mustafa Chaudhry, head of the Khatm-e-Nubuwwat Lawyers' Forum in Lahore, "Whoever does this [blasphemy], the punishment is only death. There is no alternative^[4] – fiery words one might expect from the leader of an Islamist party or a conservative ulema. Such legal professionals, who are as active as they are discreet, have taken on the mission of ensuring that the anti-blasphemy laws are applied to the fullest extent possible.

According to a survey published by Reuters on 6th March 2016,^[5] the Khatm-e-Nubuwwat Lawyers' Forum (Movement for the Defence of the Prophet), is trying to achieve this goal by using their expertise and influence in the legal system to ensure that anyone who insults Islam or Muhammad is indicted, tried and, where permitted by law, executed. In the case of the assassination of the Punjab Governor Salman Taseer,^[6] killed in January 2011 by his bodyguard for challenging the anti-blasphemy laws and defending a Christian woman, Asia Bibi,^[7] Ghulam Mustafa Chaudhry himself defended the accused – without success as Mumtaz Qadri was sentenced to death and executed on 29th February 2016. His burial, on 1st March 2016 in Islamabad, provided an opportunity for hundreds of thousands of Islamists to show their support. Indeed, according to Chaudhry, Mumtaz Qadri was right when he killed Salman Taseer, who blasphemed by publicly challenging the anti-blasphemy laws.

Obviously, the government's attempts to regulate the application of anti-blasphemy laws face very strong opposition. In November 2015, the country's Supreme Court ruled that simply discussing anti-blasphemy laws could not be considered blasphemy per se, but in practice it is impossible to carry out a calm and peaceful debate on this issue. In January 2016, the Council of Islamic Ideology, an official organisation in Pakistan, proposed amendments to the laws, but this could also lead to tougher legislation.

According to police statistics, blasphemy complaints recorded at police stations are on the rise. Since the founding of Khatm-e-Nubuwwat 15 years ago, the number of blasphemy cases in Punjab Province alone has tripled. A peak was reached in 2014 with 336 cases. This number dropped to 210 in 2015 when the province restricted the procedure for filing a complaint. Nevertheless, "If they hear of a complaint, the [Khatm-e-Nubuwwat] lawyers will come to the person and offer to take the case for free," said a policeman, whose name was withheld to avoid reprisals. "Sometimes they arrive with people and encourage them to make a complaint."^[8]

For the time being, no one sentenced to death for blasphemy has been executed in Pakistan, but the death rows in Pakistani prisons are gradually filling up. According to one report, of the more than 8,000 prisoners sentenced to death, more than 1,000 are blasphemy cases but the evidence is sharply divided on this point.^[9] Among them is that of Asia Bibi, a Christian woman whose accuser, at both the lower and appeal court levels, was assisted by a lawyer from Khatm-e-Nubuwwat.

Although government authorities, which resumed executions in 2014 (after a moratorium between 2008 and 2014), have not yet executed anyone in blasphemy cases, they have nevertheless failed to prevent extrajudicial executions. According to the Centre for Research and Security Studies, an independent Pakistani organisation, at least 65 people have been lynched^[10] or murdered since 1990 – including judges and lawyers – on suspicion of blasphemy or for taking

the defence of people accused of blasphemy.

Gone are the days in the early 2000s when lawyers rose up against the repressive measures taken by President Pervez Musharraf (in power from 2001 to 2008). Back then, people were talking about the Lawyers' Movement, the Movement for the Restoration of the Judiciary, and the Black Coat Protests. Now, these pro-democracy lawyers seem to be much less visible whereas the lawyers who want greater Islamisation of society seem more virulent.

| Incidents

According to Archbishop Joseph Arshad of Islamabad-Rawalpindi, who is President of the National Commission for Justice and Peace, there is an “alarming increase in violent incidents of intolerance and extremism in our country”^[11] These incidents target religious minorities because of their faith, the National Commission for Justice and Peace said in a statement. “These attacks on minorities are not acceptable and the state must seriously revisit the National Action Plan,”^[12] it added. The National Action Plan (NAP) was put in place after an Islamist attack on 16th December 2014 at a Peshawar military school that killed 141 people, including 132 children. The NAP is structured around two areas: security and legislation.

On the security front, the army is trying to try to incapacitate terrorist groups. One example is the elimination in May 2018 of Salman Badeni and two of his relatives during a Special Forces raid in Killi Almas, a village near Quetta, Balochistan.^[13] Salman Badeni was the leader of Lashkar-e-Jhangvi Balochistan, a group suspected of carrying out deadly attacks against more than a hundred Shi'as from the Hazara ethnic minority and about 15 Christians from Quetta.

At the legislative level, in February 2017, the National Assembly – the lower house of Parliament – passed a law to prohibit hate speech, sectarian attacks and forced marriages of girls from religious minorities. According to Samuel Pyara, president of Bright Future Society, a Lahore-based Christian association, “these steps are crucial to save our country [...] Lynching as a way of doing justice to oneself has become a ?normal? mode of operating our society. It was therefore necessary to punish such acts and we appreciate the action of the government”.^[14]

Others point to the fact that it is not so much the law that is the problem than the violence and corruption at work in Pakistani society.

“The heart of the problem lies in the application of the law, as well as in the frequent inaction of a police force where corruption is widespread and which perceives Christians with animosity as a ?ritually impure? community,^[15] said Wilson Chowdhry, president of the British Pakistani Christian Association. Mr Chowdhry said that the acquittal by an anti-terrorist court in Lahore, on 28th January 2017, of 115 suspects indicted after the March 2013 violence in Joseph Colony, a Christian neighbourhood in Lahore, is an all too common occurrence.

Nobody seems to be safe from armed extremists in Pakistan. On 6th May 2018, a gunman targeted the Federal Minister of the Interior, Ahsan Iqbal, on a visit to his Punjab constituency. After meeting with a group of Christians from Kanjroo village in Narowal District, the minister was targeted by a man, eventually stopped by the minister's bodyguards, after he had already fired a shot. The Minister was injured when the bullet passed through his arm before entering his groin, but he was not mortally wounded. The gunman, identified as Abid Hussain, claimed to be a member of Tehreek-e-Labaik Pakistan, a political party that is fundamentally opposed to any challenge to anti-blasphemy laws. He said he acted to prevent the government from calling into question the definition of Muhammad as the last prophet, an issue that divides Ahmadis from main-stream Muslims. In 2017, this party had protested for three weeks in Islamabad demanding that the anti-blasphemy laws not be debated. In the end, the Islamist militants won their case because the Federal Law Minister stated that the legislation would not be amended. Without the intervention of his bodyguards, the Minister of Interior would have joined two other important Pakistani political figures who were assassinated, namely Salman Taseer, the Governor of Punjab, and Shahbaz Bhatti, the Minister of Minorities. In early January 2011, Taseer, a Muslim, was gunned down; at the beginning of March 2011, Shahbaz Bhatti, a Catholic, was also killed. In both cases, the two victims were murdered for defending Asia Bibi and calling into question the application of anti-blasphemy laws in the country.

Asia Bibi has been waiting on death row for almost eight years. Accused of blasphemy by a Muslim neighbour, she was sentenced to death in November 2010, a decision upheld on appeal in October 2014. In October 2016, the Supreme Court postponed indefinitely the hearing to make a final ruling in her case. But in May 2018 her lawyers were informed that a new appeal could be heard soon. Any optimism seems highly premature because "the Asia Bibi affair" has divided Pakistani society between the proponents of a certain liberalism who want to see the prisoner freed and Islamists who demand her execution.

According to the US Commission on International Religious Freedom, about 40 people have been sentenced to life imprisonment or are awaiting execution for blasphemy in Pakistani prisons. There are few signs of any positive developments in this area: on 30th December 2017, the Supreme Court ordered the release of Muhammad Mansha since the case against him was based on the "non-availability of solid evidence".^[16] Muhammad Mansha, a Muslim, was serving a life sentence for "blasphemy" and had already spent nine years in detention. On the other hand, the scope of anti-blasphemy laws has been extended to the sphere of electronic communications. In June 2017, Taimoor Raza, a Shi'a Muslim, was sentenced to death for blasphemous remarks posted on Facebook, a popular social media in Pakistan.^[17] This is the first time that a death sentence for blasphemy had been pronounced in the country for comments made on a digital platform. The sentence follows the enactment in 2016 of a law on cybercrime that extends the penalties provided by the Penal Code to offences and crimes committed via the Internet.^[18]

The forced marriages of young girls also devastates religious minorities. In recent years, the growing phenomenon of the forced conversions of Hindu girls in Sindh Province has become a major problem for the Hindu community. According to the Pakistan Hindu Panchayat Association, every year nearly 1,000 girls and young women in Sindh are forced to convert to Islam, which has sparked an exodus of Hindu families to neighbouring India. In February 2016, a law was passed in Sindh prohibiting this form of violence but it is still too early to see if it will have any real effect. Certainly girls have continued to be targeted, To give one example, in late December 2017, three gunmen abducted a 14-year-old Hindu girl from her home in Thar village, Sindh Province. Her father made enquiries and was informed that she had freely converted to Islam and married local man Naseer Lunjo. The family dismisses any claim that she freely converted. Police have refused to get involved.^[19] Indeed, in Pakistan, where civil marriage does not exist, Hindus, unlike Muslims and Christians, could not register their marriage with civil authorities until last year,^[20] which made their daily lives difficult, especially in obtaining identity papers, enforcing property rights or gaining inheritance. The situation of Hindu women is even more difficult. Since Pakistan did not recognise their marital status, they were considered single, even when married to a Hindu, and were therefore easy prey for abductors of non-Muslim women.^[21]

This form of violence against women does not only affect Hindus. Other religious minorities are also vulnerable. For example, on 22nd April 2018 young Christian woman Asma Yaqoob was killed. The 25-year-old was employed as a maid by a Muslim in Sialkot, a town located some 100 kilometres from Lahore. According to the young woman's father, she

was sprayed with acid and gasoline for refusing the advances of one of the men of the household where she worked who wanted to marry her. The young woman died after five days of agony in hospital: nine tenths of her body had third-degree burns.^[22]

In this context, good news is rare indeed. One can mention here the inauguration, on 15th April 2018, of a Christian chapel on the campus of Faisalabad's University for Agriculture. In a country that has 177 universities and institutes of higher education, this is the first time that a non-Muslim place of worship was allowed. At the inauguration, Archbishop Joseph Arshad of Islamabad-Rawalpindi, cited the words of Mohammad Ali Jinnah, the father and founder of the nation: "You are free; you are free to go to your temples. You are free to go to your mosques or to any other places of worship in this State of Pakistan. You may belong to any religion, caste or creed – that has nothing to do with the business of the state."^[23]

Prospects for freedom of religion

2018 is an election year in Pakistan. Early parliamentary elections were called for the start of July. The PMLN (Pakistan Muslim League – Nawaz) faces serious setbacks since the Supreme Court impeached Prime Minister Nawaz Sharif in July 2017 for corruption. Since then Sharif has been banned from leading the party that he founded and is prohibited from participating in any election for the rest of his life. This election could lead to violent demonstrations during which religious minorities could be easy targets.

On 17th December 2017 a suicide bomber took the lives of nine people and injured 60 more. Daesh (ISIS) claimed responsibility for the attack, which targeted the Bethel Memorial Methodist Church in Quetta, Balochistan. Government authorities denied the claim saying that Daesh is not present in Pakistan.^[24] This did not stop US President Donald Trump from suspending US aid to Pakistan (US\$ 3 billion) for the fiscal year 2018 until the Pakistani government gets more results in the fight against Islamist terrorist organisations active in country whose actions impact the security situation in Afghanistan. In early January 2018, the United States placed Pakistan on a Special Watch List for serious violations of religious freedom,^[25] along with countries like Burma, China, Iran, North Korea and Saudi Arabia. While waiting for a possible improvement of the situation in the country, the number of Pakistanis from religious minorities who want to leave continues to grow. According to Senator Ramesh Kumar, a Hindu politician elected by the "separated electorate", some 5,000 Hindus leave Pakistan every year as a result of the persecution they face.^[26]

Catholic Archbishop Joseph Coutts, 72, of Karachi, the port city located in the south of the country, became a cardinal of the Church on 29th June 2018. On 20th May 2018, he told the press that inter-religious dialogue was a priority. But, at the same time, he did not hide the fact that violence was "a problem that is affecting the whole country. This extremist, very fanatic form of Islam, which is not the Islam of the general population, is affecting not only Christians and other non-Muslims, but the terrorists are not sparing even Muslims. They are targeting shrines and mosques. [...] People, as a result of the persecution, begin to lose confidence. They lose confidence in the government to do something. [...] We should join hands with people who are open to all communities."^[27]

Endnotes / Sources

[1] It is also an acronym created in the 1930s using the name of the provinces of the country: Punjab, Afghania (now Khyber Pakhtunkhwa), Kashmir, Sind and Balochistan.

[2] Pakistan's Constitution of 1973, Reinstated in 2002, with Amendments through 2015, [constituteproject.org](https://www.constituteproject.org), https://www.constituteproject.org/constitution/Pakistan_2015.pdf?lang=en (accessed 21st May 2018).

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[8] "Pakistani lawyers' group behind spike in blasphemy cases", op. cit.

[9] According to the "Justice and Peace" Commission of the Catholic Bishops' Conference of Pakistan, between 1986 and 2009, 964 people were sentenced for blasphemy. Among them, there are 479 Muslims, 119 Christians, 340 Ahmadis, 14 Hindus and ten belonging to other religions. Of 1,537 cases of blasphemy recorded, 41.18 percent involved Muslims (while the latter represent 96.4 percent of the population), 32.14 percent were Ahmadis, 13 percent were Christians (2 percent of the population) and 1.36 percent were Hindus (1.5 percent of the population).

[10] "La mort atroce d'un couple de chrétiens pakistanais souligne l'urgence à réformer les lois anti-blasphème", Églises d'Asie, 7th November 2014, <http://eglasie.mepasie.org/asia-du-sud/pakistan/2014-11-07-la-mort-atroce-d2019un-couple-de-chretiens-pakistanais-souligne-l2019urgence-a-reformer-les-lois-anti-blaspheme> (accessed 21st May 2018).

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[12] Ibid.

[13] "Pakistan army kills top Islamic militant", UCANews, 17th May 2018, <https://www.ucanews.com/news/pakistan-army-kills-top-islamic-militant/82339> (accessed 21st May 2018).

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