

# briefing

## Pakistan

*Visit to Pakistan*

OCTOBER 25 - NOVEMBER 2, 2004



CHRISTIAN  
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## Table of contents:

Visit to Pakistan .....	1
NOTES FOR USE – .....	<b>Error! Bookmark not defined.</b>
To insert your table of contents, click on Insert, reference, index & tables. Click on the table of contents tab and then click ok. Your table of contents will be automatically inserted in the correct format.....	
NOTES FOR USE – PLEASE DELETE BEFORE USE.....	<b>Error! Bookmark not defined.</b>
I. Heading 1 .....	<b>Error! Bookmark not defined.</b>
I.1. Heading 2.....	<b>Error! Bookmark not defined.</b>
I.1.1. Heading 3 .....	<b>Error! Bookmark not defined.</b>

*“The Christians are the easiest targets in Pakistan because they are poor, they can’t raise their voices, they can’t fight cases.”*  
A human rights worker

## **I. Summary**

Christians<sup>1</sup> and other religious minorities, and women, continue to suffer extreme persecution and oppression in Pakistan, in the form of harassment, discrimination, hate propaganda, death threats, violent attacks, torture and murder. Despite reformist rhetoric by Pakistan’s President Pervez Musharraf, including proposals for procedural reform of the blasphemy laws, the Hudood Ordinance, and reform of the law on ‘honour killings’, the reality for minorities and women in Pakistan has not changed. The threatened introduction of the Hisba Act and full Shari’ah law in the North-West Frontier Province (NWFP) will, if action is not taken to prevent it, strengthen the militant Islamists.

In 2004, at least three Christians were killed in Pakistan, two as a result of police torture: Nasir Masih, Samuel Masih and Javed Anjum<sup>2</sup>. Lawyers who defend blasphemy cases, and activists campaigning for human rights are under constant threat from both militant Islamists and government authorities. In addition, the rise of militant Islamist terrorism<sup>3</sup> has contributed to a climate of fear for minorities and women in Pakistan.

However, while many people question the intentions of President Musharraf and his ability to deliver meaningful reform, there are some signs of hope. According to the National Commission for Justice and Peace (NCJP) of the Catholic Bishops Conference, “while many times people in Pakistan say that democracy and human rights are part of a Western agenda and they accuse human rights activists of being agents of the West, Jews and India, the human rights family in Pakistan is increasing day by day, opposition to human rights work is decreasing and we are winning the argument.” The Rt. Rev. Samuel Azariah, Church of Pakistan Bishop of Raiwind, told CSW that he is “slightly encouraged by some developments affecting oppressed minorities.” Whether President Musharraf’s reformist rhetoric is “genuine or the result of international pressure” remains to be seen, but some encouraging small steps have been taken. The restoration of the Joint Electorate System is a major achievement for the minorities, he noted. The increasing recognition that the blasphemy laws have been misused is encouraging, with some Maulvis (Muslim priests) beginning to accept the need for a review, although the reforms proposed so far are not enough. “Our desire is for the blasphemy laws to be revoked.” Interestingly, Bishop Azariah perceives some “slight openness” on the part of fundamentalist Muslims towards inter-religious dialogue, although “only time will prove” whether this is genuine or simply an effort to improve their image. A meeting was held in Oslo, Norway, in June between Christian and Muslim leaders, and on September 16 this year President Musharraf chaired an inter-religious dialogue meeting in Islamabad. Bishop Azariah hosted a lunch recently at his home for a group of Maulvis, and they said that five years ago such an occasion could not have been dreamed of. “This is a breakthrough. We still have our doubts and fears, but we also believe that President Musharraf has been the most minority-friendly leader we have ever had,” said Bishop Azariah.

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<sup>1</sup> Christians are estimated to be two per cent of Pakistan’s 140 million population.

<sup>2</sup> For details see CSW Pakistan Briefing, September 2004, available from the CSW UK office. See also press releases at [www.csw.org.uk](http://www.csw.org.uk)

<sup>3</sup> It is worth noting that the CSW delegation was in the Marriot Hotel in Islamabad on October 28, and left the hotel five minutes before an explosion which, while officially declared to be the result of an electrical short-circuit, is widely believed to have been caused by a terrorist bomb.

## 2. Meetings

CSW visited Lahore, Islamabad and Rawalpindi. The delegation met Senator Zahid Khan (Awami National Party, Dir District, North West Frontier Province), Naveed Amir, Member of the National Assembly (Minorities reserved seat; Christian) and Sheikh Mansoor Ahmed, Deputy Secretary General of the Pakistan People's Party Parliamentarians, in Islamabad. We also met the British High Commission. In Lahore we held discussions with Group Captain Cecil Chaudhry, a leading activist for human rights and religious freedom, and met the Roman Catholic Archbishop of Lahore, the Rt. Rev. Lawrence Saldanha and Church of Pakistan Bishop of Raiwind, the Rt. Rev. Samuel Azariah. CSW also met the Director of the Human Rights Commission of Pakistan (HRCPP), I.A. Rehman, and representatives of the All Pakistan Minorities Alliance (APMA), the National Commission for Justice and Peace (NCJP)<sup>4</sup>, Legal Aid for Destitute and Settlement (LADS), the Christian Lawyers Association of Pakistan and the Christian Organisation for Human Rights. At undisclosed locations we interviewed former blasphemy prisoners Aslam Masih and Shafiq Masih; a seven year-old rape victim, Sharee Komal; and visited a hostel for women threatened with honour killings.

## 3. The Blasphemy Law

“No other law in the name of religion has had a more devastating and massive effect in recent years than the blasphemy laws,” notes the National Commission for Justice and Peace (NCJP) of the Catholic Bishops Conference of Pakistan<sup>5</sup>. Introduced by General Zia ul-Haq, Pakistan's former military dictator, in 1985, the blasphemy laws are detailed in Section 295 of the Pakistan Penal Code. They state:

Section 295A: *“Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs. Whoever, with malicious and deliberate intention of outraging the religious feelings of any class of the citizens of Pakistan, by words, either spoken or written or by visible representations, insults or attempts to insult the religion or religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.”*

Section 295B: *“Defiling of the Holy Koran. Whoever wilfully defiles, damages or desecrates a copy of the Holy Koran or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.”*

Section 295C: *“Use of derogatory remarks in respect of the Holy Prophet. Whoever, by words either spoken or written, or by visible representation, or by imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Mohammad (peace be upon him) shall be punished by death, and shall also be liable to fine.”* [Note: The death penalty was introduced for Section 295C in 1992.]

From 1947-1985, Muslims and Christians lived largely in harmony, with few cases of religiously motivated extrajudicial killings. But since 1985, the number of deaths, false convictions, wrongful imprisonments, cases of torture and religious conflict has risen significantly. “This law is a weapon in the hands of extremists to settle scores,” said one Pakistani religious minority leader. According to the NCJP, between 1986 and 2003 at least

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<sup>4</sup> The NCJP, established in 1985 by the Catholic Bishops Conference of Pakistan, has branches in 42 districts. The NCJP carries out democratic development programmes, human rights education, media training, peace education in schools, campaigns against discriminatory laws and provides legal aid. The NCJP has handled more than 600 legal cases, including blasphemy charges, land grabbing and violence against minority women. The NCJP provides assistance to Muslims as well as minorities charged with blasphemy, and has been particularly involved in the case of a Muslim, Dr Younas Sheikh, accused of blasphemy under Section 295C and sentenced to death, but acquitted in November 2003.

<sup>5</sup> *Human Rights Monitor 2004: A report on the religious minorities in Pakistan*, NCJP, March 2004, p.39

280 cases of blasphemy were registered. Of these, 254 were against Muslims; 203 Ahmadis; 78 Christians; 8 Hindus<sup>6</sup>.

President Musharraf presented proposed procedural reforms to the blasphemy laws to the National Assembly, along with a bill to criminalise honour killings. The legislation concerning honour killings was passed on October 26, but the changes to the blasphemy law, in the form of amendments to the Pakistan Penal Code, have not yet been adopted.<sup>7</sup> In the proposed amendment to Section 295C of the PPC, no police officer below the rank of Superintendent shall have the power to investigate accusations of blasphemy. According to *Dawn*, “under the original law, anyone accused of blasphemy was immediately arrested and charged, after which an investigation was carried out, often by a junior officer”<sup>8</sup>.

However, these procedural changes will not prevent the misuse of the laws. The police and judiciary are still susceptible to bribery, corruption, intimidation or indeed religious extremism. Samuel Masih, a Christian charged with blasphemy and awaiting trial, was beaten to death in May by an Islamic extremist police officer in hospital<sup>9</sup>. 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 Director of the Human Rights Commission of Pakistan, Mr. I.A. Rehman, believes the blasphemy law is “an extremely bad law” because it “overlooks the question of intent”. This has meant that it is almost impossible for a person accused of blasphemy to receive a fair trial, certainly in lower courts. “Procedural improvements may reduce the hardship in some cases, but they cannot overcome the problem of definition of the law,” Mr. Rehman told CSW. “Before this law was introduced we had no cases of blasphemy. This is a law which creates offences rather than preventing them.”

There are currently over 30 blasphemy cases under trial or awaiting trial. These include at least 10 Christians, such as:

*Shahbaz Masih*: Sentenced on October 9, 2004 to life imprisonment under Section 295A and 295B, despite medical confirmation that he is clinically insane and had been a patient in a Lahore mental hospital before his arrest. Section 84 of the PPC states that a person who is insane should not be tried, but this has been ignored in this case. An appeal has been filed in the Lahore High Court by Parvez Aslam Chaudhry, Chairman of Legal Aid for Destitute and Settlement (LADS). Shahbaz Masih has been held in Faisalabad Central Jail since 2001.

*Ranjha Masih*: Sentenced to life imprisonment and Rs 50,000 fine on April 26, 2003 by the Additional District and Session Judge in Faisalabad under Section 295C, accused of desecrating a sign board which had a declaration of the Islamic faith on May 8, 1998. He had been part of the group mourning the death of Bishop John Joseph of Faisalabad, who shot himself in protest at the death sentence passed on Ayub Masih, a Christian charged with blasphemy. Ranjha Masih was also a political worker for the Pakistan People’s Party (PPP), and was accused of blasphemy by a political opponent. An appeal has been filed by Parvez Aslam Chaudhry and LADS, and it is expected to be heard in March/April 2005. Ranjha Masih has been held in Faisalabad Central Jail.

*Pervez Masih*: Arrested on April 1, 2001, in Daska, charged under Section 295C. This case is still in the trial court. Pervez Masih was reportedly attacked in jail last year by fellow prisoners, who used a piece of glass to attempt to cut his throat. He is held in Sailkot Jail.

*Augustine ‘Kingri’ Masih*: Sentenced to death on June 29, 2002, under Section 295C. He is currently held in Faisalabad Central Jail, awaiting appeal.

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<sup>6</sup> NCJP, *ibid*, p.48

<sup>7</sup> *Karo-kari bill passed by NA*, Daily Times, October, 27 2004

<sup>8</sup> *Honour killing law tightened*, Dawn, October, 27 2004

<sup>9</sup> See [www.csw.org.uk/news](http://www.csw.org.uk/news)

*Asif and Amjad Masih*: Sentenced to life imprisonment under Section 295B by the sessions court, which was upheld by the High Court in August 2003. An appeal is pending before the Supreme Court. They are held in Faisalabad Central Jail.

#### **4. Interviews with former Christian blasphemy prisoners**

When a blasphemy charge is made, a whole family's life changes forever. Even if the accused is eventually acquitted, the accusation of blasphemy makes them automatically a target for Islamic extremists and they have to live the rest of their lives in hiding, or seek asylum overseas. The families of those accused of blasphemy face significant pressure also. It becomes increasingly difficult, and often impossible, for a family of a blasphemy suspect to remain in their home area, because the Muslim community regards them with disgust and other Christians are afraid of being associated with them. Relatives of a blasphemy prisoner are permitted to visit the prisoner each week, but often the distance between their home and the jail, lack of money and fear of retribution prohibit visits.

CSW has campaigned on behalf of many individuals charged with blasphemy over the past decade, including Salamat and Rehmat Masih, Ayub Masih, Anwar Masih and Aslam Masih. During this visit, CSW was privileged to meet Aslam Masih, now released from jail and in hiding. In four years and eight months in jail, his family were only able to visit Aslam Masih three times.

*Interview with Aslam Masih*: From 509 Village, Mammun Kanjun, Faisalabad district. Aslam Masih, who is illiterate, had a small farm with sheep and goats, but Muslims in the local area could not tolerate non-Muslims running their own business, and so refused to pay for purchases. They then stole all his sheep and goats, worth 200,000 Rupees, and one local Muslim registered a blasphemy case against him under Section 295B (desecrating the Koran) and 295C (blasphemy against the Prophet Mohammad) of the Pakistan Penal Code. He was beaten by his attackers, and then taken to the police station, where he was again severely beaten. On November 28, 1998 a First Investigation Report (FIR) was registered and he remained in police custody. He was jailed in the Faisalabad Central Jail, where he was threatened and beaten with canes by other prisoners and jail authorities. He was in solitary confinement. In prison, he recalled, blasphemy prisoners always received the worst, and smallest, share of food and water. He suffered serious injuries from regular beatings, and as a result has lost some of his memory and is traumatised, but he was only provided with paracetamol. It was three and a half years before his case came to court, and he spent four years and eight months in total in jail. He was given two life sentences and a fine of Rps 100,000 (£1,300) on May 7, 2002, and 100 mullahs stood outside the court during his trial. However, upon appeal he was acquitted by the High Court on June 4, 2003 and released on June 10. His appeal was fought by Parvez Aslam Chaudhry, Chairman of LADS, and the acquittal was published as a legal precedent. He is now in hiding, but is constantly under threat, as are the people who provide him shelter. When he was released and was being driven from Faisalabad, a heavy truck attempted to drive into the car carrying Aslam Masih, pushing the car off the road. Remarkably, they were able to get away. One house where he was in hiding was identified by the extremists, and set on fire. Again, remarkably he was moved to another location just in time. In an appeal to the international community, Aslam Masih told CSW: "All these false cases should be stopped." His lawyer and those assisting him said: "He has no choice but to live in hiding. He lives in danger. A normal life is not possible for a former blasphemy prisoner in this society, even if he has been acquitted."

*Interview with Shafiq Masih*: Shafiq Masih ran his own welding business near Faisalabad, and in May 1998 he was arrested and charged with blasphemy under Section 295B. His accuser was a jealous business rival. He was tried and sentenced to 7 years in jail. After four years he was

acquitted on appeal, after enduring severe torture. He still requires medical treatment for the injuries he sustained under torture. He has had to change his name, and move his whole family, including four children, to a new area. He fears being recognised and killed by the extremists.

*Interview with Sadiq Masih:* Sadiq was arrested in October 1995, in Kushpoor, near Faisalabad, accused of throwing a piece of paper with derogatory remarks about the Prophet Mohammad. He was charged under Section 295B. He, his wife and five children (aged between one and eight years old) fled their home and were in hiding for six months. He has lost his employment as a decorator, and fears being recognised and attacked.

Violent attacks on those accused of blasphemy during trial or imprisonment, and intimidation of judges and lawyers, are common. On August 24, 2003 Naseem Bibi was beaten to death by other prisoners in Kot Lakhpat Jail three months after she and her two sons, Zahid and Shahid, had been detained on blasphemy charges. They had been falsely accused of burning pages of the Koran. In the same year, Yusuf Ali, another blasphemy prisoner, was also shot dead in Kot Lakhpat Jail, and Mushtaq Zafar was shot dead in Lahore soon after he left a court hearing<sup>10</sup>. Earlier this year, seven judges were shot dead in Sialkot Jail while investigating the conduct of jail staff. Such acts of violence have been encouraged by religious extremists within and outside the judicial system. Justice Mian Nazir Akhtar of the Lahore High Court is reported to have said on September 4, 1999 that those accused of blasphemy should be killed without trial<sup>11</sup>. He subsequently said that no one has the authority to pardon a person accused of blasphemy, and denied that the blasphemy laws have been misused<sup>12</sup>. The Pakistani Government has made no public statement on the death of Samuel Masih in police custody earlier this year.

## **5. Threats to lawyers and human rights activists**

Lawyers and human rights activists who defend blasphemy cases and campaign for the rights of religious minorities are constantly under threat. Pervez Aslam Chaudhry, Chairman of LADS, for example, has received numerous threats and has been physically attacked. His wife has received threatening telephone calls. Soon after the acquittal of Rashid and Saleem Masih, whose appeal he led, Pervez Aslam Chaudhry's car was stopped by two Islamic extremists on motorbikes. They beat him severely, stole his wallet, wrist watch and ring, and held a gun to his head, warning: "We will not leave you. You are an enemy of Islam." A police First Investigation Report (FIR) was filed but no action was taken. Instead, a criminal case of robbery has been filed against Pervez Aslam Chaudhry.

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. "The State is abdicating its responsibilities," said Mr. I.A Rehman, Director of the Human Rights Commission of Pakistan.

Another prominent human rights activist has received regular threats from both extremists and intelligence services. "We the Christians are living among the hunting dogs," he told CSW. "They want to see us dead. People who criticise, who are bold, active – we are under threat, on a hit list."

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<sup>10</sup> Human Rights Commission of Pakistan, *State of Human Rights in 2003*, p.129

<sup>11</sup> Asian Human Rights Commission, *Pakistan: Alarming Voices of Extremism*

<sup>12</sup> The Jang, November 19, 2000

## 6. Other anti-Christian discrimination and persecution

Christians face discrimination in all areas of society. Generally, they are among the poorest people, because they are unable to get good education and thus denied good jobs. Many live in abject poverty. CSW visited areas in Lahore and Islamabad where Christian communities are living in ramshackle housing alongside wealthy Muslim quarters.

Christian prisoners are denied full religious freedom. In prisons, Muslims are provided with several mosques – one particular prison has six mosques – but Christians are so far denied the right to form a church in jail. A Christian chaplain does visit jails once a week, but Maulvis, at government expense, visit the prisons five times a day. In one prison a room was offered to Christians for use for worship, but it was a room where prisoners infected with scabies were kept. A proposal for the construction of a church in one prison is currently being considered by a court.

In addition to the blasphemy laws, other criminal laws are misused to persecute religious minorities. False criminal charges of theft and murder are sometimes levelled against Christians and discrimination against them in the justice system is common<sup>13</sup>. CSW met two families facing this situation:

*Shaqufta Masih*, daughter of Christian brick kiln worker Yaqoub Masih, lived in the Nawal district of Sialkot, 200km from Lahore. On September 12, 2003, when she was 14, she was raped by two Muslim men, Shehzad and Kala. A case against the attackers was immediately registered and a police investigation is underway. However, the rapists then filed a charge against Yaqoub Masih, Shaqufta's father, for theft and making threats to their lives, under Section 506 of the Pakistan Criminal Code. The case is being investigated, and he and his lawyer have received threats from his accusers and the police, in an effort to make them drop the rape charges. Local villagers have accused Yaqoub of poisoning a donkey. The rapists are still free and pose a threat to this family.

*Grace Bibi and her husband Abdul Haq*, both Christians, are facing false accusations of theft. Grace worked as a housemaid for a Muslim employer. In June 2003, her employer refused to pay her wages, and accused her of theft and robbery. She and her husband were arrested and jailed, and bail was refused. In August 2004, after action initiated by LADS, the High Court ordered their release, after 14 months in jail, but no date has yet been set for their trial. Grace is now viewed by the local community as a thief after the case was reported in the newspapers, although there is no evidence against her. They continue to face police harassment, and they have lost their source of income. With the stigma of being accused and charged of theft, both Grace and her husband have been unable to find employment. Abdul lost 14 months of wages as a labourer.

Although the reserved seats were preserved when the Joint Electorate System was restored, the number of minority reserved seats in the National Assembly has not been increased proportionately. Under the 17<sup>th</sup> Constitutional Amendment introduced by President Musharraf at the end of 2003, the number of seats in the National Assembly was increased from 272 to 342, and in the Senate the seats were increased from 87 to 100. However, the number of reserved seats for minorities remained 10 in the National Assembly. There are no minority reserved seats in the Senate. The minorities want at least 5 Senate seats reserved for them – one from each province and one from the capital.

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<sup>13</sup> In Punjab alone, there are currently 1,057 minority prisoners held in jails. According to data provided to CSW, at least 731 Christians are under trial, mostly on false charges.



## **7. The rise of the MMA, the Hisba Act and extremist forces**

The Muttahia Majlis-e-Amal (MMA) is a group of six extremist Islamic political parties with a pro-Taliban, pro-al Qaeda agenda. In October 2002, the MMA won 12% of the national vote in Pakistan and 20% of the seats in the National Assembly. Their proportion of the vote rose just 5%, but the number of seats they held increased from 5 to 55. They also won a majority in North-West Frontier Province (NWFP), thereby forming the provincial government, and formed a coalition government in Balochistan. After the results were announced, the MMA, according to newspaper reports, held processions in several cities in which they paraded portraits of Osama bin Laden and Mullah Omar. One MMA leader, Munawar Hasan, said: “The Taliban and Al-Qaeda are our brothers.”

On June 2, 2003 the NWFP Provincial Assembly unanimously adopted the Shari’ah Bill, introducing Shari’ah law as the governing code. “From today, Shari’ah will be implemented in the province and there will be no place for those who refuse to follow it,” the Chief Minister Akram Durran declared. Of NWFP’s total population of 5 million, there are 20,000 Christians and 10,000 other minorities.

Senator Zahid Khan, a member of the Awami National Party (ANP), a progressive liberal democratic party, who represents Dir district in NWFP on the Afghanistan border, strongly believes the elections were rigged in the MMA’s favour. He highlighted to CSW the links between the Pakistani intelligence services, known as Inter-Service Intelligence (ISI), and the MMA, and branded MMA the “Mullah-Military Alliance”. He is not alone in holding this view. The majority of people CSW spoke to believe that the rise of the MMA is the result of a cynical move by the government, designed to convince the international community to support President Musharraf as the only bulwark against religious extremism. Mr. I.A. Rehman, Director of the Human Rights Commission of Pakistan, said that the military and the mullahs are “first cousins if not brothers”, because they share a common interest – “both are anti-democratic, anti-federal and authoritarian. They see things in black and white, with no shades of grey. They don’t deal with people, just enemies.” The mullahs began to gain political strength during the rule of General Ayub Khan, when the activities of political parties were banned. “The mosques became the only forum for political activity,” said Mr. Rehman. Their influence rose under General Zia’s rule. “The military created the MMA by suppressing other political parties. They facilitated the election of the MMA by permitting candidates to stand with bogus degrees, false school certificates and by releasing prisoners to run as candidates.” In order to secure support for the President’s Legal Framework Order, known as the 17<sup>th</sup> Amendment, which increases the powers of the President, an agreement was made between President Musharraf and the MMA on December 26, 2003. In exchange for support for the 17<sup>th</sup> Amendment, the MMA was given status as Leader of the Opposition and invited to attend meetings of the National Security Council.

### **7.1. The Hisba Act**

The MMA-led NWFP Government has drafted the Hisba Act, which Senator Khan described as “Mullah martial law”. Mr. I.A. Rehman believes this law is “the result of the Pakistan military’s foolishness in using mullah power as a counterweight to political power”. He argues that it will create “a vigilante force that will interfere in ordinary people’s lives. The weaker elements in society – women, minorities, children, workers – will be hit hardest. It will create a climate of fear.”

The Council on Islamic Ideology is believed to have significant reservations about the draft Hisba Act, but neither the central Government nor the Council (which contains some moderate members) has publicly opposed it. The MMA has declared it intends to implement the law after Ramadan, perhaps in December. The Hisba Act decrees that a Muslim cleric, a ‘Mohtaseb’ (Shari’ah judge) will head the district council, which will be run according to Shari’ah law, and its decisions cannot be challenged in non-Shari’ah courts. It also requires

the establishment of mosques in all government buildings, and ultimately in all public buildings including shopping centres, schools and hospitals.

The effects of the Hisba Act on minorities will be significant. According to one source, the legislation will strengthen extremist elements throughout Pakistan, leading to an increase of religious hatred and discrimination and the misuse of Islamic laws against minorities. It will lead to the Talibanisation of NWFP, and the strengthening of groups providing shelter to al-Qaeda terrorists in Pakistan. It will damage the normal judicial system, and it violates the Constitution. Students from religious minorities will face discrimination in schools, and economic development is likely to be damaged as international donors and investors will be unlikely to invest in NWFP. If the MMA is allowed to proceed with the Hisba Act in NWFP, it could attempt to introduce similar laws in Balochistan, where it is a member of the coalition government.

The key to preventing this law from being implemented is to raise public awareness and support in the National Assembly, and to form an umbrella group to campaign against the Hisba Act. The President has the power to prevent the Hisba Act being implemented, but has so far not taken action. Domestic and international pressure on the Pakistani government is therefore required. The APMA and other minority groups held a seminar in NWFP to raise awareness about the Hisba Act on July 26-27 this year, and then organised a protest rally against the Hisba Act outside Parliament House in NWFP on August 11. More than 500 people, including Christians, Hindus and Sikhs, demonstrated against the “undemocratic, unconstitutional and unethical” legislation, despite warnings by the MMA that if the minorities opposed the issue they would be regarded as “anti-Islamic”. The APMA plans to challenge the legislation in the High Court and, if necessary, the Supreme Court if it is implemented. “We will not allow the MMA to make Pakistan a Taliban state,” an APMA representative told CSW. “We are struggling against this discrimination and victimisation that the fundamentalists are planning.”

## ***7.2. Minority efforts to counter extremism***

Religious minority leaders and human rights activists believe the promotion of social harmony is central to countering religious extremism. The first step in this struggle was the campaign to restore the Joint Electorate System, and to abolish the Separate Electorate System. Under the system of separate electorates, Muslims could only vote for a Muslim candidate, Christians for a Christian candidate, and other religious groups for a candidate from their religion. According to Group Captain Cecil Chaudhry, who led the campaign for the restoration of the Joint Electorate System, separate electorates meant no political interaction between religious communities. “It resulted in a close marriage between politics and religion because candidates were elected on religious rather than political grounds. It fragmented the entire population of Pakistan, violated basic political human rights, and totally disrupted the social harmony of the country. It created sectarianism which is tearing the country apart,” Cecil Chaudhry told CSW. “This was not a minorities issue, it was a national issue.” To fight for the restoration of joint electorates, Christian groups from all denominations, including Roman Catholics and Pentecostals, founded the National Christian Action Forum in 1998, with Bishop Azariah as Chairman and Cecil Chaudhry as Executive Secretary. In 1999, a wider umbrella group, the Christian Organisation for Social Action in Pakistan (COSAP), was founded, bringing together the churches and Non-Governmental Organisations such as the Christian Studies Centre and the NCJP. COSAP spearheaded the campaign for the restoration of joint electorates, which was eventually successful in 2002.

In the immediate aftermath of September 11, 2001, COSAP knew that there would be repercussions for Christians and so they convened an emergency meeting. Across Pakistan in all parishes and communities, social harmony committees were established. Cecil Chaudhry travelled across the nation to address clergy and lay people about the need for social harmony committees, and so the Christian community was prepared for

repercussions before the US-led attack on Afghanistan. A crisis group was established in Lahore with a hotline to handle emergencies and work with the local police. While there were attacks on churches during and after the Afghanistan war, it is believed that many more attacks were prevented by the pre-emptive action taken by COSAP.

## 8. Conversion from Islam

Muslims who convert to another religion are “apostates” and the penalty for apostasy, according to the Islamic extremists, is death. Therefore it is extremely dangerous for a Muslim to convert. CSW was told of one case of a man who, upon informing his family that he had become a Christian, was beaten severely with metal rods and thrown from a roof to his death. Converts from Islam to Christianity in Pakistan often live as “secret converts”, not declaring their faith or identifying themselves to the wider community as Christians. CSW met one former Muslim preacher who converted, and now leads a group of secret converts. He was attacked by his family members, who destroyed his market stall and shot at him.

## 9. Madrassas

According to the Human Rights Commission of Pakistan Annual Report for 2003, the madrassas (Islamic religious schools) “remained the fastest growing segment within the educational sector”. There are an estimated 29,000 madrassas in Pakistan, but fewer than 9,000 have been registered with the Government<sup>14</sup>. Many of these madrassas teach a radical, militant brand of Islam and have become recruitment and training bases for terrorists. Foreign students from Malaysia, Indonesia, Thailand, Afghanistan, Central Asia and Africa continue to study in Pakistani madrassas, and according to the Sindh provincial government, more than 10,000 foreign students were studying in 1,248 madrassas in that province alone, with 869 in Karachi.<sup>15</sup>

The Pakistani Government has been making attempts to ‘reform’ the madrassas by encouraging them to register and become part of the mainstream education system, providing a mainstream school curriculum alongside religious education. The government has provided madrassas with funding and computers, and the Board of Education offers degrees to madrassa students. The Madaris Ordinance of 2002 allocated Rps 1 billion for the purpose of integrating madrassas into the mainstream education system. While on the surface this may appear to be an effort to counter radical teaching, in practise many people believe this is extremely dangerous. Not only does the provision of funding and computers have the potential to strengthen militant Islamic terrorists’ abilities to network around the world, but bringing madrassa-trained students into the mainstream of Pakistani society could strengthen rather than diminish their influence. Already, according to Mr. I.A Rehman, mullahs have been given a status in the civil service, a process which began under General Ayub Khan’s government and developed under General Zia ul-Haq. Under Zia, the number of universities did not increase but “madrassas mushroomed”. Mullahs in a mosque in Lahore, for example, are paid by the state, at a rate equivalent to a Joint Secretary in the civil service (Basic Pay Scale 20). “Bringing madrassas into the mainstream is extremely dangerous and will lead to the ‘mullah-isation’ of society. The mullahs will not be content with education – they will compete in the civil service exams, entry into the armed forces, and other secular professions, spreading their influence,” said Mr. Rehman. “It will intensify the efforts of the mullahs to capture the state.”

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<sup>14</sup> *State of Human Rights in 2003*, Human Rights Commission of Pakistan, p.323

<sup>15</sup> *Ibid.*, p.324

## 10. The Hudood Ordinances

'Hudood' is the term used for all crimes and punishments in the Koran, and is a component of Shari'ah law pertaining to criminal acts. The word 'Hud' refers to punishments set out in the Koran and the Surahs. Under the 1979 Hudood Ordinances, the requirements for evidence in court are set out. It specifies that evidence given by a non-Muslim man is worth half the evidence given by a Muslim man; similarly, the evidence of a Muslim woman is worth half that of a Muslim man.

The Hudood Ordinances includes the concepts of 'zinna' and 'zinna bil-zabar'. 'Zinna' refers to adultery, while 'zinna bil-zabar' is rape. A woman who has been raped is required to provide four Muslim male witnesses, who have seen the act of penetration, in order to receive justice in the courts. In reality, this is almost impossible, and the result is that if a rape victim is unable to provide four Muslim male witnesses, she herself becomes accused of committing adultery and can end up in jail. According to the Human Rights Commission of Pakistan, thousands of women are in jail under the Hudood Ordinances.

While the Government has proposed some minor procedural reforms, it has not so far implemented the recommendation of its own National Commission on the Status of Women (NCSW), which unanimously called for the repeal of the Hudood Ordinances. The NCSW reported that between 30 and 40 per cent of women jailed in Pakistan were detained for crimes under the Hudood Ordinances<sup>16</sup>.

## 11. Violence and threats towards women

Both Muslim and minority women face widespread discrimination and violence in Pakistan, in some cases resulting in rape, beatings and 'honour killings'<sup>17</sup>. 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 abuse<sup>18</sup>. According to one NGO, by the end of August 2003, 631 women and six minors had fallen victim to honour killings in the previous eight months<sup>19</sup>. During this visit, the Pakistani National Assembly passed a bill tightening the law on honour killings.

*Sharee Komal*: CSW met a seven year old Christian girl, Sharee Komal, who was raped and tortured on May 29 by a Muslim man in Lahore. She was found near a graveyard under a railway bridge on the Qurban line, hysterical, badly bruised and covered in blood. Her mother told CSW: "I thought she was dead. The man tried to kill her, by strangling her, and she was badly beaten around the head". Sharee is still traumatised and suffering the psychological and physical symptoms of the attack. The man who raped her is under arrest and in police detention. The family are only receiving assistance from APMA, who documented and reported the case and have provided medical and financial support. "We want justice against this cruelty. It is our opinion that if a Muslim girl is raped, all Muslims come and help. But in our case, because we are Christians, no one has helped except APMA." APMA, which has representation in 70 of the 106 districts in Pakistan, is currently supporting 40 girls who have been sexually assaulted.

In Lahore, CSW visited a home which provides shelter for women fleeing domestic violence and the threat of 'honour killings'. For security purposes the name and location of this shelter cannot be disclosed, but it was founded in 1990 by a group of prominent female

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<sup>16</sup> Ibid., p.231

<sup>17</sup> An 'honour killing' is usually carried out by a man against a woman in the family, for allegedly bringing shame on the family.

<sup>18</sup> Ibid., p.228

<sup>19</sup> Ibid., p.240

lawyers and works in association with the Human Rights Commission of Pakistan. The shelter provides legal, medical and psychological aid to women in danger, and a shelter during crisis periods. It also aims to rehabilitate women through drama workshops, art, counselling and social gatherings, and to help the women either reconcile with their families or resettle elsewhere. However, decisions made must be the women's own decisions; the shelter simply provides support. While the shelter aims to provide security, it is intended to be, as the warden said, "a home not a prison". The shelter has good relations with neighbours and the local police.

CSW interviewed two women currently living in the shelter. For their security, we cannot disclose their names:

*R, aged 19:* R was forcibly married in April 2004 by her parents. She was still studying in the 10<sup>th</sup> Class in school, and did not want to marry, but her parents and relatives forced her. Her husband, who is a cousin, is two years younger than her, in the 8<sup>th</sup> Class in school. He drank heavily and was involved in gambling, and beat her regularly. She complained to her mother (he was her nephew), and her father told her dismissively that this was what marriage was all about and that her husband had the right to beat her. She then visited her parents' home with her husband, and when the time came to leave, she refused to go. Her father and aunt beat her, and she ran away to Lahore, 40km from her home village, where she stayed with relatives. Her mother, sister and husband filed a case against another family in the village, falsely accusing their son of being in a relationship with R, constituting adultery under the Hudood Ordinance. The police arrested this other family and they are currently held in jail. R had to file a statement stating that this family is innocent. They may be released soon, but another court hearing may follow, which may require R to provide another statement. Her own family threatened to kill her.

*A, aged 20:* A, from Gujranwala (70km from Lahore), arrived at the shelter just a few days before we met her. She was forcibly married two years ago, and now has a baby daughter. Her story is traumatic and complex. When she was just one year old, A's parents divorced and her mother subsequently remarried. Some years ago her mother's uncle was murdered and the culprits were never brought to justice. Ten years later, the family who had murdered her mother's uncle approached A's mother to arrange for A to marry their son. When her mother refused, she received threats from the family, by telephone and in person at her house. One day A and her mother were walking in the street, and the son from this family approached them and shot her mother dead, in front of A. He then started to negotiate with other relatives to permit him to marry A. After seven days, the relatives offered to forgive the murders and not file charges, if in exchange they would be left alone. The son rejected this offer, and came to the house and took A by force, firing shots at the house in the process. He married A, and then started to beat her badly. She had some money and land she had inherited, and so he forced her to go to the bank to withdraw money from her account. He tortured and sexually abused her. He took her to her mother's grave and threatened her, saying if she did not give him her money and property he would kill her. Finally, after enduring physical and psychological torture at the hands of her husband for two years, she ran away after a particularly severe beating. She contacted her grandmother and aunt secretly, and told them the whole story. Her uncle told her to escape. Her husband's family is very influential in Gujranwala: her mother's murder was reported in the newspapers, but no action was taken at all. Even in the shelter, she feels in danger. Two days after she arrived at the shelter, 30 relatives came to the offices of the legal group associated with the shelter, demanding to see A. Referring to her husband, A said: "He will never leave me, he will kill me. I want to divorce and leave the country. I don't feel safe here."

## 12. Conclusions and Recommendations

Opinion is divided concerning the intentions of President Musharraf, but it is generally accepted by religious minorities and human rights groups that the procedural reforms of the blasphemy laws are meaningless, and may perhaps be more dangerous because they give the appearance of reform without effect. In a statement on November 2, the NCJP said the procedural changes were “cosmetic and misconstrued” as they “postpone the much debated repeal of Hudood, Qisas and Diyat Ordinances and laws concerning the offences of blasphemy”. The test of the President’s intentions will be whether he is willing to push for further, significant reform, including the repeal of the blasphemy laws, and use his authority to prevent the implementation of the Hisba Act in NWFP. While reformist rhetoric and procedural changes give the appearance of improvements in attitudes towards religious minorities, CSW believes real change can only occur with institutional and societal changes. As I.A Rehman, Director of the Human Rights Commission of Pakistan, told CSW: “The situation of minorities is being treated symptomatically rather than philosophically. The institutional framework does not permit the rights of minorities, and real equality. There is a bias against religious minorities. In Pakistan today, the most basic human right, the right to the dignity of the person, is the right that is most violated.”

The clear view of every religious minority group and human rights organisation in Pakistan is that international pressure for reform is required now more than ever. CSW therefore recommends to the international community, including the UK Government, the European Union and the United States, that bilateral relations with Pakistan should feature religious freedom and minority rights more prominently. We welcome the regular demarches issued by the EU on religious freedom and human rights in Pakistan. We make the following specific recommendations to the international community, and in particular the UK, EU and USA:

- To directly appeal to President Musharraf to use his authority to prevent the implementation of the Hisba Act and the spread of Shari’ah law in Pakistan;
- To raise with President Musharraf concerns over the increasing political influence of the MMA and other extremist groups, and to urge him to cut links between the military and the religious extremists;
- To continue to encourage President Musharraf to repeal the blasphemy laws;
- To raise with President Musharraf concerns over the threats to human rights activists and lawyers, and to urge the authorities to desist from any plans to silence such people;
- To develop better links with progressive, liberal democratic parties in Pakistan.