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ON THE COVER: Members of Pakistan's Women Action Forum in Lahore, Pakistan rally against the presence of Taliban and militants in the northwest of Pakistan on Thursday, February 12, 2009. The banners condemn religious extremism, domestic violence, and the burning down of girls' schools in Swat. (AP Photo/K.M. Chaudary)

Pakistan

Dramatic political events unfolded in Pakistan in the past year, some of them with a potentially significant impact on the rule of law and human rights protections generally, including freedom of religion or belief. This year also has seen the largely unchecked growth in the power and reach of religiously-motivated extremist groups whose members are engaged in violence in Pakistan and abroad, with Pakistani authorities ceding effective control to armed insurgents espousing a radical Islamist ideology. In addition, all of the serious religious freedom concerns on which the Commission has reported in the past persist. Sectarian and religiously-motivated violence continues, particularly against Shi'a Muslims, Ahmadis, Christians, and Hindus, and the government's response continues to be insufficient, and in some cases, is outright complicit. A number of the country's laws, including those restricting the rights of Ahmadis and criminalizing blasphemy, frequently result in imprisonment on account of religion or belief and/or vigilante violence against the accused.

Moreover, despite some minor improvements, Pakistan's Hudood Ordinances, Islamic decrees introduced in 1979 and enforced alongside the country's secular legal system, provide for harsh punishments, including amputation and death by stoning, for violations of Islamic law. Pakistan also has taken a leadership role in promoting in various international fora the concept of "defamation of religions," an attempted globalization of its own blasphemy laws, which this Commission believes would limit seriously and criminalize the rights to freedom of religion and expression of individuals worldwide. Finally, according to both Pakistani and international observers, elements of Pakistan's intelligence services maintain ties with and provide support to the Taliban and other violent extremist groups, such as Lashkar-e-Taiba, implicated in the terrorist attack on Mumbai, India in November 2008. In light of these persistent, serious concerns, the Commission continues to recommend that Pakistan be designated a "country of particular concern," or CPC. To date, the State Department has not designated Pakistan a CPC.

The political landscape in Pakistan has changed substantially over the past year. Civil rule was re-established through parliamentary elections in February 2008 and the replacement of Pervez Musharraf by Asif Ali Zardari as President of Pakistan in September 2008. President Zardari is the widower of Benazir Bhutto, a popular political leader and former Prime Minister assassinated by extremists in December 2007. In March 2009, under pressure from opposition parties and many of the country's lawyers, President Zardari was forced to reinstate Supreme Court Chief Justice Chaudhury and other judges who had been suspended by President Musharraf. President Zardari also was forced to accept the reinstatement of the opposition-led provincial government in Punjab, Pakistan's most populous province.

The Zardari government has taken some positive steps regarding religious freedom. In November 2008, the government appointed prominent minority-rights advocate Shahbaz Bhatti as Federal Minister for Minorities with cabinet rank. Mr. Bhatti has publicly promised that the Zardari government will review Pakistan's blasphemy laws and that the government is committed to protecting the rights of minority religious communities, including by implementing a five percent quota for religious minorities in federal government employment. In March 2009, the government appointed a Christian jurist as a judge in the Lahore High Court. It is not yet clear what impact these developments will have on religious freedom, which has been severely violated by successive Pakistani governments in the past. Discriminatory legislation, promulgated in previous decades and persistently enforced, has fostered an atmosphere of religious intolerance and eroded the social and legal status of members of religious minorities, including Shi'a Muslims, Ahmadis, Hindus, and Christians. Government officials do not provide adequate protections from societal violence to members of these religious minority communities, and perpetrators of attacks on minorities seldom are brought to justice. This is partly due to the fact that

Pakistan's democratic institutions, particularly the judiciary and the police, are weakened by endemic corruption, ineffectiveness, and a general lack of accountability.

Many religious schools, or *madrassas*, in Pakistan provide ongoing ideological training and motivation to those who take part in violence targeting religious minorities in Pakistan and abroad. In mid-2005, the government of Pakistan renewed its effort to require all *madrassas* to register with the government and ordered them to expel all foreign students. By that year's end, despite an outcry from some violent extremist groups, most of the religious schools had registered. However, reports indicate that the registration process has had little if any effect on the content of the schools' curricula, which remains extremist and includes exhortations to violence, and there are still no government controls on the *madrassas'* sources of funding. It remains doubtful whether these belated official efforts to curb extremism through reform of the country's Islamic religious schools will be accompanied by other measures to make them effective. Moreover, these efforts do not adequately address the much wider problem of religious extremism in Pakistan and the continued, unwarranted influence of militant groups on the rights and freedoms of others.

Beginning in early 2008, Pakistan experienced an intensified bombing campaign carried out by armed extremists who use such violence to disrupt life in Pakistan and gain local control. According to the State Department, even outside Pakistan's Federally Administered Tribal Areas, the scene of an active insurgency, "attacks on houses of worship, religious gatherings, and religious leaders linked to sectarian, religious extremist, and terrorist groups...resulted in hundreds of deaths during the year." The attack inside Pakistan that received the most international attention was the September 2008 bombing of the Marriott Hotel in Islamabad, a terrorist attack apparently timed for when guests were breaking their Ramadan fast. Among several attacks on places of worship, 22 people were killed in a bomb blast near a Shi'a mosque in Dera Gazi Khan, Punjab in February 2009. Fifty were killed and over 100 injured in the bombing of a mosque during Friday prayers on March 27, 2009 in Jamrud in the Khyber Agency, near Pakistan's border with Afghanistan. Although the latter was a Sunni mosque, Sunni extremists were blamed for the attack. On April 5, a suicide bombing of a Shi'a mosque in Chakwal, Punjab, killed 22 and wounded many more.

Chronic levels of religiously-motivated violence, much of it committed against the Shi'a minority by Sunni extremists, continue throughout the country. During the past year, Sunni extremists have expanded their sway in rural areas of northwestern Pakistan, including in the Swat Valley in the North-West Frontier Province. These violent extremists, some of whom have ties to Taliban groups, are reported to have engaged with impunity in the killing of hundreds of Shi'a civilians, imposing a harsh, Taliban-style of justice, and displacing Shi'a and other minority populations. In April 2009, the central government accepted a locally-negotiated "peace plan" with Taliban-associated extremists in the Swat Valley that permitted the imposition of sharia law in the entire Malakand division, of which Swat is a part, in exchange for an end of hostilities with government forces. Although an inconsistently-applied system of sharia-inspired law already existed in the Swat Valley, this new development appears to signify the ceding of local control to Taliban-associated extremists who routinely use violence to enforce their political and theological agendas.

Following an extraordinarily sharp rise in violence in the Swat Valley in 2003, thousands of civilians have endured unspeakable brutality and social tumult, as Taliban-linked groups summarily issue edicts restricting movement, education, and local customs in the name of their interpretation of Islam. According to news reports, by December 2008, approximately 60 percent of the 1.8 million Swat residents had fled heavy violence and over 150 schools were destroyed, the majority of which were providing education to girls. Women refusing to give up their jobs have been murdered, and police, political opponents and other critics of the Taliban have been beheaded in public. In December 2008, female education was banned amidst widespread protest. The ban was eased in late January 2009 to allow for education up to the fifth grade. Nightly

Taliban radio broadcasts in Swat have communicated edicts against so-called un-Islamic activities, including singing, dancing, watching television, and shaving beards.

Other religiously-motivated measures undertaken by violent extremist groups in northwestern Pakistan have reportedly included the denial of polio vaccinations to populations under their control, on the grounds that such vaccinations are an anti-Muslim plot, and the destruction of shrines and tombs with religious or cultural significance to other Muslims. Notable among the latter was the bombing on March 5, 2009 near Peshawar of the shrine of revered Pashtun poet and Sufi mystic Rahman Baba. This act of vandalism, compared by some observers to the destruction by the Afghan Taliban of the monumental Buddhas of Bamiyan, represents an effort by the extremists to erase visible expressions of other belief systems, in this case an inclusive, tolerant form of Islam.

Ahmadis, Christians, and Hindus also have been targeted in attacks by Sunni extremists and in mob violence conducted with apparent impunity. In September 2008, the Pakistani television network Geo TV broadcast a religious affairs program about the Pakistani parliament's 1974 decision to declare Ahmadis "non-Muslim." The host of the program reportedly encouraged his guests, who were religious scholars, not only to endorse this decision but to affirm the duty of killing Ahmadis. A day later, a prominent Ahmadi doctor was assassinated, and a local Ahmadi leader was killed the following day. Perpetrators of such attacks on minorities are seldom brought to justice. Indeed, according to the State Department, the government stalled investigation of these two murders.

Hindus, Christians, and Sikhs faced less systematic, but still frequent attacks, and may generally be more vulnerable to crime, including robbery and kidnapping for ransom, due to their minority status. There are persistent reports of kidnappings, rapes, and forced conversions to Islam of Hindu and Christian women, including minors. The accused typically defend themselves by presenting certificates of conversion from Muslim clerics to legitimate the conversions. According to some activists, "violence is disproportionately used against Hindu women as a weapon of subjugation and religious persecution." Hindu temples have also been the object of violence in the province of Baluchistan, where Hindus are the largest religious minority and where ethnic Baluchi insurgents have been waging a struggle against the central government for many years.

Among Pakistan's religious minorities, Ahmadis are subject to the most severe legal restrictions and officially-sanctioned discrimination. Ahmadis, who number between 3 and 4 million in Pakistan, are prevented by law from engaging in the full practice of their faith and may face criminal charges for a range of religious practices, including the use of religious terminology. Pakistan's constitution declares members of the Ahmadi religious community to be "non-Muslims," despite their insistence to the contrary. Barred by law from "posing" as Muslims, Ahmadis may not call their places of worship "mosques," worship in non-Ahmadi mosques or public prayer rooms which are otherwise open to all Muslims, perform the Muslim call to prayer, use the traditional Islamic greeting in public, publicly quote from the Koran, or display the basic affirmation of the Muslim faith. It is also illegal for Ahmadis to preach in public; to seek converts; or to produce, publish, or disseminate their religious materials. Over two days in late May 2008, the inhabitants of the majority-Ahmadi town of Rabwah, Punjab (called Chenab Nagar by Pakistani authorities) celebrated their faith through distinctive clothing, badges with religious slogans, lighting displays, and fireworks. Two weeks later, police lodged charges against the entire community under the anti-Ahmadi laws. In a separate incident in June 2008, 23 Ahmadis were expelled from medical school in Faisalabad, Punjab for allegedly preaching their faith to others. Moreover, because they are required to register to vote as non-Muslims, Ahmadis who refuse to disavow their claim to being Muslims are effectively disenfranchised. The one potentially positive development—the December 2004 abolition of the religious identification column in Pakistani passports, which, among other advances, enabled Ahmadis to participate in the *hajj*—was derailed in

March 2005, when members of a government ministerial committee restored the column, reportedly in response to pressure from Islamist religious parties. As far as is known, there has never been an effort on the part of any Pakistani government to reform the anti-Ahmadi laws.

Prescribed criminal penalties for what is deemed to be blasphemy include life imprisonment and the death penalty. Blasphemy allegations, which are often false, result in the lengthy detention of, and sometimes violence against, Ahmadis, Christians, Hindus, and members of other religious minorities, as well as Muslims. Because the laws require no evidence to be presented after allegations are made and no proof of intent, and contain no penalty for leveling false allegations, they are commonly used by extremists to intimidate members of religious minorities and others with whom they disagree. They also are often used by the unscrupulous simply to carry out a vendetta or gain an advantage over another. Although the penalties were amended in October 2004 with the aim of reducing the more maliciously applied charges, the minor procedural changes have not had a significant effect on the way the blasphemy laws are exploited in Pakistan. The negative impact of the blasphemy laws is further compounded by the lack of due process involved in these proceedings. In addition, during blasphemy trials, Islamic militants often pack the courtroom and make public threats of violence as a consequence of an acquittal. Such threats have proven credible since they have sometimes been followed by violence. Although no one has yet been executed by the state under the blasphemy laws, individuals have been sentenced to death. Several of those accused under the blasphemy laws have been attacked, even killed, by violent extremists, including while in police custody. Those who escape official punishment or attacks by extremists are sometimes forced to flee the country.

Scores of arrests on blasphemy charges are reported each year and most of the accused are refused bail because of the danger of mob violence. In one case, five Ahmadi teenagers were arrested in January 2009 for allegedly writing the Prophet Mohammed's name on the walls of a toilet in a Sunni mosque. The arrest reportedly occurred when they voluntarily appeared before the police to deny the allegation. A fact-finding mission by the Human Rights Commission of Pakistan concluded that there was no witness to the deed and no evidence linking the accused with the alleged action. In January 2009, five Christians, held on blasphemy charges since April 2007, were acquitted and released from custody in Punjab following reconciliation meetings between Muslim clerics and Christian representatives. Another two Christians, both elderly men from Faisalabad, Punjab, were acquitted by the Lahore High Court in April 2009. In November 2006, the two had been sentenced to 10 years in prison for allegedly burning pages from the Koran, a charge reportedly fabricated due to a land dispute. Although there have been occasional acquittals on blasphemy charges, in virtually all cases those acquitted have been forced into hiding or even exile, out of fear of attacks by religiously-motivated extremists.

Under the Hudood Ordinances, rape victims run a high risk of being charged with adultery, for which death by stoning remains a possible sentence. In October 2003, the National Commission on the Status of Women in Pakistan issued a report on the Hudood Ordinances that stated that as many as 88 percent of women prisoners, many of them rape victims, are serving time in prison for allegedly violating these decrees, which criminalize extramarital sex. The Hudood laws apply to Muslims and non-Muslims alike. The UN Committee Against Torture, as well as the UN Special Rapporteur on Torture, have stated that stoning and amputation breach the obligation to prevent torture or cruel, inhuman, and degrading treatment or punishment under international human rights standards and treaties. Although these extreme corporal punishments have not been carried out in practice, lesser punishments such as jail terms or fines have been imposed. In a positive development correcting one of the most heavily criticized aspects of these religious ordinances, in December 2006 then-President Musharraf signed into law a bill curtailing the scope of the Hudood Ordinances regarding rape charges. The new law removed the crime of rape from the sphere of the Hudood laws and put it under

the penal code, thereby doing away with the requirement that a rape victim produce four male witnesses to prove the crime. Under the new legislation, convictions for rape will be based on forensic and circumstantial evidence. This change followed another amendment to the Ordinances enacted in July 2006 allowing women convicted of purported sexual transgressions to be released on bail rather than having to remain in prison—sometimes for lengthy periods—waiting for their cases to come to trial.

In addition to the serious religious freedom problems described above, Pakistan has become a significant source of religious intolerance and religiously-motivated violence in the region and beyond. The well-planned November 2008 terrorist attacks in Mumbai, India, have been linked to the Pakistan-based extremist group, Lashkar-e-Taiba, a connection publicly acknowledged by Pakistan's then-Interior Minister in February 2009. Pakistani authorities have made efforts to curb such extremists, who also threaten Pakistan's own security. There are extensive reports, however, that the Pakistani military and intelligence agencies have given Taliban-associated and other extremists operating against neighboring Afghanistan and India safe havens, operational bases, and other support. As the result of such support, the Afghan Taliban were able to regroup, re-arm, and intensify cross-border attacks inside Afghanistan after being ousted by U.S. and coalition forces, substantially increasing instability and violence in that country. The State Department had named the Taliban regime of Afghanistan a "particularly severe violator" of religious freedom from 1999 until the regime was deposed in 2001.

The government of Pakistan also has been active in the international arena in promoting limitations on freedom of religion or belief. As it has done in UN bodies since 1999, in March 2009 Pakistan once again presented a resolution to the UN Human Rights Council in Geneva supporting measures to halt the so-called "defamation of religions." The backers of the resolution claim that their aim is to promote religious tolerance, but in practice such laws routinely criminalize and prosecute what is often deemed—capriciously by local officials in countries where such laws exist—to be "offensive" or "unacceptable" speech about a particular, favored religion or sect. Defamation of religion laws clearly violate principles outlined in international human rights instruments, which guarantee the right to freedom of expression, as well as freedom of thought, conscience, and religion. Moreover, they appear to grant rights to entire religions rather than to individuals. Regrettably, the resolution passed the Council with 23 votes. Eleven countries voted against the resolution and 13 countries abstained.

The Commission has long been concerned with the serious religious freedom abuses that are perpetuated in Pakistan, some of which are condoned by the government of Pakistan itself. Since 2002, the Commission has recommended each year that Pakistan be designated a country of particular concern. The Commission has highlighted religious freedom problems in Pakistan through public hearings, meetings with the Administration and the Congress, letters to senior U.S. government officials, and press statements. In February and April 2009, the Commission called attention to the willingness of Pakistan's provincial and central governments to accept an agreement conceding local control of the Malakand division, of which the Swat Valley is a part, to Taliban-associated extremists who routinely use violence to enforce their political and theological agendas, resulting in systematic human rights abuses and severe limitations on religious freedom.

In March 2009, the Commission held a hearing on Capitol Hill entitled, "Pakistan: The Threat of Religious Extremism to Religious Freedom and Security." Experts discussed legal restrictions on religious freedom in Pakistan; the threat, particularly to women and religious minorities, of religiously-motivated violence and intolerance; strategies for promoting tolerance in Pakistan's educational system, including Islamic schools; and how U.S. policy toward Pakistan could better support the institutions that promote respect for human rights, including freedom of religion or belief.

Based on that hearing and the Commission's earlier work on Pakistan, the Commission welcomes

the Administration's announcement on March 27, 2009 of "a comprehensive, new strategy" that "focuses more intensively on Pakistan than in the past, calling for more significant increases in U.S. and international support, both economic and military, linked to Pakistani performance against terror." The Commission concludes strongly, however, that the contest with religious extremists now taking place in Pakistan, and neighboring Afghanistan, requires, in addition to economic and military assistance, that the United States bolster the position of those elements within Pakistani society that respect democratic values, the rule of law, and international standards of human rights, including freedom of religion or belief. To this end, the Commission has made a number of recommendations, the most recent of which appear below.

Recommendations for U.S. Policy

In addition to recommending that Pakistan be designated a CPC, the Commission has the following recommendations for the U.S. government regarding Pakistan.

I. Stopping Abuses of Religious Freedom and Other Human Rights

The U.S. government should urge the government of Pakistan to:

- oppose agreements that would empower violent Taliban-associated groups to control local justice systems, whether sharia or secular, which would result in human rights abuses and religious freedom restrictions for the citizens of Pakistan, and rescind any agreements made to date, including the agreement affecting the Swat Valley approved by the central government in April 2009;

- decriminalize blasphemy and, in the interim period until that action is taken, implement procedural changes to the blasphemy laws that will reduce and ultimately end their abuse; and ensure that those who are accused of blasphemy and their defenders are given adequate protection, including by investigating death threats and other actions carried out by militants, and that full due process is followed;

- prioritize the prevention of religiously-motivated and sectarian violence and the punishment of its perpetrators, including by:

  --making greater efforts to disarm violent extremist groups and provide the necessary security to Shi'a, Sufis, Christians, Ahmadis, Hindus, Sikhs, and other minority religious communities in their places of worship and other minority religious sites of public congregation;

  --investigating acts of religiously-motivated and sectarian violence, and punishing perpetrators in a timely manner; and

  --constituting a government commission that is transparent, adequately funded, inclusive of women and minorities, and defined by a mandate to study and produce recommendations on ways that the Pakistani government can proactively diminish religiously-motivated and sectarian violence, particularly in areas with a heavy concentration of members of religious minority communities, such as Shi'a Muslims in Kurram Agency.

- rescind the laws targeting Ahmadis, which effectively criminalize the public practice of their faith and violate their right to freedom of religion guaranteed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights; and

- halt its practice at the UN Human Rights Council and other international fora of introducing the so-called "defamation of religions" resolution, which violates the internationally-guaranteed rights to freedom of religion and expression.

The U.S. government should:

- clearly articulate a concern for upholding religious freedom and related human rights as an essential element of the new U.S. strategy toward Pakistan, and support Pakistani civil society institutions that work to uphold and guarantee those rights; and

- designate a member of Special Representative to Afghanistan and Pakistan Richard Holbrooke's team to report to the Special Representative exclusively on human rights in Pakistan, specifically including religious freedom and sectarian violence.

II. Strengthening Law Enforcement, the Judiciary, and Civil Society

The U.S. government should urge the government of Pakistan to:

- reinforce the rule of law, including by strengthening protections for the freedoms of religion, speech, association, assembly, and the media, and by restoring and resolutely defending an independent judiciary.

The U.S. government should:

- use its civilian financial assistance to Pakistan to strengthen institutions crucial to Pakistan's democratic development, particularly the judiciary and the police, which are reported to be especially corrupt, ineffective, and lacking accountability, thereby contributing to violations of human rights, including religious freedom;

- ensure that non-military assistance emphasizes respect for human rights, civil society, constitutional processes, and democratic institutions, rather than the previous strategy of emphasizing the importance of certain political parties or particular political or military leaders to Pakistan's stability;

- expand U.S. government contacts beyond the Pakistani government to include substantially more open and public dialogue with a variety of civil society representatives, including groups and political parties that may be critical of the government or represent diverse viewpoints; and

- recognizing that lasting stability in Pakistan will come from a vibrant civil society, expand programs leading to the sustained engagement of the United States with the Pakistani people, such as the Fulbright Program, the International Visitor Program, and other exchanges for professionals, students, and religious and civil society leaders from all of Pakistan's diverse communities.

III. Fighting Extremism and Government Alliances with Extremist Groups

The U.S. government should urge the government of Pakistan to:

- cease toleration or support of the Taliban or other terrorist groups by any element of the Pakistani government, including the intelligence services; and

- confront and work to address the consequences of the political alliances maintained by past military-dominated governments with Islamist political parties, which afforded an excessive amount of influence to these groups, and which, in turn, had a strong negative impact on religious freedom in Pakistan.

The U.S. government should:

- set detailed, transparent, and measurable benchmarks for the use of civilian and military assistance to ensure, inter alia, that U.S. aid does not bolster Taliban-associated or other violent extremist groups; serves as a confidence-building measure that can help restore the trust of the Pakistani people in the United States and its commitment to Pakistan's security, stability and prosperity; and promotes consistency in how aid is disbursed and goals are pursued.

IV. Focusing on Education and Tolerance in Schools

The U.S. government should urge the government of Pakistan to:

- investigate and close any religious schools that provide weapons or illegal arms training in perpetrating acts of violence;

- set national textbook and curricula standards that actively promote tolerance towards all religions, and establish appropriate review and enforcement mechanisms to guarantee that such standards are being met in government (public) schools; and

- ensure that a *madrassa* oversight board is empowered to develop, implement, and train teachers in human rights standards, and to provide oversight of *madrassa* curricula and teaching standards.

The U.S. government should:

- in administering its education assistance to Pakistan, focus more specifically on promoting reform in the state schools and madrassas, where textbooks regularly present religious intolerance as acceptable and include derogatory statements about religious minorities, particularly Jews and Hindus; and

- request an annual progress report from the U.S. State Department and/or the U.S. Agency for International Development to Congress and the U.S. Commission on International Religious Freedom regarding U.S. education assistance to diminish intolerance in Pakistan's state schools and madrassas, and progress made toward detailed, transparent, and measurable benchmarks.