

# briefing

## Pakistan

*Parliamentary Visit*

30 AUGUST - 7 SEPTEMBER 2005



CHRISTIAN  
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## **I. Summary**

Human rights violations in Pakistan, in particular the abuse of the Blasphemy Laws and the Hudood Ordinances and the discrimination and violence against religious minorities and women, continue to cause deep concern in the international community. During this visit, led by British Member of Parliament David Drew, CSW obtained further evidence of the continuing violations of human rights and religious freedom, and highlighted our concerns in meetings with the Pakistani Government.

### ***1.1. Repeal of the Blasphemy Laws & Hudood Ordinances***

The delegation made representations to senior Pakistani Government ministers and Parliamentarians, including the Prime Minister Shaukat Aziz, calling for the repeal of discriminatory legislation, particularly the Blasphemy Laws and the Hudood Ordinances (see section below). A letter was presented to the Prime Minister during a meeting with him in his residence (see appendix) and we were encouraged to learn from the Minister for Religious Affairs that the Government is working towards the repeal of these laws. We recommend that the international community continue to raise this issue with the Pakistani Government, and urge the Government to proceed with repeal. We also highlight the introduction of the Hasba Act in North-West Frontier Province, and urge the Federal Government to uphold the constitution and ensure that this legislation is not implemented (see section below).

### ***1.2. Electoral representation for minorities***

We welcome the restoration of the Joint Electorate System in 2002, a major step forward for religious harmony and justice in Pakistan. However, while the restoration of the Joint Electorate System is significant, further reforms are necessary to ensure full and equal political participation for religious minorities. We are concerned to hear that despite the restoration of the Joint Electorate, elections continue to be organized using separate voting lists. We therefore urge the Pakistani Government to introduce joint voting lists. Furthermore, we are concerned that although the seats in the National Assembly have been increased from 217 to 332 seats, the ten seats reserved for minorities have not been increased proportionately. We urge the Pakistani Government to increase minority seats in the National Assembly, and to establish minority seats in the Senate.

### ***1.3. Sexual violence***

We are extremely concerned to learn of the numerous cases of rape and sexual violence against women in Pakistan. In the period January 1-August 28, 2005 alone the Human Rights Commission of Pakistan reports 135 cases of rape and 134 cases of gang rape. Many more cases go unreported. Rape victims suffer shame in society, and as a result, in addition to physical suffering and psychological trauma, their employment prospects and economic wellbeing is destroyed.

### ***1.4. Other issues discussed***

Discussions with political leaders also included inter-faith dialogue, terrorism, economic development, youth and cultural affairs, Afghanistan, Kashmir and Palestine. The treatment of the Muslim population in Britain and the perceptions of Islam in the current age of terrorism

were also discussed. President Musharraf's theme of "enlightened moderation" was regularly highlighted.

## 2. Purposes

- To meet senior Government ministers and Parliamentarians, in order to encourage reform and the protection of human rights for all;
- To highlight the plight of the religious minorities, including the abuse of the Blasphemy Law and Hudood Ordinances;
- To meet human rights activists, religious leaders and victims of persecution and discrimination;
- To obtain and assess evidence of human rights violations.

## 3. Personnel

David Drew MP	Member of Parliament for Stroud (Labour)
Paul Diamond	Barrister specializing in religious liberty
Rev. Stuart Windsor	National Director, CSW-UK
Benedict Rogers	Advocacy Officer for South Asia, CSW-UK

## 4. Itinerary

August 31	Arrive Islamabad
August 31-September 3	Meetings with Government ministers and Parliamentarians
September 3-6	Travel to Lahore; Meetings with human rights organizations, church leaders and victims of persecution
September 6	Return to Islamabad; meetings with Parliamentarians and media
September 7	Depart

## 5. Meetings

The delegation held discussions with a variety of senior Pakistani Government ministers and Parliamentarians, including: The Prime Minister, Shaukat Aziz; the Minister of Religious Affairs & Minority Affairs, Muhammad Ijaz Ul Haq; the Minister of State for Foreign Affairs, Makhdum Khusro Bakhtyar; the Minister of State for Culture, Sports and Youth Affairs, Mohammad Ali Durrani; the Chairman of the Senate Foreign Relations Committee & Secretary-General of the Pakistan Muslim League, Senator Mushahid Hussain Sayed; Senator Enver Baig, Pakistan People's Party (PPP); Sherry Rehman, Member of the National Assembly (PPP); Farzana Raja, Member of the Punjab Provincial Assembly (PPP); and Senator Zahid Khan, of the Awami National Party (ANP). We met elected representatives of the religious minorities from the National Assembly and several Provincial Assemblies, holding seats reserved for minorities, including Christians, Sikhs and Hindus.

We also had meetings with the British High Commission; the Roman Catholic Archbishop of Lahore, Lawrence Saldanha; Group Captain (Rtd) Cecil Chaudhry; Shahbaz Bhatti, President, All Pakistan Minorities Alliance (APMA)<sup>1</sup>; I.A Rehman, Director, Human Rights Commission of Pakistan; Father Emmanuel Yousaf Mani, National Director, National Commission for Justice & Peace of the Catholic Bishops Conference of Pakistan (NCJP)<sup>2</sup>; Parvez Aslam

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<sup>1</sup> APMA was founded in 2002, and is the largest network of grassroots activists from minority communities. APMA brings together Christians, Sikhs, Hindus and other minorities.

<sup>2</sup> The NCJP has offices in each of the seven dioceses in Pakistan, and has handled over 800 legal cases over 20 years through its legal aid advocacy programme. These cases include blasphemy, land-grabbing and violence against women. Each year, the NCJP is involved in at least 60-70 cases. The NCJP has approximately 300 grassroots activists throughout the country. They run human rights and democracy education programmes. The NCJP works closely with Muslim Non-Governmental Organisations, and is a key member of the Joint Action Committee (JAC).

Chaudhry, President, Christian Lawyers Association and Chairman, Legal Aid for Destitute & Settlement (LADS)<sup>3</sup>; and representatives of the board of Prison Fellowship Pakistan.

We interviewed victims of persecution, including former blasphemy prisoners and victims of land-grabbing whose identities cannot be revealed for security reasons. An attempt was made to meet Sharee Komal, a Christian girl who was raped in 2004 at the age of seven, but due to time constraints this was not possible. (CSW met her in October 2004 and continues to monitor her case).

Pakistani media coverage of the visit was extensive. The delegation took part in several interviews and press conferences. Reports were published in newspapers such as *The Nation*, *The News* and *Dawn*, and on several television stations.

Regrettably, requests made to the Pakistani High Commissioner in London to visit a prison in Pakistan were not realized. A meeting scheduled with the Chairman of the Human Rights Commission of Pakistan and UN Special Rapporteur on Freedom of Religion & Belief, Asma Jahangir, had to be cancelled due to her involvement in a high-level police inquiry into the alleged rape of Sonia Naz (see section on Sexual Violence). Ms. Jahangir is representing Ms. Naz.

Prior to the visit, we met the Pakistani High Commissioner and the Deputy High Commissioner in London, and the Pakistan desk at the Foreign & Commonwealth Office. We would like to record our appreciation for their co-operation and assistance with this visit. We would also like to acknowledge the assistance of Group Captain (Rtd) Cecil Chaudhry, who organized the itinerary and travel arrangements within Pakistan and accompanied the delegation.

## 6. Background

Of Pakistan's 145 million people, at least 94% are Muslim. Pakistan has officially been an Islamic Republic since 1964, and Islamic Shari'a law was incorporated into the legal code in 1991. Christians and Hindus number no more than 2.5-3%, while Sikhs and other minorities amount to 1% - minorities in total amount to 6% of the population. Pakistan's current President, General Pervez Musharraf, has ruled since he took power in a military coup in 1999, deposing the civilian democratically-elected government of Nawaz Sharif. His ruling party with a majority in the National Assembly is the Pakistan Muslim League – Quaid-i-Azam (PML-Q). Other major political parties include the Pakistan People's Party (PPP), the Muttahida Majlis-i-Amal (MMA), the Pakistan Muslim League – Nawaz (PML-N), the Muttahida Qaumi Movement (MQM) and the Awami National Party (ANP).

According to the Prime Minister, Shaukat Aziz, Pakistan's GDP growth is currently in the top three countries in Asia, at 8.4%. The Minister of State for Foreign Affairs, Makhdum Khusro Bakhtyar, said that during the 1990s on average 95% of Pakistan's GDP was used for loan repayments, and the Government has reduced this to 67%. Inflation is at approximately 7-8%, exports growth 7-8% and population growth 2.1-2.3%.

There is an active and committed civil society, with a critical media and outspoken human rights Non-Governmental Organisations (NGOs) which regularly stage street demonstrations. However, there continue to be serious human rights concerns. "Human rights violations take place everywhere," said I.A. Rehman, Director of the Human Rights

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<sup>3</sup> Parvez Aslam Chaudhry is the first Christian lawyer to be appointed to the Punjab Bar Council, and the Punjab Bar Council's Human Rights Committee and Jail Reform Committee. He is also a member of the Lahore Bar Association. He represents many blasphemy cases affecting both Christians and Muslims.

Commission of Pakistan (HRCP). Pakistan continues to use the death penalty, and according to the HRCP, over 7,000 people are on death row, approximately 550 are sentenced to death each year, and approximately 20 are executed each year. “If people are sentenced to death, they should be assured some degree of transparency and legal representation,” said Mr Rehman.

Local government elections were taking place during our visit. The delegation heard allegations of ballot rigging and concerns over “unprecedented violence” in some areas. Reportedly 550 people were injured during local government election violence, and 48 were killed. For the first time ever, two Government ministers reportedly expressed concern over ballot rigging.

Religious minorities continue to face discrimination and persecution. The delegation was told that there is an unwritten rule that Hindus may not join the armed forces. Christians are denied promotion to the top levels of public service. Minorities face discrimination in the fields of education and employment.

Pakistan ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1996, the Convention on the Elimination of All Forms of Racial Discrimination (CERD) in 1966 and the Convention on the Rights of the Child (CRC) in 1990. Pakistan has not, however, ratified the International Covenant on Civil & Political Rights (ICCPR).

## **7. Blasphemy Laws**

Pakistan’s blasphemy laws were introduced by the former military dictator General Zia ul-Haq in 1982 and 1986, through amendments to existing blasphemy legislation introduced by the British during the colonial period in India. These laws originated in 1862 as a result of Hindu-Muslim clashes. Section 295A – “offences concerning religion” – was introduced into the India Penal Code, which Pakistan adopted upon its creation in 1947. From 1862-1982, there was only one known case in which Section 295A was used. A Muslim who had written a controversial book was charged under Section 295A in 1927. His defence lawyer was Mohammad Ali Jinnah, the founder of Pakistan. From 1947-1985, Muslims and Christians in Pakistan lived largely in harmony, with few cases of religiously motivated extrajudicial killings. But in 1982 General Zia added Section 295B to the blasphemy laws, relating the offence specifically to the desecration of the Koran. In 1986, he introduced Section 295C, blasphemy against the Prophet, with a penalty of death imposed by the Shari’a court in 1992. No one has been executed by the State, but some have been murdered by extremists while they are in prison, or on trial. The laws lack any definition of terms and ignore the question of intent.

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.”*

The testimony of one Muslim man is enough to secure a First Investigation Report (FIR), and the accused can be charged with blasphemy, arrested, imprisoned and tried. It is therefore frequently used to settle personal scores, which have little or nothing to do with religion. It is also used to target religious minorities. On trial, the details of any accusation cannot be revealed. If a person accuses another of insulting the Prophet, under Section 295C, and they are asked under cross-examination what the accused allegedly said, they can respond by arguing that they cannot repeat the alleged blasphemous remarks because to do so would itself be blasphemy. “No blasphemy case has ever been conducted on a fair trial basis,” said one lawyer. In one case in Sargodha, for example, the defence showed that the prosecution witness was unreliable, but the judge ruled that because he had a beard and was a Muslim, his evidence was acceptable, and the accused was found guilty.

Since 1987, the number of deaths, false convictions, wrongful imprisonments, cases of torture and religious conflict has risen significantly. According to the NCJP, since 1986 at least 635 persons have been accused of blasphemy, and 547 persons were formally charged. A total of 297 cases have been registered. Among the accused, there were 309 Muslims (49%), 236 Ahmadis (37%), 82 Christians (13%) and eight Hindus (1%). In 2004 alone, allegations were levelled against 88 people, but the cases did not proceed. Of these, 83 allegations were levelled against Muslims and five against Christians. At least 20 people have been murdered extra-judicially by extremists, after having been accused of blasphemy. In the first half of 2005, according to the NCJP, at least 60 people have been accused under the blasphemy laws, 53 of whom have been formally charged. Of the 53 individuals charged with blasphemy, 27 (51%) were Muslims, 23 (43%) Ahmadis, two Hindus and one was a Christian. In April five children were charged with blasphemy in Khanewal. “This law is a weapon in the hands of extremists to settle scores,” said one Pakistani religious minority leader. “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 NCJP<sup>4</sup>.

Blasphemy allegations sometimes result in mob violence. For example, in one case a Muslim married couple were arguing and the wife, in her anger, accused her husband of burning the Koran. The local Maulvi immediately announced this over the loudspeakers of the mosque. A mob arrived at the police station where the accused was held, took him from the police, stoned him, tied him to a motorbike, drove him around the village, and then doused him in kerosene and burned him.

President Musharraf presented proposed procedural reforms to the blasphemy laws to the National Assembly in October 2004, along with a bill to criminalise honour killings. 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”. However, these procedural changes have still not prevented the misuse of the laws, because the weakness of the blasphemy laws is not the procedure for investigation, but rather the definitions of the laws themselves. No definition of blasphemy, or of “word”, “action” or “body language”, is provided, and indeed Muslims have different interpretations. The police and judiciary are still susceptible to bribery, corruption, intimidation or indeed religious extremism. For example, Samuel Masih, a Christian charged with blasphemy and awaiting

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<sup>4</sup> Human Rights Monitor 2004: A report on the religious minorities in Pakistan, NCJP, March 2004, p.39

trial, was beaten to death in May 2004 (before the procedural reforms were introduced) by an Islamic extremist police officer in hospital. The reforms will not prevent such attacks taking place.

The Archbishop of Lahore, Lawrence Saldanha, said that the procedural reforms “don’t mean anything on the ground – they are just cosmetic”. Since the introduction of the procedural reforms, there have been several cases in which the new procedure has not been followed and the case has been handled by a junior officer. Two examples are summarized here:

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

*Yousaf Masih:* On June 28, 2005 Yousaf Masih, a 60 year-old illiterate Christian man, was arrested by the police under Article 295B (desecration of the Koran) of the PPC, in the Lalkurti area of Nowshera, 40km east of Peshawar, NWFP. Nowshera is a centre for radical madrassas with pro-Taliban connections. The police did not investigate the case before making the arrest. Two days after the arrest, the District Police Officer Nowshera Zaib Ulla Khan issued a statement in which he said that, after a preliminary investigation, Yousaf Masih was not guilty of desecration of the Koran but the matter remained under investigation. He was detained and badly tortured by police, and bail was initially refused, until after three hearings he was released on bail on August 6. The judge ordered bail of Rs. 250,000 (\$4,200).

Yousaf Masih was a cleaner in the Combined Military Hospital (CMH) and also worked as a cleaner for Major Fareeda, a nurse in the same hospital. On June 28, Major Fareeda asked Yousaf Masih to clean the home of her colleague, Major Gazala. When he finished cleaning, he collected various old newspapers and books, which the Major asked him to burn. He was unaware of what the newspapers and books were. After burning the material, he left but some young boys playing nearby found two pieces of paper, identified as pages from a book which is taught to Muslim students before they start to learn the Koran. The boys started shouting that the Koran itself had been burned and desecrated by the Christian cleaner. Muslims returning from prayers in the mosque gathered and the news spread. Announcements were made in the mosque to punish Christians for this act of blasphemy, and an aggressive Muslim mob marched through the streets to Yousaf Masih's neighbourhood. The mob burned and looted over 200 Christian houses and Hindu temples in Lama Veera on the way. According to a report from the All Pakistan Minorities Alliance (APMA), when they reached Yousaf Masih's house, the mob “turned the entire household ... upside down”, harassed and mistreated the female members of his family, and shouted slogans urging people to burn Christians and hang Yousaf Masih. When the mob discovered



he was being held at Nowshera police station, they gathered outside and demanded that the police hand him over to them.

Government ministers and senior politicians acknowledge that the blasphemy laws have been misused. The Chairman of the Senate Foreign Relations Committee, Senator Mushahid Hussein, said that the blasphemy laws affect Muslims and Non-Muslims. The Minister for Religious Affairs, Muhammad Ijaz Ul Haq, told the delegation that the Government was “concerned” and keen to reform the blasphemy laws further. He acknowledged that the laws have been misused. He said the Government plans to introduce a penalty for people who make false accusations of blasphemy, and the penalty will be equal to the punishment the accused would receive if found guilty. The State would be the complainant. However, enforcing this reform will be a major challenge. The Minister also stated that the Government would work towards full repeal of the blasphemy laws.

Cases take on average five years to come to court. Current cases of Christian prisoners in jail for blasphemy include:

*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 but has not yet come to court. Ranjha Masih has been held in Faisalabad Central Jail.

*Pervez Masih:* Arrested on April 1, 2001, in Daska, charged under Section 295C. Pervez Masih, headmaster of a school in Sialkot district, was accused by Mohammad Ibrahim, a business rival, of making derogatory remarks about the Prophet. This case is still in the trial court. Pervez Masih was reportedly attacked in jail in 2003 by fellow prisoners, who used a piece of glass to attempt to cut his throat. He is held in Sialkot Jail.

*Augustine ‘Ghungari’ Masih:* Sentenced to death on June 29, 2002, under Section 295C. He converted to Islam in 1997 at the instigation of Rana Nisar, the complainant in this case. He is currently held in Faisalabad Central Jail, awaiting appeal.

*Interview with former blasphemy prisoner, 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."<sup>5</sup>

## **8. 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 Hadith. 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 include 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>6</sup>.

## **9. The rise of the MMA and the introduction of the Hasba Act**

Concern was expressed about the increasing influence of the Muttahia Majlis-e-Amal (MMA), a coalition of six extremist Islamic political parties, some of whom have a pro-Taliban, pro-al Qaeda agenda. According to I.A Rehman, Director of the HRCP, there is a strong alliance between extremist groups such as the MMA, and the military. "Both hate democracy, both dislike minority rights, both dislike women's rights, and both cannot understand the federal system. They both want a highly centralized state," he said.

The MMA gained the majority in the North-West Frontier Province (NWFP), and shares power in Baluchistan. The MMA campaign symbol was the Koran, and the impression was reportedly created that if a voter did not vote for the MMA, they would be treated as an infidel. The MMA's manifesto openly promoted jihad, the introduction of Shari'ah law and incitement of attacks against non-Muslims.

The growing and disproportionate influence of the MMA has resulted in the Government backtracking on several proposed reforms. For example, the Government proposed to abolish the religion column in passports, but reversed this decision after

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<sup>5</sup> Note: CSW interviewed Aslam Masih in October 2004 and again during this visit.

<sup>6</sup> Ibid., p.231

pressure from the MMA<sup>7</sup> earlier this year. Similarly, the Sustainable Development Institute of Pakistan published a report on the National Curriculum, highlighting the fact that school text books contained material promoting extremism and religious hatred. The Federal Minister for Education promised to pursue the issue, but subsequently abandoned it under pressure from the MMA.

Since gaining power in NWFP in 2002, the MMA have allegedly recruited into the local police force extremist 'jihadis' who have been trained in terrorist camps in the area. Discrimination against religious minorities has increased, according to several minority members of the provincial assembly. For example, non-Muslims are not entitled to a domicile certificate in NWFP, which means they are unable to obtain admission to higher education. Muslim school students who have gone through Koranic studies are awarded an extra 20 points to count towards their higher education applications.

Violent attacks on minorities continue in NWFP. In July, two Hindu temples in Naushowra were destroyed, and Hindus were beaten up by a mob of about 400 extremists. The temples were damaged, idols broken, the whole library was burned and Hindu holy books were destroyed.

The most significant development in NWFP was the passage of the Hasba Act by the MMA-controlled Provincial Assembly in July<sup>8</sup>. If enforced, the Hasba Act, described by its opponents as the "Talibanisation" of NWFP, would implement full Shari'ah law, empowering a senior Islamic cleric known as a "Mohtasib" to ensure that people attend prayers and close businesses during Friday prayers. The Hasba Act will create an Islamic watchdog to monitor the strict observance of Islamic practices in public places. It has been compared to the Taliban regime's Department of Prevention of Vice and Promotion of Virtue in Afghanistan. Pakistan's Supreme Court has ruled that the legislation is unconstitutional, after President Musharraf referred the legislation to the court. However, minorities are concerned that the Supreme Court ruled only certain sections of the legislation to be unconstitutional, rather than rejecting the entire bill<sup>9</sup>. There are fears that the MMA will attempt to revise the legislation and re-introduce it.

## 10. Electoral system

In 1979, Pakistan's then ruling military dictator, General Zia ul-Haq, introduced a system of separate electorates for Muslims and religious minorities. This meant that a Muslim voter could only cast their vote for a Muslim candidate, a Christian voter could only vote for a Christian, and a Hindu for a Hindu. Religious minorities had a certain number of reserved seats in the National and Provincial Assemblies, but they could only vote for their religious representative. This served only to further divide society and sow religious discrimination. Minorities were poorly represented – Muslim candidates showed no interest in their concerns because they were not their constituents.

Group Captain (Rtd) Cecil Chaudhry, a highly decorated war veteran and prominent human rights campaigner, described the separate electorate system as "the greatest evil" facing Pakistan. On August 7, 1988 he published his first newspaper article criticizing the system. Ten years later, he brought together a broad coalition of Christians of all denominations, and founded the National Christian Action Forum to campaign for the abolition of separate electorates. In 1999, the coalition was expanded further to become the Christian Organization for Social Action in Pakistan (COSAP). In 2000, COSAP gathered over 200,000 signatures from all over Pakistan in the space of 40 days, in a petition calling for the restoration of joint electorates. That petition was delivered to President Musharraf

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<sup>7</sup> For further details see CSW Briefing on Pakistan, August 2005, and CSW press release, "One person dead after gunmen attack Easter service in Pakistan", March 29, 2005

<sup>8</sup> See CSW press release, "Talibanisation of Pakistani province moves closer as Hasba Act is passed," July 20, 2005. See also CSW Pakistan Briefing, August 2005.

<sup>9</sup> "Hasba restricts basic rights: SC", *Daily Times*, September 1, 2005

on August 7, 2000. A week later, the President announced that local government elections to be held in September would be organized on the separate electorate system, and so COSAP called a press conference in which they threatened to boycott the local elections. Hindu representatives joined the press conference and the boycott, and in the elections 94% of Pakistan's religious minority voters boycotted the ballot. As a result of this organized campaign, President Musharraf abolished the separate electorate system and restored the joint electorate in 2002 – a significant step forward. "Joint electorates bring the people together politically. There is political communication among them. This brings about social harmony," said Cecil Chaudhry. But, the HRCP's Director I.A Rehman emphasized that "the restoration of the joint electorate is not an end in itself. It is a means to an end, and should lead to the dismantling of all barriers and create a single political nation." As Senator Mushahid Hussein, Chairman of the Senate Foreign Relations Committee and Secretary-General of the Pakistan Muslim League told us, the joint electorate "empowers the Christian community."

However, when the President abolished the separate electorates, he simultaneously abolished reserved seats for minorities. The All Pakistan Minorities Alliance (APMA) met the President on July 30, 2002 and succeeded in convincing the Government to restore reserved seats for minorities, in order to ensure some minority representation.

While the restoration of the joint electorate is a significant step, minority leaders and human rights groups argue that there are still problems facing minorities in the electoral system. These relate to two major issues. Firstly, although the joint electorate was restored, elections continue to be carried out using separate voting lists (electoral rolls). According to the Human Rights Commission of Pakistan<sup>10</sup>, the Election Commission announced in 2004 that the local government elections in August 2005 would be organized on the basis of separate voting lists for Muslims and non-Muslims, prepared in 2000-01. The Electoral Commission argued that joint voters' lists were intended only for parliamentary elections, and that it did not have enough time to prepare a joint list this year. But separate voting lists in a joint electorate system has caused confusion for candidates, voters and polling staff.

The second issue is that of reserved seats for minorities. There are no reserved seats in the Senate, and only 10 in the National Assembly, despite the overall increase in seats in the National Assembly. Under the 17<sup>th</sup> Constitutional Amendment introduced by President Musharraf at the end of 2003, the total number of seats in the National Assembly was increased from 217 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 five Senate seats reserved for them – one from each province and one from the capital. Senator Mushahid Hussein, Secretary-General of the ruling PML-Q party, told the delegation that he would support the call for an increase in minority seats.

## **11. Sexual violence**

Women continue to face significant discrimination and violence in Pakistan, despite the fact that 33% of the seats in provincial assemblies and 17% of the seats in the National Assembly are reserved for women. In the National Assembly, women have also won 5% of the general seats.

Rape and sexual violence are widespread, and the ability for victims to pursue justice is very limited. In 2005 alone, from January until August 28, according to the HRCP, 135 individual rape cases and 134 cases of gang-rape were recorded. The overall total is much higher, because most cases go unreported. According to the NCJP, if a Muslim woman is raped, her whole family experiences shame and therefore the victim is unlikely to wish to publicise it. When the victim is a Christian, they are also likely to keep quiet because the

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<sup>10</sup> State of Human Rights in 2004, HRCP, p.113

Christian community is so marginalized and unprotected. However, this is slowly changing. According to I.A Rehman, Director of the HRCP, women victims of rape are beginning to become bolder. In several cases they have pursued justice and appeared before the press. There is, he believes, a “climate of consciousness” developing. The case of Sonia Naz is an example of this. Sonia Naz was allegedly raped by Faisalabad Police Inspector Jamshed Chishti, after being kidnapped from Satfu Katla<sup>11</sup>. She was detained by the police for over 10 days, and repeatedly beaten and tortured<sup>12</sup>. She brought her case to HRCP Chairman Asma Jehangir, and she is now pursuing rape charges against the police. The Senate Human Rights Committee has also taken up the case with the government<sup>13</sup>, after Sonia Naz expressed her dissatisfaction with the investigation being conducted<sup>14</sup>.

A few days after the case of Sonia Naz was reported in the press, Abida Yousaf, a 32 year-old married woman from Dhoke Chaudhrian, alleged that she had been gang-raped by four police officers in her home in Rawalpindi, in the presence of her husband and uncle<sup>15</sup>. Her husband had been arrested on September 3 on false charges, she claimed.

The delegation heard numerous examples of the rape of Christian women. It is extremely difficult to obtain justice in these cases, because a Christian woman who claims to have been raped requires four Muslim witnesses.<sup>16</sup>

## 12. Prisons

Regrettably, despite making a request to the Pakistani High Commission well in advance, we were unable to visit a prison. However, we met former prisoners and had discussions with Prison Fellowship Pakistan (PFP), an organization involved in visiting prisoners and caring for prisoners’ dependents. According to PFP, there are 84 prisons across Pakistan’s four provinces, and two new prisons are being built. The total prison population is over 200,000 in Pakistan, of whom approximately 2,000 are Christians. In Punjab alone, there are reportedly 30 prisons, with 56,000 prisoners in total, of whom 1,150 Christians. In Lahore Camp Jail there are currently over 120 Christian prisoners, and in Kotlakhpad Jail there are over 200 Christian prisoners, according to LADS.

PFP expressed concern that there is no provision in Pakistani prisons for a permanent place of worship for Christian prisoners. Worship services are permitted, but the authorities reportedly argue that due to over-crowding, no permanent space can be provided for prayer and reflection for Christian prisoners. There are no prison chaplains. In contrast, the Government pays the salary of at least one full-time Maulvi in every prison.

PFP has developed a training course in the basics of Christianity, designed for Christian prisoners. They are seeking approval and recognition of the curriculum, so that it could form part of the remission criteria for Christian prisoners. A Muslim prisoner is given remission after three months’ Islamic study.

The issue of juvenile prisoners was also raised, and the case was highlighted of an 8 year-old boy currently held in Camp Jail, Lahore, with his father. While there are designated juvenile wings, prisons are so over-crowded that juvenile prisoners are sometimes put in the adult wings alongside hardened criminals.

## 13. Conclusions & Recommendations

According to one Western diplomat in Pakistan, “over the past 30 years Pakistan has become steadily more conservative, and the liberals are on the defensive. Musharraf has a strong, progressive vision for Pakistan. But the religious parties are stronger than they have

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<sup>11</sup> “Sonia recounts tale of humiliation, torture”, *The Nation*, September 3, 2005

<sup>12</sup> “Sonia demands case against ‘tormentors’, *Dawn*, September 3, 2005

<sup>13</sup> “Senate body asks government to address Sonia’s concerns”, *The News*, September 6, 2005

<sup>14</sup> “Sonia feels discontent over investigation,” *The Nation*, September 6, 2005

<sup>15</sup> “Four Pindi cops rape woman,” *The Nation*, September 6, 2005

<sup>16</sup> See CSW Visit to Pakistan report, October 2004 for details of the case of Sharee Komal

ever been, and anti-American sentiment is very high, despite Musharraf's close alliance with the US since 9/11. This makes implementing his domestic vision of enlightened moderation politically difficult, and has demanded some unsavoury compromises."

In the wake of the 9/11 terrorist attacks in the United States, and the 7/7 London bombings, international attention on Pakistan has increased significantly. We recognize and appreciate that President Musharraf has become an important ally in the war on terrorism, and we particularly appreciate the long history of friendship between the United Kingdom and Pakistan. We also recognize that he faces significant challenges. There have been two officially admitted assassination attempts against the President since he took power.

In that context, we believe that it is essential that the international community increase its pressure on Pakistan to develop a moderate, democratic society which respects religious freedom and human rights for all its citizens. Specifically, we urge the Government of Pakistan to demonstrate real "enlightened moderation" by taking the following actions, which would send the strongest possible signal to the international community that Pakistan is truly a moderate nation:

1. The total repeal of the Blasphemy Laws and the Hudood Ordinances;
2. The establishment of a single voting list for elections;
3. The increase of reserved seats for minorities in the National Assembly, in proportion with the increase in general seats;
4. The creation of reserved seats for minorities in the Senate;
5. The establishment of the principle of fair trial;
6. In cases of rape or sexual violence investigated by the police, there should be a female police officer in every police station when a woman reports a rape, and if medical examination is required, that should be carried out by a female doctor

President Musharraf introduced his theme of "enlightened moderation" for Islam in his address to the UN General Assembly in 2003. He said: "Islam is a faith of peace, harmony and justice. Islam is democracy in action. It upholds human rights, social equality, non-discrimination, freedom of speech. The protection of minorities is an article of faith in Islam. It does not discriminate on the basis of colour, creed or religion. Our faith is dynamic, promoting constant renewal and adaptation, through the process of 'ijtihad' (or interpretation through consultations). Islam's vision is not trapped in any one period of history; it is modern and futuristic. Islam must not be confused with the narrow vision of a few extremists ... Muslim nations must assume their responsibility for internal reform and renewal. They are at the cross roads. They must eschew extremism and confrontation. They must embrace the march of human civilization."<sup>17</sup> In his speech at the World Economic Forum in Davos in 2004, President Musharraf said: "We will not swerve from our goal of creating a moderate and progressive Islamic State as envisioned by our founding fathers. The task is daunting but our resolve is firm."

There is a significant gap between perception and reality in Pakistan. If President Musharraf truly means what he says, then there is no better way to demonstrate it than by repealing the blasphemy laws, increasing minority reserved seats and restoring joint voting lists. We urge the international community, including Her Majesty's Government, the European Union, the United States and the United Nations to continue to raise these issues regularly with the Pakistani Government.

David Drew MP  
Benedict Rogers

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<sup>17</sup> Senate Foreign Relations Committee, Special Report on Enlightened Moderation: The Post 9/11 Scenario, p.12

Rev. Stuart Windsor  
Paul Diamond  
September 8, 2005