



A Christian woman traumatised after her village, Shanti Nagar, was attacked. Credit: Panos Pictures/Piers Benatar

## Religious Minorities in Pakistan

### The case of Muhammad Yusuf Ali

‘On 5 August 2000, a district and sessions judge of Lahore awarded a death sentence to Muhammad Yusuf Ali, in a case registered with Millat Park Police in 1997, in which Yusuf was accused of claiming to be a prophet. Yusuf was found guilty under Section 295–C of the Pakistan Penal Code, which covers insults to the Holy Prophet, whether intentional or unintentional. The minimum punishment is death.

The trial of Muhammad Yusuf Ali, which took three years, was held *in camera*. The judge wrote that he felt “pious rage” when the fraudulent nature of the “pretender” Yusuf Ali became apparent to him. In court, the judge did not use Yusuf Ali’s real name but only the epithet “Yusuf Kazzab”, meaning “Yusuf, the great liar”.

Yusuf Ali’s supporters hold that the charges were brought because he angered local orthodox clergy, because of his growing influence in the Lahore area. The Sufi interpretation of Islam put forward by Yusuf is among the more liberal schools of Islamic thought and has deep roots in the region. It has come under increased attack from orthodox groups. [Yusuf Ali was subsequently killed in the jail by a religious fanatic.]’

(This is an edited version of a report in Human Rights Commission of Pakistan, *State of Human Rights in 2000*, Lahore, 2001, p. 127)

### Woman councillor accused under Blasphemy Law

‘On 7 August 2002, a local social activist and district councillor Rukhsana Bunyad experienced what is perhaps the worst manifestation of religious fundamentalism and extremism. She was charged with making remarks against the Holy Qur’an while speaking at a seminar on proposed constitutional amendments, organized by South Asia Partnership-Pakistan (SAP-PK) at Mianwali, and a case was registered against her under Section 295–A.

Rukhsana, the first Muslim woman in the history of the country to be charged with blasphemy, was trying to stress the importance of the Constitution, but was misunderstood by a number of local journalists. The participants, including ex-minister Sher Afghan, tried to clarify the situation and Rukhsana also apologized if her remarks had hurt anyone’s feelings.

A case was registered against her, however, as local politicians took the opportunity to settle personal scores with her. The religious lobby of Mianwali also played a role, playing on the religious sentiments of the people. The local population has stood behind Rukhsana and is openly supporting her.’

(Executive Director, SAP-PK, 2002)

## Religious minorities in Pakistan

### Politics of pluralism

Pakistan is an immensely plural country characterized by religious, sectarian and ethno-linguistic diversities. More than 90 per cent of its 142 million inhabitants are Muslim, but they belong to several doctrinal groups. Sunni Muslims predominate, and Shia Muslims and Zikris face discrimination. In 1974 Ahmadis – also called Qadianis – were declared a non-Muslim minority. There are several Christian denominations, and Bahais, Buddhists, Hindus, Jains, Kalashas, Parsis and Sikhs who identify themselves as non-Muslim Pakistanis.

In 1947, at independence, Pakistan received more than 8 million Muslims from all over India. Most came to West Pakistan while most of West Pakistan's Hindus and Sikhs left for India. The migrations and concurrent communal killings involving mainly Hindus, Muslims and Sikhs – especially in Punjab – and Indo-Pakistan discord over the former princely state of Kashmir, have seriously impacted on the regional politics of Pakistan and India.

In 1979, following the Iranian Revolution and the Soviet invasion of Afghanistan, refugees from these countries added to Pakistan's population. More than 3 million Afghans resided in Pakistan throughout the 1980s and beyond. This led to changes in Pakistan, and to the country's greater involvement in Afghanistan.

### Jinnah's vision

In the 1930s and 1940s, the demand for a separate Muslim state evolved as a focal point for a number of forces. For the emerging Muslim elite in British India, Pakistan would serve as a binding force for disparate Muslim communities breaking free from permanent bondage to an overpowering majority. To the landless peasants, it represented a utopia, and for others it held the promise of a trans-regional Muslim identity in a revivalist sense.

Pakistan was originally envisioned as a progressive, democratic and tolerant society, which would give equal rights to its non-Muslim citizens. But, in the 1970s and 1980s, the Pakistani state, rather than guaranteeing equal rights and opportunities for all its citizens, began to encourage obscurantist forces.

The acrimonious relationship between India and Pakistan has seriously affected inter-community relationships. Muslim anger has been directed against Hindus in Pakistan, while, in India, Muslims have been perceived as scapegoats by Hindu fundamentalists. In this exclusionary process of nationalism(s), other minorities have been deeply affected, including Christians in both countries, and Ahmadis and Shias in Pakistan.

### Military and politics in Pakistan

Early efforts to develop a consensus-based Constitution were thwarted and soon the army intervened. In the party-based elections of 1970, the Awami League won an absolute majority. The military junta refused to transfer power, however, and a civil war ensued, leading to East Pakistan becoming the independent country of Bangladesh.

In 1973, Zulfikar Ali Bhutto led efforts to introduce a parliamentary-style Constitution, with a universal franchise, joint electorates for all and special seats for women, and some provincial autonomy. This document reflected a consensus across a spectrum of political parties. However, in 1974, in his pursuit of popularity among the religious elements, Bhutto declared the Ahmadis to be a non-Muslim minority.

In 1977, General Zia-ul Haq overthrew Bhutto's regime and imposed military rule on the country. Zia's introduction of the Blasphemy Law, separate electorates for non-Muslims, the primacy of the Islamic Sharia Court, and a selective Islamic penal code almost totally debilitated civil society.

After a semi-democratic interlude from 1988 to 1999, Pakistan is once again under military rule, following the coup led by General Pervez Musharraf.

### Minorities in Pakistan

Ahmadis, Christians and Hindus claim to have a population of 4 million each. Given the disadvantages and stigmatization, communities do not like to be identified as minorities so these figures may be an underestimate.

As well as Ahmadis, Christians and Hindus, there are also Bahais, Kalasha of Chitral, Makranis in Balochistan, Parsis, Sikhs and Zikris. Zikris identify themselves as Muslims but there are demands for them to be declared non-Muslim.

The Sunnis are the majority in Pakistan; Shia Muslims are estimated to be between 15 and 20 per cent of the population. In the 1980s, militant Sunni and Shia groups emerged and the North West Frontier Province became their battleground. These militant groups want to transform the Pakistani state in accordance with their own sectarian visions.

### Reversal of Jinnah's ideal

Aside from the interim legislation of 1947 and the Objectives Resolution of 1949, Pakistan has had four Constitutions since independence. The fourth of these, Zulfikar Ali Bhutto's 1973 Constitution, was the first to be agreed by representatives elected through a universal vote. However, amendments throughout the Zia period led to the institutionalization of exclusion and the segregation of minorities. Zia's sweeping legislation changed the entire spectrum of policies and attitudes towards

minorities and women. Sharia courts and their verdicts were superimposed on the country's institutions.

Article 260 declared Ahmadis to be a non-Muslim minority. Blasphemy laws were introduced and used against Muslims and non-Muslims. The number of such cases against Ahmadis, Christians and Hindus is rising. Also, separate electorates were introduced, which meant that non-Muslims would have their own constituencies and separate representatives. Thus representatives from the majority community ignored areas inhabited by minorities, since they did not fall within their constituencies.

No government until 2002 tried to undo what Zia had done to the system. It is to the credit of Pakistan's civil society that the demands for the repeal of separate electorates and other discriminatory practices remained high on the agenda. Musharraf abolished them under pressure from United States of America in January 2002, but restored them in May that year.

The amendments to the Constitution and new clauses in the Penal Code were justified as steps towards Pakistan's systemic overhaul in accordance with Sharia. This worked as a useful ploy to gain support among the orthodox sections of the population, but it created wide splits across Pakistan.

### Minorities and institutional segregation

Physical attacks, social stigmatization, psychological insecurity, forced conversions, and continued institutional degradation characterize the position of religious minorities in Pakistan. Pakistani society as a whole, however, is not intolerant and intent upon eliminating pluralism; a small section of militants exploit the politico-economic frustrations of the rest, and these gather momentum within a non-democratic system.

The emphasis on an exclusionary nationhood increases minorities' feelings of inequality. They suffer from economic marginalization and low literacy rates.

'Land mafia' groups use religion to acquire properties belonging to non-Muslims.

Pakistani Hindus suffer due to the communalization of Indo-Pakistani politics and inter-state rivalries.

While Christians suffer discrimination, there have been no serious anti-Christian riots in Pakistan. Yet, especially since the USA-led campaign in Afghanistan there has been a rise in attacks on Christian churches, schools and hospitals.

Recent Human Rights Commission of Pakistan reports have highlighted the need to repeal discriminatory laws and practices by documenting various incidents of abuse, not only those against minorities and women but against poor people in general.

### Conclusion

Ahmadis and Christians have regularly documented cases of discrimination and oppression, both at official and societal levels. Hindus also suffer from stigmatization and discrimination.

Pakistan's insecure and non-representative ruling elite, while seeking legitimacy, has used Islamic penal codes to establish discretionary punishments. These laws – however sanctioned by Sharia – have been imposed on society. Vulnerable minorities, women and Muslims have suffered as a result. The various activist groups, human rights, non-governmental organizations (NGOs) and think tanks representing the civil society of Pakistan have taken centre stage in the struggle against this malaise. They try to restrain statist unilateralism and create a greater awareness among the masses of the sanctity and inviolability of equal citizenship. At another crucial level, through documentation and active lobbying, they organize civic groups to play an effective role at the local level so as to safeguard the plural nature of Pakistani society.

Equal citizenship based on unfettered human rights could lead to many improvements, but this can only happen if the country's leaders and opinion makers act more responsibly. The vision of a plural, tolerant and democratic Pakistan was the original creed of the movement for Pakistan, and is a consensus point among a vast majority of the population even today. The majority of Pakistanis favours equal rights for minorities and women. Successive regimes have failed these people. The economic and political empowerment of the people on an equal basis, through a system of joint electorates with some special incentives, seats and safeguards for minorities, can help Pakistan achieve lasting social cohesion.

### Note

There are no internationally agreed definitions of what constitutes a minority. MRG's work focuses on non-dominant ethnic, linguistic or religious communities. The use of the term 'minority' in this publication is not to be taken as disregarding the right to self-identification and the legitimate desire of some religious communities not to be identified as minorities.

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## Recommendations

1. The authorities in Pakistan should institute independent inquiries into the recent cases of large-scale killings of religious minorities, such as that of Christians in Bhawalpur in October 2002, and that of Shias in Rawalpindi in February 2002. Those responsible for the killings should be brought to justice in accordance with internationally recognized guidelines for fair trial.
2. Independent commissions for racial, religious and gender equality, or similar institutions, should be set up, to receive and investigate complaints, to offer advice to victims of discrimination and to undertake awareness-raising activities to promote the principles of non-discrimination and understanding between different communities.
3. The authorities should ensure that religious and other minorities can participate in all aspects of public life.
4. Laws and constitutional provisions, which demonstrably result in discrimination against minorities or women, should be modified or revoked to ensure that the discrimination ceases. The affirmation of the finality of the Prophethood should be removed from passports and voter registration forms.
5. Measures should be undertaken to ensure that minorities can participate in economic and public life without discrimination.
6. Pakistan should ensure that all laws, policy and practice comply with its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child. It should take immediate steps to ratify and implement all of the remaining major human rights instruments.

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on international advocacy, training, publishing and outreach. We are guided by the needs expressed by our worldwide network of partner organizations, which represent minorities and indigenous peoples.

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