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Persecution of Christian minorities in Pakistan: Roots, development and present-day realities

Abstract

Pakistan ratified the International Covenant on Civil and Political Rights (ICCPR) in 2010, committing to upholding the Treaty and human rights. The ICCPR, which came into force in 1976, recognised ‘the inherent dignity of each individual and undertakes to promote conditions within states to allow the enjoyment of civil and political rights. Countries that have ratified the Covenant are obligated to protect and preserve basic human rights and to take administrative, judicial, and legislative measures in order to protect the rights enshrined in the treaty. This Policy Brief argues that Pakistan plays a double-game as a member of the ICCPR that also persecutes religious minorities. The oppression of minorities has become systemic in Pakistan’s top-down and bottom-up jihad nexus of state and non-state actors forming alliances to work together in targeting minorities. From 2018 until 2020, Pakistan will sit as an elected member on the Human Rights Council. This is a timely opportunity for Pakistan to effectively implement the rights enshrined in the ICCPR to its domestic legal order and take urgent steps to bring an end to violations of religious freedom. First and foremost, this report will examine the 9 March 2018 Islamabad High Court ruling on religious minorities that states every Pakistani citizens’ religious affiliation must be written on their identity cards. Second, this report will analyse Pakistan’s historical and socio-political development and national educational system that have radicalized Pakistani society. Third, Pakistan’s blasphemy laws, namely Section 295-C is Pakistan’s most severe provision for punishing by death the use of derogatory remarks in respect of the Holy Prophet will be investigated. And lastly, cases of Christian persecutions will be illustrated to detail the severity of the issue.



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List of Abbreviations

| | |
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| ICCPR | International Covenant on Civil and Political Rights |
| UDHR | Universal Declaration of Human Rights |
| UNHRC | United Nations Human Rights Committee |
| USCIRF | United States Commission on International Religious Freedom |
| HRCF | Human Rights Commission of Pakistan, a non-governmental organisation |
| JeI | Jamaat-e-Islami |
| TLP | Tehreek-e-Labaik Pakistan |
| IPC | Indian Penal Code |
| PPC | Pakistan Penal Code |
| PPP | Pakistan's Peoples Party |
| PML-N | Pakistan Muslim League-Nawaz |
| FIR | First Information Report |
| KNLF | Kkatam-e-Nabbuwat Lawyers Forum |

Introduction:

Religious minorities endure pervasive discrimination as the tolerance for religious diversity is diminishing worldwide (Ispahani, 2017, p. 4). The global oppression of religious minorities violates the United Nations (UN) treaty on the Universal Declaration of Human Rights (UDHR) (Democracy Reporting International, 2016, p. 7), established as ‘a common standard for all peoples and nations’ (Democracy Reporting International, 2016, p. 7). The UN declaration ‘represented the aspirations of a world that had just gone through the horrors of World War II and did not want further conflict on religious and ideological grounds’ (Ispahani, 2017, p. 2).

The UDHR is the foundation for the International Covenant on Civil and Political Rights (ICCPR), a binding UN human rights agreement. The ICCPR is a key international human rights treaty that obligates all 168 countries that have ratified the treaty, including Pakistan in 2010, to protect and preserve basic human rights, such as:

The right to life and human dignity; equality before the law; freedom of speech, assembly, and association; religious freedom and privacy; freedom from torture, ill-treatment, and arbitrary detention; the right to political participation, gender equality; the right to a fair trial, and minority rights (Democracy Reporting International, 2016, p. 1).

Nonetheless, parties to the treaty still violate its regulations and commitments. For example, Article 18 of the ICCPR stipulates that each individual has the ‘right to freedom of thought, conscience and religion’ (OHCHR, 1976, p.10), yet several member states continue to engage in religion-based violations. Farahnaz Ispahani (2017), author and former member of the National Assembly of Pakistan, discusses some countries that curb religious freedom:

Regimes, such as Sudan, continue to inflict harsh punishments for apostasy and blasphemy. In Iran, hundreds of Bahais, Christians, Sufi Muslims, Yarsanis, and Shia Muslims are in prison for professing a doctrine not approved by the clerical regime. In Egypt, the Christian Copts have come under attack by religious extremists. In Russia and Central Asia, separatists kidnapped, tortured, and threatened Protestants, Catholics, and Jews (p. 2).

Pakistan, also a member state to the ICCPR, ‘has witnessed some of the worst persecution and discrimination of religious minorities’ (Ispahani, 2017, p. 10). In 2017, the United States Commission

on International Religious Freedom (USCIRF, 2017) for the first time classified Pakistan as a country of particular concern (CPC) and placed Pakistan on its ‘Special Watch List for severe violations of the religious freedom of minorities’ (Inayat, 2018a).

This policy brief comes at a time, then, when Pakistan’s religious minorities, in particular, Christians, are increasingly the victims of oppression: and the situation is likely to worsen. On 9 March 2018, Pakistan’s Islamabad High Court issued a ruling declaring that every citizen must clearly state their faith on their identity cards; a ruling indicative of the worsening situation facing minorities in that country. If the ruling is implemented, minorities will no longer have safe haven: identity cards will make them easy targets and place them at even greater risk than ever before. Ejaz Mall, a Christian civil servant in Lahore, explains ‘it is already difficult for us as minorities to retain our government jobs. With this court judgment, we can forget whatever normalcy we had in our lives’ (Mall quoted in Inayat, 2018a).

Moreover, the South Asia Democratic Forum’s (SADF) Policy Brief N° 7 argues that Pakistan’s top-down and bottom-up jihad nexus has paved the way for the persecution of religious minorities. The strong influence of the military in most aspects of society, civilian and military governments (which has contributed to Islamisation of the country) along with the judiciary (which is both an ally of religious conservative forces and the military in confronting the executive over the interpretation of the constitution) make up the top-down jihad. Islamic extremist groups and religious clerics contribute to the bottom-up jihad of minority oppression. This nexus has enabled Pakistan to establish legalized religious and ethnic segregation between the Muslim majority and religious minorities.

The methods for Pakistan’s persecution of minorities is: 1) blasphemy laws, especially Section 295-C (which states that the use of derogatory remarks in respect of the Holy Prophet is punishable by death) are used to unjustly convict minorities; and 2) hatred towards minorities is cultivated in school curricula and textbooks by promoting and teaching discriminatory behaviour to students at a young age.

PART I: The Islamic Republic of Pakistan



Map of Pakistan. U.S. Commission on International Religious Freedom , 2017

This report aims to shed light on the atrocities committed by the Islamic Republic of Pakistan towards its religious minorities, in particular Pakistani Christian minorities. According to Open Doors International (2018), ‘Pakistan is one of the most violent countries for Christians to live in. Islamic jihadists attack churches, with increased attacks around religious holidays like Easter and Christmas’. Pakistan demeans its Christian minorities by considering them as second-class citizens including, officially reserving menial jobs for them. Open Doors International (2018) shows that religious affiliation can lead Pakistanis to ‘be denied access to pharmacies and hospitals’.

Indeed, according to the United States Commission International Religious Freedom (USCIRF, 2017), ‘Pakistan is an ethnically and religiously diverse country of over 190 million people’. The last official census in 1998 (USCIRF, 2017, p.2) showed that ‘95 percent of the population identified as Muslim; among the Muslim population, 75 percent identified as Sunni and 25 percent as Shia. The remaining five percent of Pakistan’s population are non-Muslim, including Christians, Hindus, Parsis/Zoroastrians, Baha’is, Sikhs, Buddhists, and others’ (USCIRF, 2017, p.2). However, ‘Christians and Shia Muslims find it difficult to believe that their communities are as small as the census depicts.

Additionally, an ‘estimated two to four million Ahmadiyyas consider themselves Muslims, but Pakistani law does not recognize them as such’ (USCIRF, 2017, p.2).

Pakistan has signed and ratified international treaties, committing to upholding religious tolerance and human rights for its diverse population. However, despite the treaties, the former U.S. Ambassador to Afghanistan, Zalmay Khalilzad (2016) notes that ‘Pakistan has been playing a perfidious and dangerous double-game. It has portrayed itself as a U.S. partner, yet supports the Taliban and the al-Qaeda-linked Haqqani network’ (Khalilzad, 2016). In other words, Pakistan portrays itself as a Western ally and a country that upholds international treaties as well as human rights standards, while fomenting systemic violence against its minority population. SADF’s Policy Brief N° 7 agrees in its analysis that Pakistan has been playing this double-game with its religious minorities by cultivating a legalized apartheid even though it is a party to the ICCPR.

Islamabad High Court Ruling 2018

On Friday, 9 March 2018, the Islamabad High Court ruled that ‘all citizens must declare their religious affiliation before joining the civil service, military or judiciary. All birth certificates, identity cards, passports and voting lists must also indicate the person’s faith’ (Inayat, 2018a, para 1). This court decision resulted from:

The ultra-right-wing Tehreek-e-Labaik party’s political furor late last year after lawmakers from the ruling Pakistan Muslim League-Nawaz (PML-N) approved apparently small changes to the election law that discarded a requirement for Ahmadi voters to declare they are not Muslim (Sayeed, 2018, para 6).

The Tehreek-e-Labaik and its supporters took to the streets. Demonstrations only ended after lawmakers retracted the proposed amendments and agreed to allow the law minister to step down. However, not only did the ultra-right Islamic group want lawmakers to withdraw the amendment, they sought a declaration requiring every citizen of Pakistan to indicate their faith when applying for a governmental post. The justice who issued the ruling, Justice Shaukat Siddiqui, did so because Article 5 of the Constitution states that ‘it demands all citizens to remain faithful to the state and abide by the rules of law and Constitution’ (Dawn, 2018).

Most striking was the Justice's interpretation of Article 5, writing that it 'makes it mandatory for every citizen, whether Muslim or non-Muslim to declare their true faith. Failure to do so makes citizens guilty of betraying the state and exploiting the Constitution' (Dawn, 2018). The Justice then stated that 'the Constitution also grants complete religious freedom, including all basic rights of the minorities (non-Muslims) and that the state was bound to protect their life, wealth, property, dignity and protect their assets as citizens of Pakistan' (Dawn, 2018). This clearly depicts Pakistan's continuous double-game of pretending minorities rights' are protected by the state while violating them.

Asher Daniel (quoted in the National Catholic Reporter (2018) a university student in Lahore who is a Christian, stated 'if my religion is mentioned on the identity card that makes me even more vulnerable as a minority. Now even getting a parking or red-light ticket for me will become dangerous. Why should my religion be the business of the state?' (Inayat, 2018a). Nasir Saeed, director of the Christian non-government organization (NGO) Centre for Legal Aid, Assistance and Settlement (CLAAS) (Agenzia Fides, 2017, para 4) expressed concerns over this ruling when he said 'In the present social context of growing hatred and religious intolerance, this new measure increases the vulnerability of religious minorities which already suffer from discriminating government laws and policies'.

Significantly, the Ahmadiyya community will face further persecution with this ruling as when they 'apply for a job in the judiciary, armed forces, civil services, and other government jobs, they also need to submit an affidavit declaring the Khatm-i-Naboowat' (World Watch Monitor, 2018), an oath declaring Muhammad the final prophet. However, the Ahmadiyyas believe that Mirza Ghulam Ahmad was the final prophet, not Muhammad. The Ahmadiyya community already endures much suffering as they are forbidden by law to consider themselves Muslim and 'educational institutions reportedly require students to declare their religious affiliation on application forms. Non-Muslims must provide verification of their religious affiliation by the head of their local religious communities; Muslims must declare that they believe the Prophet Muhammad is the final prophet, which excludes Ahmadiyyas' (UNHCR, 2017, p.32). Thus, the government has lists of its citizens religious affiliations (World Watch Monitor, 2018), meaning the Ahmadiyyas and other religious minorities will no longer be able to hide their identity.

This ruling has precedence in Pakistani politics. In 1992, a similar proposal was presented to make it mandatory for citizens to include their religious affiliation on their identity cards. However, Clement

Shahbaz Bhatti, the former leader of the Christian Liberation Front, ‘led the Pakistani Christian community in large-scale protests. He believed that Christian’s and other religious minorities would be socially and economically excluded from the rest of the nation by having to declare their religion, fearing that intolerance and hatred would spread throughout the entire nation’ (International Christian Voice, 2018). Clement Shahbaz Bhatti was successful in convincing the court to retract the ruling, but there are no guarantees that this 2018 Islamabad High Court ruling will be withdrawn, since there has not been any formal (public or sustained) opposition to it.

The incompatibility of Pakistan’s blasphemy laws with the ICCPR

Pakistan’s blasphemy laws are fundamentally incompatible with the ICCPR even though when Pakistan ratified the treaty it committed the country to ‘respect, protect and fulfil the rights stipulated in this treaty and to put in place the necessary legislative, judicial, administrative, and other measures, including by making changes to existing national laws’ (Amnesty International, 2016, p. 14). Attempts have been made to reform and add safeguards to prevent misuse of the blasphemy laws. Yet, with each attempt came threats levelled against those who try, including death. Or, officials who have tried to implement phony reforms to uphold lawmaker’s image that they are tackling human rights violations. For example, Amnesty International (2016) reported that in 2015:

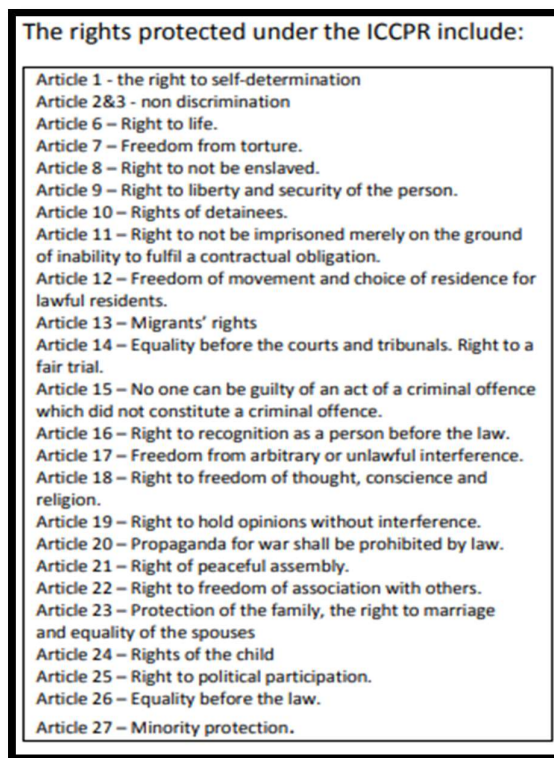
There were reports in the media that the government would be proposing a draft bill with amendments to parts of the blasphemy laws in order to prevent their misuse. The Minister of State and Special Assistant to the Prime Minister on Human Rights, Zafarullah Khan, was reported in the media as saying that in the new draft bill, punishment has been proposed for those who lodge false First Information Reports and for those who take the law into their own hands (p. 53).

However, Pakistan’s Penal Code already includes provisions that ‘criminalize fabricating or giving false evidence’ (Amnesty International, 2016, p. 53). Specifically, Section 211 of Pakistan’s Penal Code states:

A person who intentionally initiates a false criminal case or puts false charges on any other person for an offence without any lawful ground, shall be punished with imprisonment of 2 years, or fine or both. He may also be imprisoned for 7 years and fine, if punishment for such

falsely charged crime is death, imprisonment for life, or for 7 years or more. This is significant deterrent against the initiation of false cases (OECD, 2007, p. 59).

This new draft bill, then, seems legally superfluous. Instead, reforms should include: eliminating discrimination in school textbooks, enforcing an independent and fair judiciary, forbidding religious clerics to promote violence against religious minorities, and so on. Pakistan specifically violates the following Articles of the ICCPR: Article 2 and 26: the right to equality and non-discrimination, Article 6: the right to life, Article 9: the prohibition of arbitrary detention, Article 14: the right to a fair trial, Article 19: freedom of opinion and expression and Article 18: freedom of religion or belief. This will be further analysed in Part III of this policy brief.



Source: Democracy Reporting International, 2016

The United National Human Rights Committee

On 15 March 2017, Pakistan submitted its initial report (UNHRC, 2017, para 20) in response to the UNHCR's list of issues regarding Pakistan's progress with the implementation of the ICCPR. This policy brief highlights Paragraph 20 submitted by Pakistan in response to the violation of its blasphemy laws (Government of Pakistan cited in UNHRC, 2017, p. 17):

Blasphemy Laws were introduced during the British rule in South Asia. Such laws also exist in many countries. More than 20 European countries currently have Blasphemy Laws on their statutes. The Government of Pakistan is mindful of its responsibility to prevent the misuse or abuse of the Blasphemy Law, especially by those who wish to exploit it for personal gain or interest. The Government takes any complaint of misuse of Blasphemy Law with the utmost seriousness, and continues to take legal, administrative as well as policy measures to prevent the misuse of the Blasphemy Law. Blasphemy laws in Pakistan is not discriminatory as it is based on respect for all religions. It deals with offences against all religions and applies to Muslims and non-Muslims alike.

SADF's Policy Brief N° 7 notes that although it is true that the British initiated the blasphemy laws and were passed onto Pakistan's Penal Code, Sections 295-B and 295-C, the former punishable by a life sentence and the latter by death, were only introduced in 1986 under General Zia-ul-Haq's military regime. Figure 1 shows the number of blasphemy cases since 1851, highlighting the record before and after the introduction of harsher punishments. Qaiser Julius (2016, p.100) suggests that:

There were very few cases of blasphemy during the period of British rule from 1851 to 1946 - in fact, only six cases in nearly 100 years. Additionally, there were only eight cases in Pakistan in the 33 years between 1947 and 1980, that is, before the harsher clauses of the blasphemy laws were enacted. In contrast, 1246 blasphemy cases were registered in the 31 years after these harsher clauses were introduced (1981-2012).

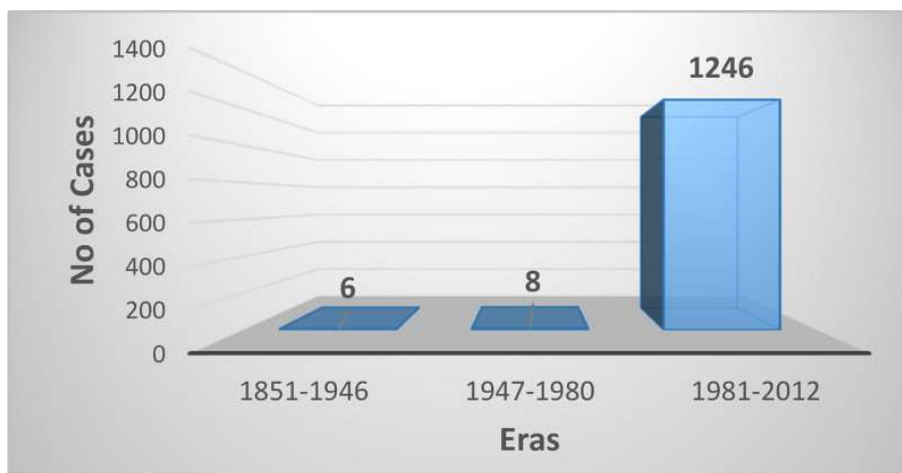


Figure 1: Blasphemy cases in the eras before and after the establishment of Pakistan's Blasphemy laws

Source: Qaiser Julius, 2016

The UNHRC's concluding observations on Pakistan's initial report

In August 2017, the UNHRC reviewed and assessed Pakistan's implementation of the ICCPR and disagrees with Pakistan's initial report (United Nations Human Rights Committee 2017, para 20). The UNHRC (OHCHR, 2017) writes:

The Committee is concerned by the blasphemy laws, including sections 295 and 298 of the Pakistan Penal Code, that carry severe penalties, including the mandatory death penalty (sect. 295(C)), and reportedly have a discriminatory effect, particularly on Ahmadi persons (section 298 (B) and (C)); by the very high number of blasphemy cases based on false accusations and by violence against those accused of blasphemy; and by repeated reports that judges who hear blasphemy cases are frequently harassed and subjected to intimidation and threats. The Committee remains concerned by the continued reports of hate speech and hate crimes against persons belonging to religious minorities and their places of worship and by the religiously biased content of textbooks and curricula in public schools and madrasas (arts. 2, 14, 18 and 19). The State party should: (a) Repeal all blasphemy laws or amend them in compliance with the strict requirements of the Treaty, including as set forth in the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, para. 48; (b) Ensure that all those who incite or engage in violence against others based on allegations of blasphemy, as well as those who falsely accuse others of blasphemy, are brought to justice and duly punished; (c) Take all measures necessary to ensure adequate protection of all judges, prosecutors, lawyers and witnesses involved in blasphemy cases; (d) Ensure that all cases of hate speech and hate crimes are thoroughly and promptly investigated and that perpetrators are prosecuted and, if convicted, punished; (e) Review school textbooks and curricula with a view to removing all religiously biased content, incorporate human rights education therein and continue to regulate madrasas.

The government of Pakistan and the UNHRC reports differ with regards to the blasphemy laws and other prevalent issues in Pakistan. However, the Committee has noted some measures taken by the Government of Pakistan to prevent the misuse of blasphemy laws, such as the Punjab Sound System Regulation Act in 2015 'implemented to eliminate the use of loudspeakers in inciting violence against presumed blasphemers' (UNHRC ICCPR, 2017, p. 12); and, the Punjab Vigilance Committee Act in 2016 that 'provides the establishment of vigilance committees at the district and provincial level which are mandated to report any unlawful activity being carried out, or being planned, with respect

to incitement’ (UNHRC ICCPR, 2017, p. 12). But, the Committee fundamentally concludes that much work is still to be done.

Pakistan at the Human Rights Council 2018

After submitting its candidature, the government of Pakistan was elected as a member of the Human Rights Council for 2018-2020. Pakistan has voluntarily pledged and committed to upholding human rights and stated that:

Pakistan’s commitment to human rights emanates in the first place from its Constitution and duty towards its people. We are determined to ensure that every Pakistani citizen lives in equality, dignity and freedom, with complete protection of fundamental human rights without any discrimination. The words of the founding father, Quaid-e-Azam Muhammad Ali Jinnah, are the guiding principle of our policy: ‘We are equal citizens of one State’ (United Nations General Assembly A/72/88, 2017).

At the national level, Pakistan has committed to a number of items, including ‘continuing to ensure speedy justice for victims of human rights violations, including through the strengthening of human and technical resources available to law enforcement agencies and prosecutors’, and to ‘protect the rights of minorities and promote interfaith harmony through various policy and legislative measures’ (UN General Assembly A/72/88, 2017). Membership on the Human Rights Council is a timely opportunity for Pakistan to follow through with these pledges and to stop the persecution of religious minorities. However, since the Islamabad High Court Ruling was decided after these pledges, Pakistan appears to continue to play its double-game.

PART III: Historical and socio-political development of violence towards religious minorities

Maulana Sayyid Abul Ala Maududi: The founding of modern jihadism

Maulana Sayyid Abul Ala Maududi, born in 1903, was a Sunni Islamist philosopher, political activist, and the creator of modern jihadism (SADF Policy Brief N° 5, 2017). He was educated in both modern Western principles and traditional Islamic education, later becoming the editor of the newspaper of an important association of Muslim scholars (SADF Policy Brief N° 5, 2017, p.3). In 1927, Maududi published ‘Jihad in Islam’, a work that laid the foundation for the modern Jihadist movement, which defines Islam as ‘a revolutionary ideology and programme which seeks to alter the social order of the

whole world and rebuild it in conformity with its own tenets and ideals. “Muslim” is the title of that International Revolutionary Party organised by Islam to carry into effect its revolutionary programme’ (SADF Policy Brief N° 5, 2017, p. 3). He also defines jihad and explains that, ‘Jihad refers to that revolutionary struggle and utmost exertion which the Islamic Party brings into play to achieve this objective’ and ‘repeatedly calls for Jihad to destroy non-Jihadist governments’ (SADF Brief No. 5, 2017 pp. 3-4). Maududi’s work was ‘replicated by many leaders of Jihadist organisations, such as the Muslim Brotherhood network and its splinter factions – such as Al-Qaeda or ISIS – and, within Shia Islam, the Constitution of Islamic Republic of Iran, with variations, throughout history’ (SADF Policy Brief No. 5, 2017, p. 4).

Maududi played a major role in opposing the partition of India and the formation of a separate nation for Muslims: he envisioned a universal revolution where the world would transform into a united Islamic system. He also believed that ‘Muslims do not constitute a national entity, instead they are an organized community, or Jamaat’ (Ahmad quoted in *Mawdudi and orthodox fundamentalism in Pakistan*, 1967, p. 374). However, after partition, he was determined to create Pakistan into an Islamic state according to his beliefs and his importance cannot be understated. ‘Maududi’s idea of regimenting Muslim and instilling a belief system in their thinking was not very different from the objectives of Pakistan’s top-down nation builders’, Haqqani (2005) writes, ‘who considered regimentation necessary to iron out the creases in the design of a nation-state united primarily by the religion of its citizens’ (p. 23). Since the creation of Pakistan, Maududi and his party, Jamaat-e-Islami (JeI) (which he founded in 1941) negatively impacted religious minorities by slowly contributing to the Islamisation of the country. The American Foreign Policy Council (2017, p. 10) describes JeI’s influence in Pakistan:

They generally performed only marginally at the polls, capturing about five percent of the vote in most elections held during the last two decades. The party’s influence on Pakistani politics and society outweighs its electoral performance, though, primarily because of its effectiveness in mobilizing street power, its ability to influence court cases, and its adeptness at using Pakistan’s Islamic identity to bring pressure on military and democratic governments alike to adopt aspects of its Islamist agenda.

Quaid Azam Muhammad Ali Jinnah: Founder of Pakistan (1947)

The vision of a separate homeland for Muslims in South Asia was achieved with the emergence of Pakistan on the 14th of August 1947. Muhammad Ali Jinnah, the country's first Governor, gave his presidential address to the constitutional assembly of Pakistan, a speech that established the initial foundation for the creation of Pakistan. Muhammad Ali Jinnah eloquently stated:

You are free; you are free to go to your temples, you are free to go to your mosques or to any other place or worship in this state of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the state. As you know, history shows that in England, conditions, some time ago, were much worse than those prevailing in India today. The Roman Catholics and Protestants persecuted each other. Even now there are some states in existence where there are discriminations made and bars imposed against a particular class. Thank god, we are not starting in those days. We are starting in the days where there is no discrimination, no distinction between one community and another, no discrimination between one caste or creed. We are starting with this fundamental principle that we are all citizens and equal citizens of one state (Singh, 2009, p. 572).

Muhammad Ali Jinnah spoke of a pluralistic and religiously tolerant society, shocking those who believed that Pakistan would be an Islamic State in terms of both the public and private affairs. However, Jinnah envisioned a secular government and a society guided by Muslim principles, while respecting religious minorities. This proved to be problematic for ultra-religious clerics who argued that 'since the state was achieved on the basis of Islam, the next political objective was for the state to transform itself into an Islamic one' (Chengappa, 2001, p. 2157). Thus, Islam served as a tool for religious parties to push their political agendas.

Changes to the founding principles of the State

Approximately one year after the formation of Pakistan, on 11 September 1948, Muhammad Ali Jinnah died, leaving behind a new nation without an officially accepted leadership. This created a power vacuum that led to a downward spiral in the country's religious tolerance. On 12 March 1949, the Constituent Assembly proclaimed that the purpose of the Constitution of Pakistan was the formation of an Islamic State. Under the leadership of Liaquat Ali Khan, Pakistan's first prime minister,

the Objectives Resolution was passed, outlining the goals of the new state and providing the foundation for Pakistan's forthcoming constitutions. The Objectives Resolution was the first legislation to incorporate religion into politics:

In the name of Allah, the Beneficent, the Merciful; whereas sovereignty over the entire universe belongs to God Almighty alone and the authority which He has delegated to the State of Pakistan through its people for being exercised within the limit prescribed by Him is a sacred trust (The Objectives Resolution, 2009, p. 89).

Muslims shall be enabled to order their lives in the individual and collective spheres in accord with the teachings and requirements of Islam as set out in the Holy Quran and the Sunna (The Objectives Resolution, 2009, p. 91).

At the time, Bhupendra Kumar Datta, a member of Pakistan National Congress from East Pakistan (now Bangladesh), expressed his fears that the Objectives Resolution's limits 'would remain subject to interpretations by different authorities' (Parveen, 2010, p. 149). Moreover, while the Resolution addressed protecting minorities, certain clauses 'gave the impression that Muslims would be given a place of privilege' (Chengappa, 2001, p. 2166), which contradicts Jinnah's vision of a society where no religion would be above the other. Scholar Dr Riaz Ahmad (2002) notes:

Although Prime Minister Liaquat Ali Khan did not use the term "Islamic Law" in the classical sense, it none the less created the impression that Pakistan would move in the direction of an orthodox Islamic State. It was this interpretation of Islam in the Constitution that later resulted in the Ahmadiyya riots in 1953 (p. 2).

However, Prime Minister Liaquat Ali Khan viewed the Resolution as a milestone for minorities when he remarked:

What we have provided here for minorities I only wish that the sister dominion of India had provided similar concessions and similar safeguards for the minorities in India. Here, we are guaranteeing you your religious freedom, advancement of your culture, sanctity of your personal laws, and equal opportunities, as well as equality in the eye of the law (p. 62)

Prime Minister Liaquat Ali Khan, himself a secularist, attempted to please both the modernists and the orthodox. Nevertheless, he was confronted with a great amount of pressure from religious groups in the government to declare Pakistan an Islamic State. These groups included Maulana Shabbir Ahmad Usmani, President of the Jamiat-al- Ulama-i-Islam (JUI), Pir of Manki Sharif in the NWFP, and Maulana Akram Khan, President of the East Pakistan Provincial Muslim League (Parveen, 2010, p.143). Additionally, and although not in the government, Maududi, the Jamaat-e-Islami (JeI), and the Ahrars, a purist Deobandi sect also contributed to pressuring the government for the establishment of an Islamic State. Maududi demanded that the government ‘base the future constitution on the following Islamic principles’:

- (i) ‘That Pakistanis believe in the supreme sovereignty of God and that the state will administer the country as His agent’; (Parveen, 2010, p. 143).
- (ii) ‘That the basic law of the land is the Shariah which has come to us through our Prophet Muhammad (SAW)’; (Parveen, 2010, p. 143).
- (iii) ‘That all such existing laws as are contrary to the Shariah be gradually repealed and no law contrary to the Shariah shall be framed in the future’; (Parveen, 2010, p. 143).
- (iv) ‘That the state, in exercising its powers, shall have no authority to transgress the limits imposed by Islam’ (Parveen, 2010, p. 143).

Maududi, for example, ‘lobbied extensively with members of the Constituent Assembly and concertedly campaigned to press upon the leaders to incorporate the above points in the constitution of Pakistan’ (Moten, 2003, p. 394). The following year, The Government of Pakistan used the Objectives Resolution as a blueprint to embody Maududi’s demands and strengthen the ideology of Islam. Thus, religious groups viewed the Objectives Resolution taking them one step closer to achieving their goal of establishing an Islamic state.

While the Objectives Resolution was the first step in framing Pakistan’s constitution, the Basic Principles Committee report was the second. The report aimed at implementing ‘the guidelines set out in the Objectives Resolution into an institutional form’ (Chengappa, 2001, p. 2169). The Basic Principles Committee (BPC) included the interests of fundamentalists, establishing a ‘special committee for the Talimaat-i-Islamia, which consisted of reputed Islamic scholars to advise on matters arising out of the Objectives Resolution’ (Khan, 2001, p. 65). Chengappa (2001) writes that ‘the significance in the BPC report lay in the fact that it was able to deflect the fundamentalists demand that the Shariah and not the parliament should be elevated to the status of a sovereign body’ (p. 2169). However, it

still proved difficult to ignore their recommendations, thus ‘the BPC report proposed to form a parliamentary democracy in conjunction with a medieval theocracy’ (Chengappa, 2001, p. 2169).

Constitutions of Pakistan: Incorporation of Islamic ideology and democratic provisions

Pakistan has written three constitutions, each includes both Islamic and democratic provisions. Pakistan’s first constitution, promulgated on 29 February 1956, stated Pakistan’s official name as the ‘Islamic Republic of Pakistan’ (SADF Focus No. 12, 2016, p.3). Chengappa (2001) argued that ‘Pakistan being an Islamic Republic in which Islam would dominate would be bound to impinge on the rights of the non-Muslims minorities’ (p. 2170). Nonetheless, the Objectives Resolution became the constitution’s preamble.

The constitution incorporated two salient clauses that marginalized minorities, including barring them from ‘holding the office of the head of State’ (Ispahani, 2017, p. 12) and according to Article 198 ‘no law shall be passed against the teaching of Islam and the National and Provincial Assemblies shall check legislative process with Islamic law’ (Dawood & Afridi, 2016, p. 129). Moreover, the constitution provided provisions upholding human rights. For example, Article 20 states that ‘every Pakistani citizen must have the liberty to practice his own religion and establish religious institutions’ (Yousaf, 2016, p. 3). However, the constitution is clear: Islamic provisions ‘should not affect the personal laws of non-Muslims or their status as citizens’ (Khan, 2001, p. 110).

Although it seemed as if Pakistan was playing a double-game with the incorporation of Islamic and democratic provisions, religious minorities were optimistic that their rights were safeguarded. Pakistan’s second constitution was approved on 1 March 1962 by Muhammad Ayub Khan, Pakistan’s first dictator. Like the first, the second constitution also included the Objectives Resolution in the preamble as well as Islamic provisions. Initially, Ayub Khan eliminated the term ‘Islamic’ and renamed the country the Republic of Pakistan. However, this caused an outburst of protest and the drafters were pressured to change it back to the ‘Islamic Republic of Pakistan’. The Islamic Research Institute, aiming to ‘carry out Islamic research and teaching of Islam for the transformation for a Muslim society on a truly Islamic basis’ (Dawood & Afridi, 2016, p. 132) was kept from the previous Constitution under Article 197.

However, the constitution continued to promote fundamental citizenry rights to religious minorities despite emphasising an Islamic character; a character that consisted of an Advisory Council of Islamic

Ideology to advise governmental organs on issues regarding laws and keeping the clause from the first constitution that ‘all laws must be brought in conformity with Islam and no new law should be contradictory to it’ (Chengappa, 2001, p. 2170).

Like the previous constitutions of 1956 and 1962, the ‘Constitution of 1973 provided for the fundamental rights of the citizens’ (Khan, 2001, p. 272). The Constitution of 1973, differed however, in that it was widely considered the most liberal as it designated specific procedures for the safeguarding of religious minorities. These safeguards included:

Article 20: Freedom to profess religion and to manage religious institutions; Article 21: safeguards against taxation of specific religions; Article 22: safeguards around education with respect to religious freedom; Article 25: equality of citizenship; Article 36: protection of minorities (Chengappa, 2001, p. 2175).

In addition to providing fundamental rights, the new constitution also declared Islam the state religion of Pakistan. This is contradictory to the safeguarding of religious minorities as this clause can be interpreted as Islam the only religion of Pakistan. The amendments introduced by General Zia-ul Haq illustrate that interpretation. From 1979-1988, Zia introduced reforms to the Constitution of 1973 that destroyed the secular principles of Pakistan’s legal system. These changes included:

The introduction of Shariah law in Pakistan’s High Courts from 1979 to rule on whether any existing law or provision of the law was repugnant to Islam; the introduction of the Hudood Ordinances, which imposed penalties for offences against boundaries set by God in the Quran, such as drinking alcohol, taking drugs, and adultery; the introduction of the Qanoon-e-Shahadat or law of evidence, which reduced the value of a court testimony of women and non-Muslims; the introduction of amendments to blasphemy laws Section 295-C mandating the death penalty for using derogatory remarks in respect of the Prophet; the introduction of the ninth amendment, making Shariah the supreme law of the land and required all laws to be interpreted in light of Shariah law; and the introduction of the fifteenth amendment, which removed some of the legislature barriers to the enforcement of Shariah law (Chengappa, 2001, p. 2160).

General Zia, in introducing these draconian changes and punishments, ended any hope for a pluralistic society. It became clear to religious minorities that whatever safeguards and rights listed in the

Constitution were nullified by the extremist reform laws. Ispahani (2017) writes that ‘for thirty years after independence, Pakistanis at least debated the role of Islam in matters of state, even as the political balance gradually shifted against secular and pluralist ideas. Once General Zia seized power through a military coup in 1977, the debate was terminated and replaced by arbitrary and forced Islamization’ (p. 93).

Events that strengthened Pakistan’s commitment to a jihad ideology

a) Partition of East Pakistan 1971

Pakistan’s military power can be best exemplified in the war that led to the formation of Bangladesh. The partition also illustrates Pakistan’s devotion to an ideological state and its animosity towards anyone who deviates. Husain Haqqani (2005), former Ambassador of Pakistan to the United States and Sri Lanka, notes:

This political commitment to an ideological state gradually evolved into a strategic commitment to jihadi ideology - ideology of a holy war - especially during and after the Bangladesh war of 1971, when the Pakistani military used Islamist idiom and the help of Islamist groups to keep secular leaders who were supported by and elected by the majority Bengali-speaking population out of power (p. 3).

Although Bengalis were the majority population in East Pakistan, ‘the West Pakistani establishment had its mind set on the one nation-one language concept’ (Khan, 2001, p. 233). Since the creation of the new state, ‘Pakistan’s nation builders refused to recognize the cultural diversity among Muslims of different regions. The Bengalis felt that their rights and cultural identity were being eroded under the cloak of Islamic ideological nationalism’ (Haqqani, 2005, p. 62).¹ The Bengalis held that this ‘Islamic ideological nationalist’ sentiment primarily with ‘West Pakistan’s attempt to enforce Urdu as “lingua franca” in its eastern wing’ (Wolf, 2017, p. 2).

As the linguistic issue between East and West Pakistan evolved into political conflict, the Bengali Muslims called for independence. However, creating an independent country threatened the Islamic ideological foundation of Pakistan. Religious groups ‘perceived the demand for autonomy as anti-national and an un-Islamic act because it amounted to an assertion of ethno-linguistic identity over

an Islamic one' (Chengappa, 2001, p. 2171). Western Pakistan violently suppressed the independence movement. Islamist groups, such as the East Pakistan branch of Jamaat-e-Islami also sided with the military in order to destroy Bengali nationalism. SADF's Comment N° 3 *Bangladesh: Genocide in the name of religion* depicts the attack:

On the evening of March 25, 1971, the then military government of General Yahya Khan, through its military forces and the major Islamist organization present in Bangladesh, the Jamaat-e-Islami, began a religious and intellectual cleansing of East Pakistan that targeted Hindus and other minorities. These included the intelligentsia, especially those secular and with Bengali language and culture. During the nine months of the operation, Islamist forces together with the Pakistan army killed nearly 3 million people, pushed 10 million refugees abroad and sexually assaulted 300,000 women (Casaca, 2015).

Ispahani (2017) describes that during the conflict, 'the Pakistani army ordered Muslims to attack Hindus, and if they did not do so, they would also be slaughtered' (p. 76). This demonstrates Pakistan's hostility towards religious minorities and the most salient aspect of this tragedy was the 'ill treatment of the army towards Bengali Hindus, who were at the time Pakistani citizens' (Ispahani, 2017, p. 74). Furthermore, this also depicted Pakistan's culture of impunity as:

More than four decades after the genocide, one may wonder how it was able to take place and how it could remain unpunished until today. In many ways, it was the precursor of the Islamists carnages later committed in Afghanistan, Iran, in other parts of Pakistan and a bit elsewhere around the Muslim world (Casaca, 2015).

Impunity in Pakistan is also prevalent among who take the law into their own hands by killing 'presumed blasphemers', while using Islam to justify such atrocious acts. This genocide could be seen as Pakistan accusing Bengali Muslims of blasphemy since one interpretation was that Bengalis' actions were un-Islamic. And, like with Section 295-C of the blasphemy laws, such acts were unpunishable with death. Khan (2001) sums up the situation this way: 'The establishment in West Pakistan (now the Islamic Republic of Pakistan) has learnt nothing from the past and continues to tread the path which led to the separation of East Pakistan' (p. 241).

a) General Zia-ul-Haq and Islamic extremism

General Zia-ul-Haq played an integral role in the persecution of religious minorities. Although he was not the only factor, he greatly enabled and exacerbated the conflict. Pakistan underwent drastic changes from 1977-1988. The Zia government ‘introduced new laws based on ultra-orthodox Sunni interpretations of Islam and formulated Islamic rules and regulations for every institution. It thus subjected all sectors of society - from education to the media and from the cultural policies to official rules of business - to an Islamic code of conduct’ (Hashmi, 2016, p. 145). Zia’s relationship with religious groups proved mutually beneficial as he received support from the Ulema to rule freely, under his unconstitutional military regime, in exchange for helping them achieve their goals of a theocracy. Chengappa (2001) writes that ‘Zia’s sole intention of furthering the cause of Islam was linked to his political compulsions for survival in office’ (p. 2173).

Arshi Saleem Hashmi (2016) notes that ‘the process of Islamization by Zia set free forces of sectarianism and helped them spread throughout the country’ (p. 143). The Deobandi movement (which was ‘a nineteenth century Indian school of Islam that rose to prominence during the time of the British rule in India and was stricter than the milder South Asian Islam’ Hashmi, 2016, p. 142.) started its fanatic drive in Pakistan during Zia’s regime. Important government positions, such as in the judiciary, civil services, and educational institutions were filled with Islamists causing the federal cabinet to change:

The cabinet included the Pakistan Muslim League (PML), Jamiat-ul-Ulama-Islam Pakistan (JUIP), Pakistan Democratic Party (PDP) and Jamaat-e-Islami. This was the first time for the Ulema and other religious parties to be associated with the power structure of the government. If one glances through the past record of the Ulema and religious parties, it appears that they had failed to win a substantial majority in any elections. Once in government, they vehemently started advocating the establishment of a religious state bordering on theocracy rather than a modern democratic Islamic state (Hashmi, 2016, p. 150).

As the government influenced the media, Islamization was easily advocated through this platform. Jinnah strongly opposed the insertion of Muslim religious groups into Pakistan’s government since he envisioned an independent Muslim State. He particularly opposed Deobandi, Jamiat-i-Ulema-i-Islam, and Jamaat-e-Islami because ‘they were supporters of Congress’s notion of undivided and united India’ (Hashmi, 2016, p. 150). Murphy and Malik (2002) analysed the situation this way:

Muhammad Ali Jinnah's vision of Pakistan as a tolerant, modern, Islamic democratic State was later hijacked by religious elements who found in the new State an opportunity to advance their causes along conservative religious lines. From within and outside the State, religion was thus being used as a tool in advancing the political motives of religious parties and groups. The constitutional debate, the role of religious minorities, Islamisation, and Sharia were some of the examples that explained such trends and tendencies, which partly contributed toward the rise of religious extremism (p. 56).

General Zia-ul-Haq fostered a stronger relationship with the Jamaat-e-Islami, appointing four leaders to ministerial positions. Additionally, when Zia established Shariah courts, he nominated a Jamaat leader as judge of the federal Sharia court.² Until Zia's regime came into power, 'the relation within Sunni doctrine (Deobandi, Barelvi and Ahl-e-Hadith) and between Shia and Sunni' remained relatively calm (Murphy and Malik, 2002, p. 143). However, in 1985, the Anjuman-e-Sipah-i-Sahaba (ASS, Society of the Army of the Prophet's Companions, later the SSP) was created to promote violence against the Shias. Zia's regime fully endorsed the SSP. The organization later entered into Pakistan's mainstream politics.

Furthermore, in addition to opposition towards the Shia, renewed conflicts started to arise against the Ahmadiyya community. One of the first incidents was in the 1920s when the Ahrars, a Deobandi sect, 'launched its first agitation against the Ahmadiyyas' (Chengappa, 2001, p. 2166). Maududi and the Jamaat-e-Islami supported the Ahrars' hostility towards the Ahmadiyyas and 'adopted a militant policy towards the Ahmadiyyas in order to gain acceptance to the national mainstream in Pakistan' (Chengappa, 2001, p. 2166). Although it was Shia Muslim Zulfiquar Ali Bhutto whose regime declared the Ahmadiyyas as non-Muslim minority sect, Zia aggravated the issue.

Fundamentalists requested a four-point plan, to which Zia agreed, as part of their anti-Ahmadiyya agenda. The plan required:

First: an immediate removal of Ahmadiyyas from government appointments. Second: incarceration of Mizra Tahir Ahmed, the fourth Ahmadiyya caliph. Third: implement the Islamic order. Fourth: have passports and identity cards include an indication of an Ahmadiyya citizen (Chengappa, 2001, p. 2174).

General Zia-ul-Haq strengthened this plan by passing an ordinance on 26 April 1984 ‘prohibiting the Ahmadiyya sect from calling themselves Muslims’ (Chengappa, 2001, p. 2174). The ordinance received heavy backlash from the National Democratic Party, the Pakistan National Party and the Muslim League, claiming that it violated ‘The Father of Pakistan Muhammad Ali Jinnah’s statement about a secular state as enshrined in the 1940 Pakistan Resolution’ (Chengappa, 2001, p. 2175).

In 1985, General Zia-ul-Haq undertook further marginalization, but this time his actions would affect all minorities in Pakistan with a constitutional amendment: ‘the Eighth Amendment of the Constitution created a separate electorate system, whereby Christians and other minorities did not vote in the same elections as Muslims, but rather voted separately for a fixed number of national and provincial representatives’ (Gregory, 2012, p. 202). The consequences of the separate electoral system segregating minorities from Pakistani politics was to disable the religious minority issues from influencing political campaigns.

Using education as a tool to foster hatred

Over the years, Pakistan’s educational policies have deteriorated the country’s national curriculum by promoting religious intolerance and incorporating Islamist concepts, negatively affecting religious minorities, as well as society as a whole. General Ayub Khan, Zulfikar Ali Bhutto and General Zia-ul-Haq were the main contributors, using education as a tool to achieve their own goals.

a) General Ayub Khan’s education policies

General Ayub Khan’s educational policy set the stage for Pakistan’s future pedagogical curricula. He developed a Commission on National Education, which ‘produced a report incorporating the role of Islamic ideology in the medium of instruction’ (Ahmad, 1967, p. 378). Since Khan envisioned Pakistan’s society to be well-educated in the country’s ideology, the government made ‘Islamic Studies compulsory from grades six to eight in all schools’ (Ispahani, 2017, p. 59). General Ayub Khan was hostile towards Hindus and considered Hinduism a threat, so he ordered the school syllabi to portray the relationship between Muslims and Hindus as always historically conflictive, ignoring how ‘Hindus and Muslims have cooperated and coexisted peacefully for centuries in the sub-continent’ (United States Commission on International Religious Freedom, 2016). Additionally, Ispahani (2017) states that General Ayub Khan’s syllabi emphasised ‘Islam’s martial traditions and drilled into students’ minds the idea that Pakistan was created to be an Islamic State’ (p. 59).

b) Zulfikar Ali Bhutto nationalization of education

On 1 September 1972, Zulfikar Ali Bhutto, under his populist socialism, reformed the educational system by nationalizing all institutions. Sanchita Bhattacharya (2009) argues that ‘Bhutto’s educational reforms were political eyewash to strengthen his rule’ (p. 146), thus the decision to nationalize education caused serious repercussions especially for Christian minorities. Historically, Ajay Raina (2014) describes how ‘there has been a Christian tradition of being involved in the social betterment of communities through their educational institutions. This seriously impacted church-run and low-fee school systems that catered to the poor’ (p. 219). State-run education enabled Islamists to use the schooling system as a tool to breed hatred towards religious minorities and pursue their agenda of Islamization. Furthermore, Bhutto made ‘religious instruction compulsory up to grade ten for all Muslim students which, of course, meant most of the student population’ (Bhattacharya, 2009, p. 146).

c) General Zia-ul-Haq education policies

Pakistan’s educational system also underwent a deep transformation during General Zia-ul-Haq’s regime. His mission to Islamise education started with:

A 1981 University Grants Commission (UGC) directive to prospective textbook authors. The directive told textbook authors to demonstrate through their writings that the basis of Pakistan is not to be founded in racial, linguistic, or geographical factors but rather in the shared experience of a common religion (Ispahani, 2017, p. 107).

The objective was ‘to get students to know and appreciate the ideology of Pakistan’; however, but children were taught ‘the falsification of history, the glorification of jihad and warfare, and the denigration of religious minorities’ (Ispahani, 2017, p. 108). No clear definition of what constituted the ‘ideology of Pakistan’ worked to General Zia’s advantage. David Roof (2015) describes how General Zia enforced his curriculum:

During the military rule of General Zia, thousands of political activists, scholars, intellectuals of undisputed integrity, teachers of universities and colleges were victimized and thrown out. These progressive forces were replaced by reactionaries who were handed over the educational syllabi to be prepared on the lines of religious fanaticism with a medieval mind-set (p. 44).

The removal of qualified professionals shows that having a society with the potential for critical thinking would threaten General Zia's ability to Islamise through the educational system. Further, Ispahani (2017) states that 'non- Muslim teachers - especially Christians, who had been prominent in the educational sector during Pakistan's early decades - were gradually weeded out of schools and colleges' (p. 110). In addition to hiring fundamentalists as teachers, the number of religious schools increased significantly from 900 to 8000 (Cheema, Nuri, Mahmud, & Hussain, 2008, p. 16). Cheema et al. (2008) also note that innumerable amounts of unregistered schools were built, with Zia's regime heavily promoting madrasahs. Thus, Zia's regime 'declared madrasa certificates equivalent to normal university degrees. This endorsement ignored that the pedagogy in these schools was seriously flawed by contemporary standards' (Ispahani, 2017, p. 108).

Zia's policy also applied to college education. All students from primary school to university were obligated to be enrolled in Islamic religious studies and well as Arabic language classes. Although Arabic is seldom spoken in Pakistan, 'it was made compulsory to students belonging to all religions on the grounds that it would help understanding the Quran' (Ispahani, 2017, p. 108). Public universities also experienced a shift from progressive student unions to the development of extreme right-wing student unions. Umair Jamal (2017) in 'Zia-ul-Haq and the "Islamization" of Pakistan's Public Universities' denotes that 'the availability of and easy access to firearms on campuses was tolerated by the Zia regime and sectarianisation of education was encouraged'. Zia's educational policy had far-reaching consequences for Pakistan's religious minorities as they began to not have a place in society. Nayyar persuasively argues writes that:

The redesigned curricula created a monolithic image of Pakistan as an Islamic state and taught students to view only Muslims as Pakistani citizens...Muslim majoritarianism in Pakistan amounted to creating an environment for non-Muslims in which they became second-class citizens with lesser rights and privileges; their loyalty to the state became suspect, and their contribution to the society was ignored. The result is that they can easily cease to have any stake in the society (quoted in Ispahani, 2017, p. 109).

The exacerbation of Islamic religious studies in Pakistan's educational curricula could be seen as a leading factor in the intensification of the sectarian divide between Muslims and religious minorities.

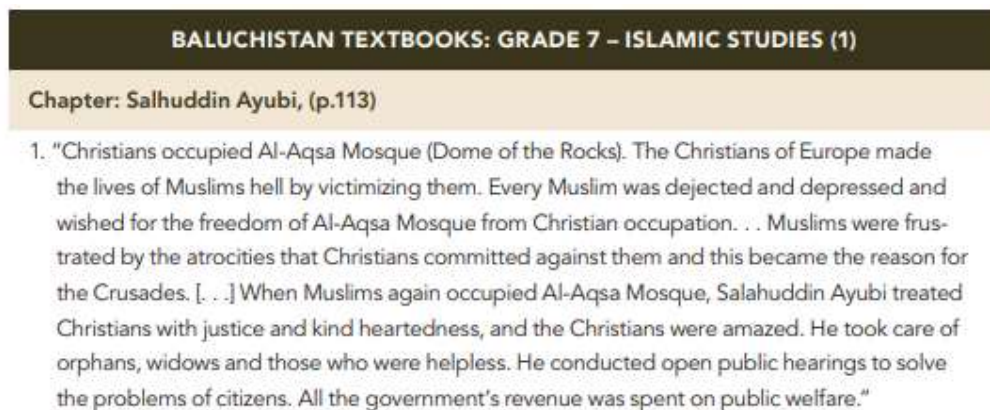
Discriminatory education in contemporary Pakistan

Problems in Pakistan's educational system and curricula did not end with General Zia's regime; rather, they were magnified. Pakistani students learn through public-school textbooks which portray that 'Islam is the only valid and rational school of thought'. The National Curriculum that is currently being used in schools throughout Pakistan is from 2006 and the problem with this curriculum is that it violates the Constitution. Nayyar (2013) explains that 'textbooks are forcibly teaching Islamic studies to non-Muslim students' (p. 5). According to Minority Rights Group International (Malik, 2002, p. 20) Article 22 of the constitution states:

Those attending educational institutions will not be obligated to receive religious instruction, or take part in any religious ceremony if it relates to a religion other than his own, non-Muslim students are not officially required to study Islam.

Nevertheless, Nayyar (2013) further suggests that the textbooks 'distort history and have hate-filled narrations, as well as blinding prejudice against non-Muslim groups' (p. 10). Furthermore, the USCIRF's 2016 report *Teaching Intolerance in Pakistan*, highlights that 'while 16 problematic passages found in the 2011 assessment review were removed from textbooks, 70 new intolerant or biased passages were added in 24 books. They depict non-Muslims in Pakistan as non-Pakistani or sympathetic towards Pakistan's perceived enemies - Pakistani Christians as westerners or British colonial oppressors and Pakistani Hindus as Indians' (USCIRF, 2016, p.10).

The following passages were taken from current textbooks in Pakistan and depict the intolerance of religious minorities, in particular Christians.



Source: United States Commission on International Religious Freedom, 2016, p. 26

This passage taken from a textbook in Baluchistan negatively portrays Christians, leading students to believe that Christians are incapable of kind-heartedness; instead portraying them as cruel.

BALUCHISTAN TEXTBOOKS: GRADE 8 – SOCIAL STUDIES (5)

Chapter: Pakistan Ideology (p.103–117)

1. "A half century after the creation of Pakistan, these organizations, [Hindu Mahasbha, R.S.S] still want to exterminate the Muslim identity. This was demonstrated when they demolished the Babri Mosque and through the Gujarat riots. Hindu racists want to eliminate not only Muslims, but other non-Hindu nations in the world as well. Due to these racist policies, Christians and other minorities have also been victimized often. In the past, the *Shudhi* and *Singhatan* movements were conducted to convert non-Hindus to Hinduism. The current circumstances of India are very much similar to that of 150 years ago."
2. "The influence of Christian missionaries greatly increased. With the help of their government they openly propagated Christianity. They freely go to cities and villages and glorify Christianity while degrading other religions."

Source United States Commission on International Religious Freedom, 2016, p. 27

In one chapter of a textbook on Pakistan's ideology, Christian missionaries are characterized as deceitful and accused of upholding themselves as believing to be the superior religion by

SINDH TEXTBOOKS: GRADE 7 – URDU (7)

Chapter: Pakistan Movement (p.14–15)

1. "There were two enemies of Muslims, the Englishmen and Hindus. Both of these were against the formation of Pakistan. On one hand, the Englishmen renounced the division plan of Hindustan, while on the other hand, Hindus were planning to occupy the entire Hindustan and enslave Muslims. [. . .] If the Englishmen had vacated Hindustan without partition, then Hindus would have occupied the entire Hindustan, and Muslims would have faced more atrocities/difficulties. At that time Quaid-e-Azam voiced a slogan directed towards the Englishmen: divide Hindustan and then leave. [. . .] Muslims suffered from atrocities at the hands of Hindus and the number of assaulted/robbed homes is uncountable."

Chapter: Pakistan Movement and Women (p.40)

2. "Muslims persistently struggled for 25 years for Hindu-Muslim reconciliation, but it all failed and in this failure there is the role of nature. Nature does not want them to cooperate, as there is nothing common between these two, they should not pursue any collaboration. If such cooperation had taken place that would have definitely resulted in destruction [. . .]"

Chapter: Iqbal's Contribution in Awakening the Muslims (p.48–50)

3. "They were aware that Congress is a party of Hindus; it has no concern for Muslims rights."

4. "Englishmen and Hindus were pressuring the Muslims through [. . .] non-permissible means."

5. "In this era Hindus also deprived Muslims in the economic field. The Englishmen were depriving the Muslims in politics and the economy simultaneously."

6. "Hindus anticipated that it is impossible to diverge Muslims from their demands, so they opposed this theory of Islam."

7. "Islam is the only religion which is in line with nature."

Source: United States Commission on International Religious Freedom, 2016, p. 33

demeaning other religions.

In this passage from a Sindh textbook, not only does it state that 'nature does not want Hindus and Muslims to cooperate' but goes further in asserting that 'Islam is the only religion that is in line with nature' (USCIRF, 2016, p. 33). The former illustrates to children that Hindus and Muslims should never live in harmony because it is against the natural order of humanity: the latter dismisses any other religion and claims that Islam is the only religion that should be followed.

BALUCHISTAN TEXTBOOKS: GRADE 9 – ISLAMIC STUDIES (1)

Chapter: Jihad (p.94)

1. "Jihad in Islam means making efforts for preeminence of truth by all means of sacrificing one's financial, physical and mental capabilities for the sake of Allah, Even one should not hesitate to sacrifice lives of their family, relatives, and friends."

This passage in a chapter on Jihad appears numerous times throughout textbooks used in different provinces (USCIRF, 2016, p. 28). What is most striking is that they are encouraging children to go against their family members in order to achieve jihad and are promoting violence. Pakistani schools do not teach their students Jinnah's vision of an inclusive and religiously tolerant society.

Foreign aid sent to Pakistan's education sector

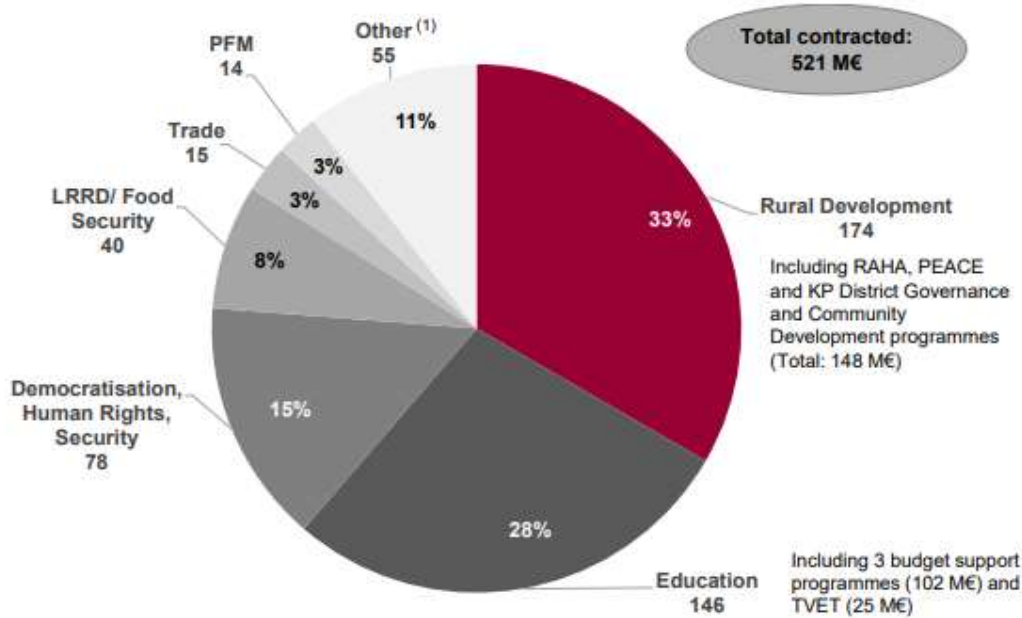
a) European Union (EU)

According to the European Commission's (2016, p. 5) report on the *Evaluation of the European Union's cooperation with the Islamic Republic of Pakistan*:

Over the period from 2007 to 2014, EU commitments specific to Pakistan reached over € 520 million delivered through different channels: the government (30%), NGOs (31%), UN agencies (17%), EU Member States (10%), private sector actors and international financial institutions. Over 75% of EU cooperation contracted amounts were allocated to three priority areas: rural development (33%), education (28%), democratisation, human rights and security (15%).

As shown in the graph below, from the budget of 520 million euros, twenty-eight percent was allocated to Pakistan's education sector that included providing free textbooks to students and improving the quality and access to education. However, there is no mention about the textbooks' discriminatory passages in the report on Pakistan's textbooks. Quality education entails providing textbooks with facts and tolerant passages towards religious minorities. Therefore, SADF's Policy Brief N° 7 concludes that the EU's foreign aid is not used to tackle the core issues. Additionally, the EU has mechanisms, such as the EU trade deal, where Pakistan has been granted GSP+ status. This means that Pakistan benefits from reduced duties on textiles and garments, fresh fruits and many other goods. In exchange, Pakistan is obligated to work towards the implementation of 27 international treaties including the ICCPR. The GSP+ status is conditional and can be withdrawn. The EU should use the conditionality of the GSP+ to obligate Pakistan to respect the core UN conventions and to put an end to religious violence.

Contracted amounts in Pakistan by sector of cooperation, 2007-2014



Percentage of aid by sector given by the European Union to Pakistan. Source: European Commission, 2016

PART III: An analysis of Pakistan’s blasphemy laws

Historical context of blasphemy laws

The concept of blasphemy can be traced to the Bronze and Iron Ages. For the ancient Greek and Roman civilizations, dissentients were regarded as enemies of the state and anyone who disrupted the peace and order of society. Ancient Jewish and Greek societies had a high degree of intolerance towards those who ‘blasphemed’, however, Roman civilization was more understanding because upholding orthodoxy was not always a prevailing characteristic of the Roman state. The Roman Emperor Tiberius is said to have determined that ‘the issue of offending the gods was a matter for the gods themselves. Thus, no human ruler or court had the right to intervene and that attitudes of the gods were unknowable and thus should not be of concern to men’ (Nash, 2010, p. ix). Early Christianity was more tolerant, but over time, Christians, too, began to ferociously persecute each other after fragmentation into different sects that ‘offered different interpretations about the nature of the Christian doctrine, namely the theoretical positions around the issues associated with the identity and status of God, Christ and the Holy Spirit’ (Nash, 2010, p. x). Catholics saw Protestants as blasphemous and Baptists, Quakers, Unitarians, and Presbyterians. But, in early medieval Christendom, the concern

was challenges towards orthodoxy, such as taking the Lord's name in vain whereas later in Christianity, the meaning of blasphemy shifted, so charges were directed at different sects of Christianity deemed to undermine the identity of God. The concept of blasphemy was shaped throughout history and so was the law that protected against it.

In sixteenth century England, blasphemy became a common law offence. During this era, blasphemy laws were established in order to protect the Church of England. Blasphemy was aligned with the concept of discipline and those accused were punished with public shaming. More recently, in 2008, UK's blasphemy laws put an end to the 1698 blasphemy statute with the repeal of the common law of blasphemous libel.

1860 Indian Penal Code (IPC)

In British India, the 1860 Indian Penal Code was brought by the British to the Indian subcontinent and introduced the idea of 'blasphemy' in the criminal laws (Husain, 2014, p 40). For the first time, this law made it a criminal offence for anyone to defile religious symbols of any other religion. The British intended to use blasphemy laws in order to maintain order among the different religions and sects. In the Indian Penal Code (National Crime Investigation Bureau, 1860, p.69), the blasphemy provisions that were stipulated to prevent religious violence were:

Section 295 **defiling a place of worship:**

Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Section 296 **disturbing a religious assembly:**

Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Section 297: **trespassing on burial grounds:**

Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulchre, or any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Section 298: utterances wounding religious feelings:

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment for a term which may extend to one year or with fine, or with both.

Section 295-A: acts insulting religion or religious beliefs (added in 1927 by the British administration)

Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Blasphemy in Pakistan- religious segregation

Five of Pakistan's current penal code provisions punish blasphemy. According to Amnesty International (2016), 'although no one to date in Pakistan has been executed for blasphemy, hundreds have been killed by mobs after having been arrested for blasphemy, and many are still sitting on death row awaiting a verdict' (p. 18).

Although Pakistan Penal Code (PPC) blasphemy laws derived from the Indian Penal Code (IPC) blasphemy laws, there is a salient difference:

Whereas laws related to offences against religion introduced by the British were not specific to any religion and addressed all religious beliefs, blasphemy laws enacted in Pakistan during

the 1980s were specific to Islam and Muslim beliefs: blaspheming against Prophet Muhammad and defiling of Quran were inserted as separate offences, and offences specifically targeted members of the Ahmadiyya community, making it an offence, punishable by imprisonment and/or a fine, for them to freely express or practice their religious beliefs (International Commission of Jurists, 2015, p. 10).

The International Commission of Jurists (2015) illustrates what it was like to be charged with blasphemy in the period 1947 to 1977: ‘During this span of time, there are only ten reported judgments that relate to offences against religion. A majority of complaints made under section 295-A were either dismissed by the courts as the requirement of a prior authorization of the central or provincial government was not fulfilled, or they were dismissed by the high courts for failing to meet the requirement of “deliberately and maliciously” hurting religious sentiment’ (p. 9). Deliberately speaking ill of a religion with the intent to wound others was an essential element in blasphemy convictions under the IPC blasphemy laws. However, Pakistan’s seven out of ten blasphemy laws intent need not be proven especially under Section 295-C (which will be explained further in the next section). What is also noteworthy is that ‘complaints were mostly made by Muslims against other Muslims, or by non-Muslims against Muslims: no case was registered by a Muslim against a non-Muslim for committing an act of blasphemy against the Prophet Muhammad or for “defiling” the Holy Quran’ (International Commission of Jurists, 2015, p. 9). Now, blasphemy laws disproportionately affect religious minorities.

From 1980-1986, General Zia-ul- Haq introduced major changes to the PPC. Five provisions specific to Islam and Muslim beliefs were added (ICJ, 2015, p. 9):

Section 298-A added in 1980 reads:

Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of any wife (Ummul Mumineen), or members of the family (Ahle-bait), of the Holy Prophet (peace be upon him), or any of the righteous Caliphs (Khulafa-e-Rashideen) or companions (Sahaaba) of the Holy Prophet (peace be upon him) shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both (PPC Act XLV of 1860).

Section 295-B added in 1982 reads:

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 (PPC Act XLV of 1860).

298-B and 298-C added in 1984:

In 1984 legislation was passed making it a criminal offence for the Ahmadiyya³ community to profess or practice their faith. Although in 1974 a constitutional amendment introduced by Prime Minister Bhutto declared the Ahmadiyya community a non-Muslim minority, it was in 1984 that President Zia-ul Haq issued Ordinance XX which added sections 298-B and 298-C in the PPC, making it a criminal offence to call themselves Muslim, to use Muslim practices of worship and to propagate their faith (PPC Act XLV of 1860).

In 1986, the penal code was amended by the Criminal Law Amendment Act to insert the most severe section of Section 295-C the most severe:

Whoever by words, either spoken or written, or by visible representations, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet (peace be upon him), shall be punished with death, or imprisonment for life, and shall also be liable to fine (PPC Act XLV of 1860).

In 1990, blasphemy laws took a new turn. The federal Shariah court (which is ‘a court set up in 1980 to examine and decide the question whether any law or provision of law is repugnant to the injunctions of Islam’ (Amnesty International, 1994, p. 6) ruled that ‘the penalty for contempt of the Holy Prophet Muhammad is death and nothing else’ (Amnesty International, 1994, p. 6). The court ordered the government of Pakistan to ‘effect the necessary legal changes and added, ‘in case this is not done by 30 April 1991 the words “or punishment for life” in section 295-C, PPC, shall cease to have effect on that date’ (Amnesty International, 1994, p. 6). Thus, the federal Shariah court judgement on Section 295-C with the mandatory death penalty was binding⁴ on all courts throughout Pakistan.

Section 295-C is the only blasphemy provision that requires a Muslim judge to preside over cases registered in the court of first instance (the Sessions court). According to the International Commis-

sion of Jurists (2015), ‘for all other offences related to religion, including section 295-B which criminalizes defiling the Quran, the law does not make it mandatory for the judge presiding over the trial to be Muslim’ (p. 14).

Table no. 1: Summary of Offences Related to Religion

| Sec. of Penal Code | Offence | Sentence | Year | Bailable and cognizable? |
|--------------------|---|--|------|---------------------------------|
| 295 | Injuring or defiling place of worship, with intent to insult the religion of any class | Up to two years imprisonment, rigorous or simple, or fine, or both | 1860 | Bailable and cognizable |
| 295-A | Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs | Up to ten years imprisonment, rigorous or simple, fine, or both | 1927 | Non-bailable and non-cognizable |
| 295-B | Defiling the Holy Quran | Mandatory imprisonment for life | 1982 | Non-bailable and cognizable |
| 295-C | Use of derogatory remarks, etc., in respect of the Holy Prophet | Mandatory Death sentence | 1986 | Non-bailable and cognizable |
| 296 | Disturbing religious assembly | Up to one year imprisonment, or fine, or both | 1860 | Bailable and cognizable |
| 297 | Trespassing on burial places, etc. | Up to 1 year imprisonment, rigorous or simple, or fine, or both | 1860 | Bailable and cognizable |
| 298 | Uttering words, etc., with deliberate intent to wound religious feelings | Up to 1 year imprisonment, rigorous or simple, or fine, or both | 1860 | Bailable and non-cognizable |
| 298-A | Use of derogatory remarks in respect of holy personages | Up to 3 years imprisonment, fine, or both | 1980 | Bailable and cognizable |
| 298-B | Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places | Up to 3 years and fine | 1984 | Non-bailable and cognizable |
| 298-C | "Person of Quadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name)" who "directly or indirectly" pose as a Muslim | Up to 3 years imprisonment, rigorous or simple, and fine | 1984 | Non-bailable and cognizable |

Pakistan's blasphemy laws. Source: International Commission of Jurists, 2015, p.13

The inhumane section 295-C of Pakistan's blasphemy laws

a) Proof of malicious intent

Unlike the IPC, Pakistan's blasphemy law Section 295-C does not require proof of an intention to offend the sensitivity of others. Section 295-C is gravely concerning because it is open to abuse given 'the automatic and mandatory imposition of the death penalty, which does not allow judges the possibility of taking into account the personal circumstance of the defendant or offence, constitutes an arbitrary deprivation of life in violation of article 6(1) of the ICCPR' (Amnesty International, 2016,

p. 18). Tahir Ashrafi, a religious scholar and until January 2016 a member of the Council of Islamic Ideology,⁵ told Amnesty International (2016) that ‘the absence of intention in an already vaguely formulated law, which automatically results in a death sentence, makes its application even more open to risk of state violations and abuse by non-state actors’ (p. 18).

Under Section 295-C, a person accused of blasphemy can be sentenced to death by a trial court without ever hearing the allegations against them. However, PPC Sections 295-A and 295-B do include the requirement of intent, clearly stating, ‘with deliberate and malicious intention’. In such cases, courts have not interpreted the criminal intent broadly and in clarifying the provisions, they have read the ‘reasonable person’ standard (which the Lahore High Court read in interpreting Section 295- A in 1960) as:

While pronouncing on the question whether or not the thing which insults the religious belief of someone was said or done with the deliberate and malicious intention of insulting that religion or the religious beliefs of the followers of that religion, the Court has to put itself in the place of a neutral person, that is to say, a person who is neither connected with the religion of the person who is alleged to have outraged the religious feelings of someone nor with that of the person or persons whose religious feelings are stated to have been outraged. The Court has further to consider the thing from the point of view of a person who consider not hyper-sensitive but is a person of normal susceptibilities (International Commission of Jurists, 2015, p. 31).

In 2013, a similar interpretation was made by the Islamabad High Court in the case of Rimsha Masih, a minor with mental disabilities charged under Section 295-B. Rimsha was not found to ‘not have the requisite *mens rea*, the intention or knowledge of wrongdoing, to commit the offence’(ICJ, 2015, p.32).

Although under Section 295-B courts verify if the accused had *mens rea* to commit the offence, under Section 295-C, criminal charges are brought against people without the intention to commit blasphemy: children and people with mental disabilities have been sentenced to death without a court

confirming intent. We therefore conclude that the proof of intent is deliberately excluded to make it easier to persecute and convict religious minorities.

Vagueness of the law

Section 295-C is concerning because it lacks a requisite *mens rea*, but so too is the vague wording of what constitutes blasphemy against the Prophet Muhammad. According to the International Commission of Jurists (2015):

A key precondition to a fair trial recognized globally is that criminal offences must be prescribed by law and conform to the principle of legality. This means that they must be formulated clearly and precisely to ensure individuals can regulate their conduct accordingly. Vague laws undermine the rule of law because they leave the door open to selective prosecution and interpretation, including based on discriminatory policies of government officials and personal predilections of judges (p. 28).

This criminal law carries with it a mandatory death sentence but gives no instruction to the people, law enforcement and the judiciary what behaviour is prohibited. In 2012, the UN Special Rapporteur on the Independence of Judges and Lawyers went to Pakistan and reported that ‘the vague language of the blasphemy laws make no reference to a potential offender’s psychological state or intention and represents an open door for abuse and the persecution of minorities, in particular by religious or sectarian groups’ (ICJ, 2015, p. 28). The police, the prosecutors and the judiciary enforce the vaguely formulated blasphemy laws in violation of Pakistan’s constitution, the ICCPR and the fundamental principle of the presumption of innocence. Additionally, blasphemy laws fail to comply with international standards of fair trial guarantees for those accused of blasphemy are deprived of their right to be informed in detail of the reasons why they are denied their freedom and their right to prepare and present a defence (Amnesty International, 2016, p. 14). Under Section 295-C, since complainants are not obligated to objectively prove the alleged blasphemy was insulting to the Prophet Muhammad, means it is easy to decide that most speech is blasphemous.

a) The right to a fair trial

According to Amnesty International (2016), ‘the right to a fair trial is a fundamental safeguard of the rule of law, which among other things aims to ensure that individuals are not unjustly punished, and is guaranteed under international law, including the ICCPR’ (p. 18). A fair trial is essential not only

for protecting the human rights of the accused and victims, but also to ensure proper administration of justice, a key component of the rule of law. In 2010, Pakistan added the eighteenth amendment to the constitution stipulating that the right to a fair trial is a fundamental right of each individual. This was the same year that Pakistan ratified the ICCPR, agreeing to uphold the protection of rights for their citizens. Among them is Article 14, the right to a fair trial; however, this was not the case. Pakistan fails to comply with its obligations to adhere to international law and standards by inadequately ensuring safeguards against abuses during pre-trial procedures and trial hearings.

b) The mishandling of blasphemy cases by police officers

The first step in officially declaring a criminal offence, including blasphemy is to register a First Information Report (FIR) by issuing a complaint at the police station (Amnesty International, 2016, p. 27). Filing a FIR is not only limited to the individual against whom the offence has been committed, but also available for filing by anyone with ‘knowledge’ of the alleged offence. This has led to fabricated evidence and hearsay used as in trials and the basis for convictions. For example, in the internationally known case of Aasiya Noreen Bibi, who was convicted under section 295-C in 2010 and is currently on death row, a religious cleric named Qari Muhammad Salaam registered a FIR against her. The cleric’s statement was only based on what he had heard as he was not an eyewitness to the alleged offence. Religious clerics have significant clout when it comes to registering blasphemy cases due to their authority on religious affairs. In a survey conducted by Amnesty International (2016), ‘seven out of ten FIRs relating to blasphemy trials in Lahore were filed by religious clerics’ (p. 29). Clerics register most blasphemy cases, so they have the power to exert pressure on the police to proceed with the case, proving that police investigations are defective as they do not properly verify accusations.

Furthermore, a relationship between police and local clerics enables them to secure the complainant’s blasphemy accusations. Even though the police might not have corroborating evidence against the accused, they can rely on fatwas to add weight when conveying that the evidence alleged does amount to blasphemy. This also incentivises the police to complete the investigation, ‘allowing them to shift the accused individual out of their custody and to a district jail until the conclusion of the trial’ (Amnesty International, 2016, p. 30). Once the accused is out of their hands, they no longer have the responsibility for their security. In summary, the police should not allow FIRs to proceed without having strong evidence of the allegations as they often result in years of imprisonment for the accused, who is then likely to be acquitted in an appellate court.

c) Overlooking existing safeguards

The Code of Criminal Procedure (CrPC) includes safeguards against flaws in procedures. The first one is Section 156-A added in 2005 that states that ‘no police officer below the rank of superintendent should investigate allegations under section 295-C’ (Amnesty International, 2016). However, junior police officers are given the authority to investigate allegations by the superintendent of police. Secondly, under section 196, ‘the judicial magistrate can exercise his or her authority and order the police to conduct preliminary enquiry into the proceedings’ (p. 30). A high court judgement explained that ‘section 196 was enacted in order to eradicate the possibility of false implication as it is not uncommon due to sectarian feelings in our society’ (Amnesty International, 2016, p. 30). However, Amnesty International (2016) notes that evidence from a study conducted in the district of Punjab shows ‘there are no cases where a preliminary enquiry was requested in order to assess the veracity of the claims being made’ (p. 31).

d) The role of prosecutors

Prosecutors and lawyers also play an important role in blasphemy cases. Unlike the police, prosecutors and lawyers are less likely to be under pressure: ‘when the case reaches the prosecutor, it has proceeded to the next step in the criminal justice system, thus signalling to complainants a long period of detention for the accused’ (Amnesty International, 2016, p. 31). Prosecutors should exercise their power to stop falsely accused individuals from proceeding to trial, although the record shows otherwise. During the prosecutors’ review process, they must apply a test when checking police reports to move forward with a conviction: the evidential test ought to have ‘evidence on every element of an offence and conclude that it is more likely than not that the accused will be convicted by the trial court’ (Amnesty International, 2016, p. 32). Nevertheless, prosecutors fail to properly conduct the evidential test in blasphemy cases as it is more common than not that individuals accused are acquitted due to lack of evidence.

Prosecutors proceed with cases even when police reports are flawed and missing vital information about the incident. As a result, individuals spend years in jail until eventually acquitted on appeal. Second, every prosecution must be made in the interest of the public. Under this test, if the accused has suffered from a mental or physical disability, then it is a factor against prosecution. However, prosecutors’ failure to uphold the protection of human rights in blasphemy cases where the accused is mentally ill is staggering. The Zaibunnisa case illustrates this violation:

Zaibunnisa was arrested in 1996 on charges of blasphemy under section 295-B after a cleric from Lahore complained to the police that he had found torn pages of the Quran thrown in a drain. A medical board declared her mentally ill soon after her arrest, but she was kept in detention. In July 2010, 14 years after she was first arrested, the Lahore High Court ordered her release. After she was freed, the cleric reportedly told the media that he had not included her name in the complaint: a police official had reportedly implicated her in the case to defuse tension that had developed in the area over an alleged incident of the defiling of the Quran (ICJ, 2015, p. 51).

The UN Guidelines on the Role of Prosecutors clarify that, ‘prosecutors shall respect and protect human dignity and uphold human rights, and that they are enjoined from bringing or continuing the prosecution of a case when the charges are unfounded’ (ICJ, 2015, p. 22).

e) The role of lawyers

Under international law, an essential element of the right to a fair trial is for the accused to be represented by a lawyer. In blasphemy trials, it is not uncommon for complainants to be represented by private lawyers who claim to provide their services free of charge with a reputation of an intimidating presence in court. The most well-known group of private lawyers is the Khatam-e-Nabuwat Lawyers Forum (KNLF). The KNLF represented Aasia Bibi’s accuser during the high court appeal. During the trial, witnesses reported that, ‘at least eight members of KNLF including the complainant’s lawyer, exerted pressure on the court by chanting prayers to interrupt defence lawyers during their arguments. The court did not attempt to silence or eject them’ (Amnesty International, 2016, p. 33).

f) The role of defense lawyers

The Constitution of Pakistan and Article 14(3) (d) of the ICCPR argue that each person has the right to defend themselves ‘through legal assistance of their choice’. However, due to the high number of threats, lawyers are unwilling to defend individuals accused of blasphemy even if they think the accused is innocent (Amnesty International, 2016, p. 34). On the other hand, a vast number of lawyers have made it known that they are keen to defend the killer of an accused of blasphemy. This example clearly demonstrates the difficulties in finding a lawyer:

The day after Hamza Javed’s arrest, his father went to the courts looking for a lawyer for him. He showed a newspaper article about the allegations to a lawyer and asked who could help

with getting him bail. The lawyer told him to get up and leave from his office. Then he managed to hire a lawyer who he paid one lakh of rupees upfront to get his son bail. At the first bail hearing there were about 50 religious clerics and they physically attacked the lawyer in court. They pulled his coat off and tore his shirt. He ran away and quit from the case. He also kept all the money (Amnesty International, 2016, p. 34).

g) Judicial Independence

Article 14(1) of the ICCPR (1976, p. 5) states that ‘all persons shall be equal before the courts and tribunals’ and that ‘in the determination of any criminal charge against him, or of his rights and obligations in a suit of law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law’ and ‘impartiality of the court implies that judges must not harbour preconceptions about the matter put before them, and that they must not act in ways that promote the interests of one of the parties’. Yet, oftentimes in blasphemy cases, judges are threatened and pressured to convict the alleged blasphemers. Additionally, in acquitting defendants, judges suffer from assaults against themselves and their families. In the sentencing of Mumtaz Qadri in 2011 for the murder of Salmaan Taseer, the judge hearing his case fled Pakistan after receiving death threats. The UN Special Rapporteur on the independence of judges and lawyers has reported that ‘the judiciary in Pakistan has grown very afraid of public sentiment regarding blasphemy cases’ (Amnesty International, 2016, p. 36).

h) The issue of trial delays

In Pakistan’s criminal justice system, blasphemy trials can take many years. There are judges who continuously delay trials as a strategy to prevent freeing the accused or judges delay cases in the hope that they will eventually get transferred to another court and no longer have the responsibility of passing a judgement. For example, in Muhammad Kamran’s case:

By the time he was four years into his trial on charges under Section 295-C, 118 hearings had taken place but there were still 15 prosecution witnesses waiting to be examined. His trial lawyer told Amnesty International that “these delays were largely attributable to the fact that no court wanted to give relief to my client in spite of all the compelling evidence in his favour (Amnesty International, 2016, p. 37).

The absence of lawyers and witnesses also facilitates trial delays.

Social pressures to make the law and the judicial system more obedient to extreme views

a) Mob violence

The mandatory death penalty in Section 295-C for those convicted of speaking ill of the Prophet Muhammad has fostered a vigilante environment. In hundreds of incidents, mobs have attacked Christian communities and when unable to kill the presumed blasphemer, burnt the villages to the ground. In other instances, mob violence includes ‘shooting people who are accused of blasphemy, as in the cases of Salmaan Taseer and Clement Shahbaz Bhatti’ (Amnesty International, 2016, p. 13). It is often the case that the mobs are incited by religious sermons in mosques giving permission for people to kill. Some police ‘decline to come to the victims’ safety and tell them to leave’ (Amnesty International, 2016, p. 13). Police argue that they have no support or the resources from the state to stop violent attacks. Article 6 of the ICCPR states that, ‘everyone has the right to life which must be protected by law’. The failure of Pakistani authorities’ to prevent violence has legitimized vigilantism.

b) The power of religious sermons by clerics

Religious clerics fuel hatred in Muslim communities to uphold and defend Section 295-C. For example, Mumtaz Qadri claimed ‘to be inspired by a sermon delivered by cleric Mufti Muhammad Hanif Qureshi in Rawalpindi, which incited people to take the law into their own hands, saying that people like Salmaan Taseer who wished to reform Pakistan’s blasphemy laws were “Wajibul Qatal” or liable to be killed’ (Amnesty International, 2016, p. 13). Another case that sparked international controversy was in 2016 ‘when a cleric delivering a sermon in a mosque in Okara is alleged to have asked the audience to raise their hands if they did not love the Prophet. A 15-year-old boy misheard the question and raised his hand. The cleric accused him of blasphemy and said he was liable to be killed’ (Amnesty International, 2016, p. 13). As a result, since the accusation came from a religious cleric, who believed that he was a blasphemer, the boy cut his off his own hand to punish himself. This was one of the few cases in which the police arrested a cleric and charged him with terrorism.

PART IV: The persecution of Christian minorities in Pakistan

Christian presence in Pakistan can be traced back to the seventeenth century. Raina (as cited in Pio and Syed, 2016) paints a historical view suggesting that ‘Portuguese and Armenian traders are recorded in Lahore from 1606, and they were the first recorded Christians in Punjab’ (p. 191). Pio and

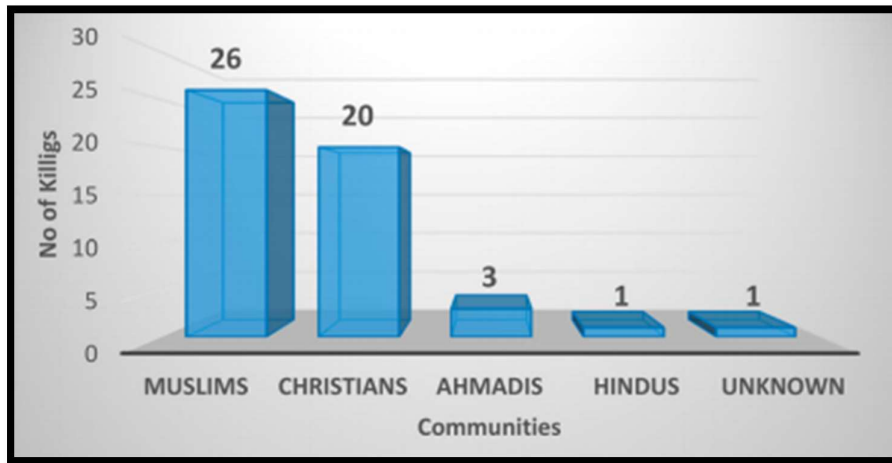
Syed (2016) write that ‘Goan Christians moved from the Portuguese Estado da India to Karachi during the time of the British rule’ (p. 191). Now, the Goan Christians make up the higher socio-economic strata in Pakistan. However, most Christians are ‘descended from the low-caste Hindus who converted under British rule’ (BBC, 2016). Additionally, their conversion to Christianity did not change their standing in Pakistani society. Now, Pakistani Christians are forcibly converted to Islam and suffer from high rates of violence.

In analysing the oppression of Christian minorities in Pakistan, those who are targeted are often the Christians who live in poverty, not the Christian elite. Thus, poverty and powerlessness also play an important role (Pio and Syed, 2016, p. 189). Christians are often discriminated against and have difficulties in obtaining decent employment, ‘often ending up getting jobs lower than their education status, such as sweeper or janitor positions, further impeding their progress in life’ (Pio and Syed, 2016, p.192). Additionally, they are often rejected from renting a place to live, solely on the grounds that they are Christians. Pio and Syed (2016) illustrates further injustices that Christians face:

The constitutional and legal position makes Christians de facto unequal under the law, an inequality which includes Christian testimony being entirely excluded from some courts at the discretion of the judges, their testimony being granted less weight than Muslim testimony and, in practice, penalties for convicted Christians being more severe than those for Muslims for an equivalent crime (p. 196).

Christians’ position of unequal under the law sends a strong message to Pakistani society of Christian’s inferiority, essentially establishing a legalized apartheid. According to 2018 data from Open Door USA, ‘approximately 3,938,000 Christians live in Pakistan of the total population of 196,744,000’. Pakistani Christians make up only ‘1.5 percent of the total population’ (World Watch Monitor, 2018), yet, ‘over a quarter (187) of the 702 blasphemy cases registered between 1990 and 2014 were against Christians’ (World Watch Monitor, 2018). Furthermore, Muslims and Christians and other religious minorities alleged to have committed blasphemy have been extra-judicially killed; however, Christians are disproportionately affected. As shown in the graph below, from 1990-2012 ‘51 people accused of blasphemy have been killed extra-judicially, 20 of them being Christians’ (Julius, 2016, p. 103), although proportionately the largest number of those killed were Muslim. Julius (2016) writes that:

Extra-judicial killings started in 1991: that is, the year when the Federal Shariah Court made the death sentence mandatory for the offence of blasphemy under Clause 295-C. This seems to have provided instigators with legal as well as religious grounds for taking the law into their own hands (p. 103).



Source: National Commission for Justice and Peace (as cited in Qaiser Julius, 2016, 103)

a) Reasons for persecution

According to the International Minority Rights Group (2014), ‘since 2001, violence and discrimination against Christians has increased as they are blamed for anti-Western sentiment’ (p. 7). Christian minorities have taken the brunt of hostility toward the US-led invasion of Afghanistan because they are ‘seen as connected to the West due to their faith’ (Minority rights group international, 2014, p. 7). BBC (2016) speculates that these attacks on Christian communities could be part of a strategic plan to send a message to Pakistani politicians, such as former Prime Minister Nawaz Sharif and President Musharraf, when they appeared amicable to the West. For example, Ispahani (2017) states that, ‘the attack in 2001 where eighteen Christian worshippers at St. Dominic’s, their minister and a Muslim policeman were killed during a Sunday service by jihadists, was assumed to be a protest against United States airstrikes over Afghanistan’ (p. 174). Though, as Ispahani (2017) mentions, ‘poor Pakistani Christians in a Punjab town had nothing to do with US policy’ (p. 174). Although former President Pervez Musharraf was seen as an ally during the US War on Terror, there were few reforms towards Islamist extremism during his term. In fact, under his rule ‘extremist madrassas continued to proliferate in an alarming manner. The number of madrassas - ideological hothouses that almost invariably took a harsh view of unbelievers and apostates - had risen from 6,761 in 2000 to 11,221 in 2005’ (Ispahani, 2017, p. 175). Furthermore, Julius (2016) notes that Christian minorities

are targeted for matters unrelated to blasphemy, including ‘revenge and land or business disputes’ (p. 74).

Cases

a) Aasiya Noreen Bibi

In June 2009, Aasiya Noreen Bibi, a poor illiterate mother of five from the Sheikhpura district near Lahore, was accused of blasphemy by her Muslim farmhands. On that workday, ‘Aasiya was asked by the village elder’s wife to get drinking water. Some of her female Muslim colleagues refused to drink the water, saying it was sacrilegious and unclean to accept water from a non-Muslim. Aasiya replied, “Are we not all human”?’ (Ispahani, 2017, p. 184). After her response, a local cleric filed a complaint accusing her of using derogatory remarks in respect of the Holy Prophet. This case drew international attention as in November 2010, Bibi was ‘the first Christian woman to be sentenced to death by hanging on a charge of blasphemy’ (Pio and Syed, 2016, p. 198). However, eight years later she is still in prison awaiting confirmation by the Supreme Court. Ispahani (2017) argues that ‘by most accounts, Asia committed no crime; she was simply a victim of Pakistan’s culture of targeting non-Muslims for alleged blasphemy’ (p. 184).

b) Salmaan Taseer

Political leaders from the Pakistan’s Peoples Party (PPP) commenced discussions over the misuse of the blasphemy laws, but it was Salmaan Taseer, the governor of Punjab, who spearheaded a call for empathy for Aasiya. Salmaan Taseer held that ‘the blasphemy laws were skewed against helpless non-Muslims and being widely abused’ (Ispahani, 2017, p. 184). In a bold move, Taseer went to visit Aasiya in jail, intentionally publicized all over the country to shed light on the injustice of blasphemy laws. Taseer further angered Islamist groups by ‘calling on President Zardari to use his constitutional power of pardons to set her free’ (Ispahani, 2017, p. 184). He was soon labelled an infidel for siding with an alleged blasphemer. Pio and Syed (2016) describe one of the fatwas against him: ‘Ibad Dogar, a senior political leader of the ruling Pakistan Muslim League- Nawaz and an ex-leader of the banned Deobandi terror outfit, the SSP/ASWJ had announced Rs 20 million bounty to assassinate Taseer’ (p. 199).

This was significant as the PML-N also dominates the political arena in the province of Punjab and called for a campaign against Taseer and some went as far as accusing him of blasphemy (Ispahani, 2017, p.184).

c) Mumtaz Qadri and his glorification

On 4 January 2011, Salmaan Taseer was murdered – shot 27 times in Islamabad by his bodyguard, Mumtaz Qadri – while the police stood silently (Pio and Syed, 2016, p.199). His death was tremendously shocking. However, the aftermath was even more terrifying. Taseer’s killer was praised for taking the law into his own hands:

When Qadri was brought to trial, Islamist lawyers rushed to kiss him and threw flower petals on him in a gesture of admiration. Additionally, when Taseer’s killer was convicted, based on his admission of guilt, a former High Court Chief Justice offered to lead his defence to show solidarity with ‘a lover of the Prophet’ who dared to kill a blasphemer (Ispahani, 2017, p. 185).

This case depicts an environment where top-down and bottom-up jihad nexus are in play. Specifically, the government’s passive approach of indifference to these types of atrocities has enabled this type of behaviour, encouraging Islamist militants to promote vigilantism and violence.

The judge who convicted Mumtaz Qadri saw no other option but to escape Pakistan or risk persecution. The picture below illustrates the large number of people who attended Qadri’s funeral.



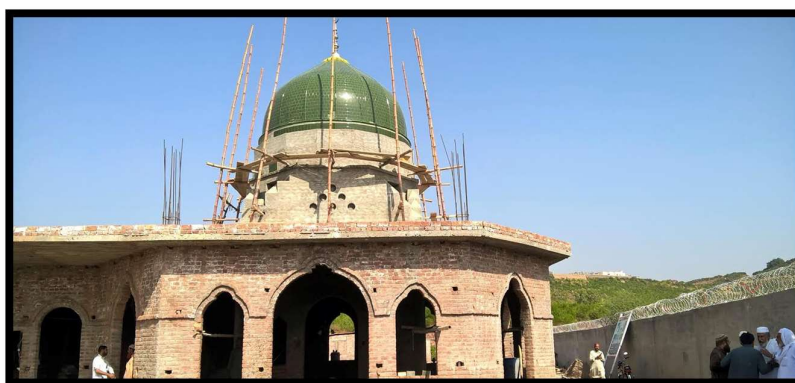
Source: Amnesty International, 2016

The admiration for Qadri has been taken a step further. Qadri’s family has received donations from tens of thousands of people in his name and built an ornate shrine ‘with an accompanying mosque and seminary to follow’ (Hashim, 2017). On the first day after his funeral, Qadri’s family received

‘Rs 80 million in donations, with a steady stream continuing since’ (Hashim). According to Hashim (2017), a wealthy developer donated the land for the shrine. Qadri’s older brother, Aamir, stated that:

So far construction has cost \$67,000, all of it either donated by supporters or raised from the family’s savings. When the mosque and seminary are completed, in around two years, the total cost will be about \$955,000.

By the government of Pakistan allowing this construction, it has silently sided with Mumtaz Qadri’s actions and those of his followers.



Shrine being built for Qadri in Islamabad Source: Dawn, 2016

c) Clement Shahbaz Bhatti

Clement Shahbaz Bhatti, who was a Christian community leader and minister of minority affairs, was killed two months after the murder of Salman Taseer. Just like Taseer, Bhatti called for the reform of the blasphemy laws because he believed they were ‘being used to terrorize minorities in Pakistan’ (Ispahani, 2017, p. 183). He also stood up for Aasiya Bibi and called for justice in her case. On 2 March 2011, Bhatti was gunned down while leaving his home (World Watch Monitor, 2017). The World Watch Monitor (2017) describes the scene: ‘the assassins scattered leaflets that called Bhatti a “Christian infidel”, and stated he was killed for heading a committee set up to review Pakistan’s blasphemy laws, which forbid insulting Islam, and have potential for misuse, especially against religious minorities’. The Bhatti, a high-level official murdered with impunity clearly shows the danger to Pakistanis of all background when speaking out against the protection of religious minorities and the blasphemy laws.

Conclusion

The persecution of Christian minorities in Pakistan has led to religious segregation. This segregation has been fuelled by different state and non-state actors with strategies to shape the country into an Islamic extremist state. Pakistan's military influence, the judiciary, and the Islamisation process throughout civil and military governments, make up Pakistan's top-down jihad. The relationship between the three has facilitated each to achieve its objectives and to control the country by its own means. Religious groups and Islamist extremists form the bottom-up jihad by swaying the masses to kill those who blaspheme against Islam and Muslim beliefs. This nexus of minority oppression has been facilitated by blasphemy laws, in particular, Section 295-C and the cultivation of hatred in schools. Foreign aid donors, including the EU, have financially contributed to education projects in Pakistan over the years. However, they have not addressed the severe issues with Pakistan's discriminatory textbooks towards minorities, and therefore they bear responsibilities of the ongoing discrimination. Pakistan has played a double-game for years; ratifying international covenants and committing to human rights in the international arena while continuing to persecute minorities on the ground.

Recommendations

1. SADF's in-depth analysis of blasphemy laws, in particular Section 295-C, concludes that they are used as a tool to persecute religious minorities. Furthermore, they contravene Pakistan's international legal obligations in relation to 'the respect and protection for freedom of thought, conscience, religion or belief; freedom of opinion and expression; equality before the law; the prohibition of discrimination; and fair trial rights' (ICJ, 2015).
2. The EU's financial aid for Pakistan's education sector has been given to improve the quality of education and provide students with free textbooks. However, they have not addressed the discriminatory education that Pakistan is teaching its students. By the EU offering financial support to Pakistan's education without urging its reform, this has contributed to the religious intolerance in that country. SADF advises the EU to use relevant mechanisms, such as the conditionality of its foreign aid budget and the EU trade preferences; the GSP+, to insure the respect of core UN conventions and to stop Pakistani authorities from persecuting religious minorities.

3. According to the UK Department for International Development (DFID, 2013, p.3), from 2009-2013, the UK funded textbooks for 4.4 million students in the province of Khyber Pakhtunkhwa. Additionally, the DFID states that the top spending programmes in 2017 and 2018 will be the 'Punjab Education Support Programme, providing £75.4m and the Khyber Pakhtunkhwa Education Sector Programme, providing £43.9m' (DFID Pakistan, 2017). According to the UK Independent Fact Checking Charity (UK spending on foreign aid, 2018) 2017 figures show that the UK's overall aid to Pakistan was 463 million pounds. However, those programmes do not address the discriminatory passages in Pakistan's school textbooks and curricula. SADF advises the UK to strictly condition its support for Pakistan to a thorough reform in their national curriculum and textbooks.

Reference List

- Ahmad, A. (1967). Mawdudi and orthodox fundamentalism in Pakistan. *Middle East Journal*, 21(3), 369-380.
- Ahmad, R. (2002). Pakistan's first constituent assembly's efforts for the making of the constitution 1947-1954. *Pakistan Journal Of History And Culture*, XXIII (1). 1-37.
- American Foreign Policy Council. (2017). *Pakistan*. World Almanac of Islamism. Washington, D.C. Para 1-3.
- Amnesty International. (2016). As good as dead: the impact of the blasphemy laws in Pakistan.
- Amnesty International. (1994). Pakistan use and abuse of the blasphemy laws. London.
- Agenzia Fides. (2018). Asia/Pakistan- Declaration of religious belief on official documents: a hard blow for religious minorities. Retrieved from http://www.fides.org/en/news/63891-ASIA_PAKISTAN_Declaration_of_religious_belief_on_official_documents_a_hard_blow_for_religious_minorities.
- Bajoria, J. (2009). Pakistan's Education System and Links to Extremism. *Council on Foreign Relations*. CFR. New York.
- BBC News. (2016). Who are Pakistan's Christians?
- Bhattacharya, S. (2009). Education as a paradigm development theory: A case study of Pakistan. *J.R.S.P*, 46(2). 131-156
- Casaca, P. (2015). *Pakistan, Military Rule and Terrorism*. South Asia Democratic Forum. Brussels.
- Cheema, P., Nuri, M., Mahmud, M., & Hussain, K. (2008). *Political Role of Religious Communities in Pakistan*. Islamabad: Institute for Security and Development.
- Chengappa, B.M. (2001). Pakistan: The role of religion in political evolution. *Strategic Analysis*, 24(12), 2155-2177.
- Dawood M., & Afridi M. (2016). Comparison between 1956 and 1962 Constitution of Pakistan. *Ma'arif Research Journal*, (11), 125-136.
- Department for International Development Pakistan. (2013). *UK Aid: Changing lives, delivering results in Pakistan*.
- Democracy Reporting International. (2016). *Reporting on Human Rights: Pakistan Media Guide*.
- Department for International Development. (2010). *Response to the International Development (Reporting and Transparency) Act 2006*. DFID. London.
- Department for International Development Pakistan. (2017). Country Profile 2017.
- European Commission. (2016). *Evaluation of the European Union's cooperation with the*

- Islamic Republic of Pakistan*. International Cooperation and Development. Freedomhouse.org. (2018). *Pakistan profile*. Retrieved 2 July 2018 from <https://freedomhouse.org/report/freedom-world/2018/pakistan>
- Gregory, S. (2012). Under the shadow of Islam: The plight of the Christian minority in Pakistan. *Contemporary South Asia*, 20(2), 195-212.
- Haqqani H. (2005). *Pakistan between Mosque and Military*. Carnegie Endowment for International Peace. Lahore.
- Hasan, M. (2018). Government Should Appeal IHC Ruling on Declaration of Faith. *Human Rights Commission of Pakistan*.
- Hashmi, A. (2016). Historical roots of the Deobandi version of jihadism and its implications for violence in today's Pakistan. In J. Syed Et al. (eds.) *Faith-based violence and Deobandi militancy in Pakistan*. Islamabad, Pakistan.
- Husain, M. (2014). Blasphemy laws and mental illness in Pakistan. *The Psychiatric Bulletin*, 38(01), pp.40-44.
- Hussain, M., & Haroon, Y. (2014). Nationalization of Education in Pakistan: Z.A Bhutto's Policy and implementation. *Journal of Political Studies*, 21(1), pp. 61-77.
- Hussain, W. (2017). *Minorities worship places under constant attack in Pakistan - CIRP*. Retrieved from <http://cirp.pk/minorities-worship-places-under-constant-attack-in-pakistan/>
- Imran M. (2018, March 9). Declaration of faith compulsory before joining civil, armed services and judiciary: Islamabad High Court. *Dawn*.
- Inayat, N. (2018a, March 27). Pakistani court ruling aims to publicly identify all religious minorities. *National Catholic Reporter*.
- Inayat, N. (2018b). Pakistani court ruling aims to publicly identify all religious minorities. *America Magazine*.
- International Christian Voice. (2018). The International Christian Voice strongly urges the Islamabad High Court to review its decision. Retrieved from <http://internationalchristian-voice.com/icv/index.php/news/68-international-christian-voice-strongly-urges-the-islamabad-high-court-to-review-its-decision>
- International Commission of Jurists. (2015). On trial: the implementation of Pakistan's blasphemy laws.
- Ispahani, F. (2013). *Cleansing Pakistan of Minorities*. Hudson Institute. Washington D.C.
- Ispahani, F. (2017). *Purifying the Land of the Pure: A History of Pakistan's Religious Minorities*.

- London, England: Oxford University Press.
- Ispahani, F. (2018). *Pakistan's Descent into Religious Intolerance*. Hudson.org.
- Jamal, U. (2017). Zia-ul-Haq and the 'Islamization' of Pakistan's Public Universities. *The Diplomat*. Washington, D.C.
- Julius, Q. (2016). The experience of minorities under Pakistan's blasphemy laws. *Journal of Islam and Christian-Muslim Relations*, 27(1), 95-115.
- Khan, H. (2001). *Constitutional and Political History of Pakistan*. Oxford University Press.
- Khalilzad, Z. (2016). Pakistan: Friend or foe in the fight against terrorism?
- Malik, I. (2002). *Religious Minorities in Pakistan*. Minority Rights Group International
- Manzoor, A. (2009). Evaluation study of early childhood education in Pakistan. *Journal of Management and Social Sciences*, 5(1), 13-21.
- Minority Rights Group International. (2014). Searching for Security: The Rising Marginalization of Religious Communities in Pakistan.
- Moten, A. (2003). Mawdudi and the transformation of Jamaat-e-Islami in Pakistan. *The Muslim World*, 93(3/4). 391-413
- Murphy, E. & Malik, A. (2009). Pakistan Jihad: The Making of religious terrorism. *Islamabad Policy Research Institute*. IX (2). 17-31
- National Commission for Justice and Peace (2013). *Education vs Fanatic Literacy: A Study on the Hate Content in the Textbooks in Punjab and Sindh Provinces*. Lahore: Pakistan Catholic Bishops' Conference.
- Nayyar, A.H. (2013). A Missed opportunity: Continuing flaws in the new curriculum and textbooks after reforms. Jinnah Institute Islamabad.
- National Crime Investigation Bureau. Indian Penal Code (1860). India.
- OECD. Pakistan Penal Code Act XLV (1860). Pakistan.
- OECD. (2007). Pakistan: Code of Criminal Procedure, 1898 as amended by Act 2 of 1997. Retrieved from <https://www.oecd.org/site/adboecdanti-corruptioninitiative/39849781.pdf>
- OHCHR. (1976). International Covenant on Civil and Political Rights.
- OHCHR. (2017). Human Rights Committee Concluding observations on the initial report of Pakistan.
- Open Doors International. (2018). *2018 World Watch List by Open Doors on Exposure*.
- Pakistan International Religious Freedom report. (2017). US Department of State.
- Pakistani.org (2018). *The Constitution of Pakistan*.
- Parveen, K. (2010). The role of opposition in constitution- making: debate on the objectives resolu

- tion. *Journal of Pakistan Vision*.11 (1).
- Raina, A. (2014). Democrats and minority marginalization: the case of Pakistan. *Asian Journal of Political Science*, 22(2), 206-226.
- Rehman, S., & Zia, A. (2010). *The Impact of Educational Policies on the Religious Minorities of Pakistan 1947-2010*. Karachi: South Asia Forum for Human Rights.
- Roof, D. (2015). Problems of Common Interest: The Shaping of Education in Pakistan, 1970-2014. *Pakistan Journal Of Commerce And Social Sciences*, 9(1), 35-51.
- Sayeed, S. (2018). Pakistan's Ahmadi community releases damning persecution report. Retrieved from <https://www.reuters.com/article/us-pakistan-religion/pakistans-ahmadi-community-releases-damning-persecution-report-idUSKBN1HZ06R>
- Siddique, O., & Hayat, Z. (2008). Unholy speech and holy laws: blasphemy laws in Pakistan- controversial origins, design defects and free speech implications. *Minnesota Journal of International Law*, 17(2).
- Singh, J. (2009). *Jinnah: India-partition Independence*. New Delhi.
- South Asia Democratic Forum Policy Brief N° 5 (2017). *Facing Jamaat-e-Islami in Bangladesh: A Global Threat in Need of a Global Response*.
- South Asia Democratic Forum Policy Brief N° 6. (2017). *GSP, The Midterm Review and Pakistan: The Need to Recalibrate*.
- Stepdemocracy.eu. (2016.). *The International Covenant on Civil and Political Rights (ICCPR) Quick Facts*.
- Syed, J., Pio, E., Kamran, T. & Zaidi & Zaidi, A. (2016). *Faith Based violence and Deobandi militancy in Pakistan*. Basingstoke: Palgrave Macmillan.
- The Objectives Resolution. (2009). *Islamic Studies*. Islamic Research Institute. Islamabad. 48(1), 89, 91-118.
- The Nation. (2018). Death sentence proposed for false blasphemy accusers.
- UK Spending on Foreign Aid. (2018). Retrieved from <https://fullfact.org/economy/uk-spending-foreign-aid/>
- United Nations General Assembly A/72/88. (2017). Note verbale from the Permanent Mission of Pakistan to the United Nations address to the President of the General Assembly.
- United Nations High Commissioner for Refugees (UNHCR). (2017). Eligibility Guidelines for Assessing the International Protection Needs of Members of Religious Minorities from Pakistan.
- United Nations Human Rights Committee. (2017). List of issues in relation to the initial report of

Pakistan (ICCPR): Pakistan replies to list of issues.

United Nations. (1976). International Covenant on Civil and Political Rights. New York.

United States Commission on International Religious Freedom. (2016). *Teaching intolerance in Pakistan: religious bias in public school textbooks*. Washington, D.C.

United States Commission on International Religious Freedom. (2017). *Pakistan -recommended countries of particular concern (CPC)*. Washington, D.C.

Universal Declaration of Human Rights. (1948). University of Minnesota, U.N. Doc A/810.

Wolf, S. (2017). *Not all were celebrating: Pakistan's 70 years of independence and its forgotten victims*. SADF Comment N° 99. 1-6.

World Watch Monitor. (2018a). *Pakistan court acquits 20 in case of Christian couple burnt alive - World Watch Monitor*.

World Watch Monitor. (2018b). Pakistan court orders citizens to declare religion.

Yousaf, F. (2016). *The Plight of Religious Minorities in Pakistan*. Brussels: South Asia Democratic Forum.