

When it rains...

Religious minorities & new challenges

Report of HRCP Expert Group on
Communities Vulnerable because
of their Beliefs

December 2013



Human Rights Commission of Pakistan

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Introduction

The challenges to the freedom of thought, conscience and religion and their impact on religious minority groups in Pakistan have grown in recent years along with a rise in intolerance and militant extremism. The rise has not been followed by a proportionate response by the state to honour its obligation to protect citizens vulnerable because of their religious faith and to ensure their fundamental rights.

Since it started functioning in 1987, the Human Rights Commission of Pakistan (HRCP) has monitored the freedom of belief in the country and conducted related advocacy as an integral part of its mandate. In that respect, HRCP is guided by international human rights law, as well as the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the UN General Assembly resolution 47/135 of 18 December 1992.

The expert group

In 2010, HRCP established the Working Group on Communities Vulnerable because of their Beliefs a forum that brought together representatives of religious minority communities. The need to establish the working group was felt on account of growing incidents of violence, intolerance and discrimination towards members of minority and vulnerable communities across the country. HRCP considered that that was a difficult time for religious minorities in the country and all indications suggested that the situation was set to aggravate. Therefore, it was considered important that members of religious minority communities should be involved in deliberating on the issues that affected them in order to find solutions to the challenges on account of their religious beliefs. In 2012, the HRCP working group transformed into a more focused expert group and continued to meet to discuss and highlight the issues and concerns of religious minorities.

The expert group met twice during 2013, in August and December. At the meeting in August, the deliberations focused on political rights and issues of representation of religious minorities in Pakistan.



The expert group reviewed the challenges for religious minorities in 2013.

The agenda

In December, the expert group met for the second time in 2013. The focus of the meeting, held in Karachi, was the human rights situation of religious minority groups during the year, new challenges for them and ways to address those. The expert group looked in particular at suicide attackers targeting a church in Peshawar in September; desecration of a Hindu man's corpse in Badin district of Sindh province; distribution of pamphlets in Sindh around the May 11 elections urging Muslims not to vote for non-Muslims; challenges for Ahmadis; upsurge in hate speech and violence; and possibility of opening up space for religious minorities in the next local bodies elections.

While the words 'religious minority' occur repeatedly in this report, HRCP has no intention of categorising any group as a minority. The objective of this report and indeed of establishing a focused group is to highlight faith-based challenges of all communities in Pakistan, which may or may not have been designated as religious minorities.

The expert group members and other participants familiar with issues of concerns for minority religious denominations and sects who attended the meeting included Dr. Sabir Michael, Zahid Farooq, Nuzhat William, Prof. Aijaz Qureshi, Shyam Kumar, Inder Ahuja, Rochi Ram, Suresh Dodani, Petambar *Sehwani*, Dr. Neel Kanth, Mangla Sharma, Prem Chand, Rana Ghulam Mustafa, Mehmood Ahmed Tahir, Waheed Ahmad, Sardar Krishan Singh, Syed Sadiq Taqvi, Hamida Nawabdin and Karamat Ali. HRCP chairperson Zohra Yusuf, and the council members and staff of the Commission also joined the discussion.

Peshawar church attack

On September 22, two suicide attackers targeted All Saints Church in Peshawar, in Khyber Pakhtunkhwa province, in a gun-and-bomb assault. The attackers struck just as the Sunday service had concluded and hundreds of worshippers were about to leave. There remained wide differences regarding the number of fatalities in the attack; the government and the media reported around 80 people had died. But members of the community claimed twice as many people had been killed. Even at 80 fatalities, the attack was the country's deadliest ever targeting of Christian citizens. More than 100 people were injured as well. The church attack fueled fears that the Christian community in the country could be increasingly targeted.

Christians in Karachi, Lahore, Multan, Faisalabad and many other cities staged protest rallies to condemn the

Even though a resolution condemning the church attack was adopted by the National Assembly, the Christian community's representatives in parliament played no role in ensuring that the attack was thoroughly discussed. Focusing on the issue in parliament could have persuaded the interior minister to address and wrap up the discussion. Perhaps the exercise could have led to formation of a judicial commission to probe the attack. We have seen so many times already that resolutions alone have no values. There has been a resolution condemning drone strikes too. What has that achieved? – ***A participant at the expert group meeting***

killings and demanded protection for their lives and property.

An affiliate of the outlawed Tehreek-e-Taliban Pakistan (TTP) militant group claimed responsibility for the attack, saying that it was revenge for killing of innocent people in US drone attacks and adding that they would continue killing 'foreigners' in Pakistan as long as drone strikes continued.

The TTP, the main extremist militant group blamed for terrorist acts in the country, denied involvement in the church attack but said that the attack was “according to Sharia”.

The federal and provincial governments announced three days of mourning. The government of Khyber Pakhtunkhwa province announced Rs 500,000 compensation for the family of each deceased.

Although the Christians in Pakistan complain of growing discrimination, such attacks had been unheard of. Previous attacks on the community mainly followed allegations, often spurious, of desecration of Quran or blasphemy. In the town of Gojra in Punjab province in 2009, a mob had torched around 100 houses in a Christian-only neighborhood, burning alive seven Christians following rumours that a copy of Quran had been desecrated.

Rimsha Masih, a minor Christian girl, was arrested in August 2012 in Islamabad after a Muslim cleric accused her of burning pages from *noorani qaida* (elementary religious book with verses of the Quran). The cleric was later accused of fabricating evidence and the case

against Rimsha was dropped. In 2013, it was reported that Rimsha had fled to Canada with her family because the family reportedly continued to receive threats despite the charges against Rimsha being dropped.

In March 2013, a mob torched dozens of houses in a Christian neighborhood of Lahore, in the Punjab province, following allegations that a Christian man had committed blasphemy.

The expert group made the following observations regarding the Peshawar church attack:

- It was very difficult for security agencies anywhere in the world to stop a suicide attacker. It would become somewhat easier if border controls were improved, and the easy access to weapons and radicalization curbed.
- The issue was not confined to religious minorities but pointed to a deeper malaise unleashed through intolerance. This state of affairs was not unforeseeable when the state had itself directly or indirectly promoted militant groups in the name of religion. Seeing the church attack in the context of religious minorities alone

Christians are facing grave problems in Pakistan. But at least they are a community that can raise its voice abroad or on whose behalf voices are raised outside Pakistan. No such voices are raised abroad for the Hindus when they are targeted in Pakistan.

– A representative of the Hindu community

would not yield results, because everyone was being targeted. Government officials were targeted one day, members of the Shia community the next and religious minorities the day after that. It was important to have a mechanism to understand who the attackers were, where they came from, who facilitated them and what they planned to achieve through their attacks.

- Although some security measures were in place at the church, the steps that the administration and the local church leaders should have taken in view of the prevailing situation were absent. At the time of the attack two policemen stood guard outside the church. The attackers had shot and killed both. The attack had occurred after the service had concluded and by then those responsible for security were apparently relaxed and not that alert. One lesson from the attack was that the state of high alert should be



Participants discuss the Peshawar church attack.

maintained until the worshippers went home.

- Muslims from nearby areas had immediately reached the site of the attack to express solidarity with the bereaved families and took the wounded to hospitals in their vehicles. The attack and the TTP affiliate that claimed responsibility for the attack had been widely condemned by all circles.
- After the supposed claim of responsibility emerged, the police had ended whatever little effort they were making to investigate the attack.

Reference has been made to sectarianism and the lethal clash in Rawalpindi. But the truth is that Shias and Sunnis in Pakistan are not divided; they have no animosity towards each other and live in mutual love and harmony. The so-called sectarian violence is the doing of a specific segment of mischief makers, who are bent on destabilizing the country. This segment's only skill is hate mongering, creating disharmony among citizens and decreeing Muslims excluded from the fold of Islam.

We are where we are today largely because of the games that the Zia regime, and the dictator's supporters in the West and in the Middle East, played in the 1980s, gathering people in the name of jihad from all over the world, in order to protect the interests of one country and to open a front against the Soviet Union in Afghanistan. When the foreign interests ended there the so-called mujahideen were branded as terrorists and unleashed on us.

– A representative of the Shia community

- The government had not adequately addressed the needs of the affected families. Steps were not taken to facilitate the presence of families of the deceased at their burial. People tried to make arrangements on their own; some came by bus, others by air. Many others simply could not attend. A special plane or train could have been arranged from both Lahore and Karachi for Peshawar.
- There had been a total lack of effort to inform the people about the correct number of fatalities. The exact number could perhaps be ascertained from claims made for compensation. Even if someone were to argue that the government did not want the death toll highlighted because it could embarrass them, there was no such excuse for the media to not try and confirm the figure. Same was the case with Christian institutions. It seemed that everyone was so scared that they wanted to steer clear of the issue.
- The media gave the attack considerable coverage in the first few days but then forgot about it. There was little follow up of the anguish of the families and the community. There was a perception that the media, especially mainstream media, had become just another business, where often the primary consideration was not keeping the people informed but chasing money and ratings and covering issues that contributed to increase in revenue in the form of advertisements.

- Steps for rehabilitation of families of the deceased were needed. Many of the people injured in the attack remained hospitalised and in need of support. It was important to remember them because with new incidents of varying intensity occurring every week the Peshawar attack would quickly fade from memory and the media would move on too.



Individuals familiar with religious minorities' concerns also joined the group members.

Hindu's body dug up

On October 6, 2013 a mob dug out the body of a Hindu soon after his burial in a graveyard in Pangrio town of Badin district. Badin is in the province of Sindh where most of Pakistan's Hindu citizens reside.

Bhuro Bheel, a Hindu resident of Badin, had died in a road accident on October 5. His family buried him in Haji Faqeer graveyard in Pangrio the same day.

It is one thing to not tolerate others' views, but what can you say about someone who does not even tolerate others' dead bodies. It is shameful to be alive in a society where a dead man's body is desecrated because he did not share the majority's religion. Desecration of Bhuro Bheel's body shows that there are people in our society who have lost all touch with humanity. Bhuro was a member of a religious minority in Pakistan but he was a human being first and foremost. Defiling of his body is defiling of humanity and of all that it stands for. You can have political, religious, social or cultural differences with someone in life. You could disagree with his beliefs, but once a person has died are we so full of hate that we must dig his body out of the grave?

Bhuro was not famous during his life. In his death, however, this shameful act has made him famous and brought contempt upon the perpetrators who are so consumed by hate and intolerance.

No words are strong enough to condemn this. Government institutions and political parties should take practical steps to ensure that the culprits are punished so that such a case never happens again.

–A representative of the Christian community

Members of the local Hindu community said that some Muslim youth had warned them the same day that a Hindu could not be buried in a Muslim graveyard. Announcements were reportedly made from a local mosque urging the Hindu community to remove the body or it would be removed the following morning. Hundreds of Bheel community members and Muslim supporters from Sindhi nationalist parties and civil society went to the police station to protest.

On the morning of October 6, a mob dug up the grave, removed Bhuro's body, and dragged and threw it outside the graveyard. The body remained exposed to the elements for several hours as Bhuro's relatives could not remove it fearing for their own lives with the mob in the locality. In the evening, a local landlord provided space for the body to be buried.

Bhuro's family accused local religious clerics of instigating the Muslim community and also inviting students from madrassas of nearby towns.

The family said that Hindus had been buried in that part of the graveyard for decades and no one had ever objected. However, a local cleric denied that any Hindus were ever buried in the graveyard.

A senior provincial minister who visited the family in late October said that a particular group wanted to encroach upon the graveyard land in Badin. He promised to grant land for a separate graveyard for religious minorities. He said that the Sindh government would provide financial assistance to Bhuro's widow and grant a job to a member of his family.

Members of the expert group expressed concern over instances of religious extremism in Sindh, long known for its tradition of tolerance and peaceful coexistence.

They noted that there had been understandable outrage and considerable resistance by the civil society locally and in the wider region in response to the incident. They said that it was important to channel these sentiments to raise these issues both inside the country and abroad so that pressure could be brought on the government to find solutions to such problems.

Some participants were of the view that incidents such as these had absolutely nothing to do with religion. They argued that the motives were not rooted in religion but in economic and other matters and as population increased and resources dwindled such incidents were on the rise. There were also private disputes, differences carried over from elections and attempt to illegally occupy others' property.

Other members of the expert group opined that the reasons could be political or economic but attempts to exploit religion to gain an edge over another should not be ignored. They said that the role of the local madrassa and of the mosque loudspeaker could also not be overlooked. It was imperative to see the mindset and level of education of religious scholar, whether he was Muslim, Christian or Hindu, who was guiding others. Some members of the expert group noted that the majority of blasphemy cases were lodged against Christians in Faisalabad, Toba Tek Singh and Okara districts of Punjab. They were of the view that clerics were involved in misguiding people. Sometimes such

charges were leveled to occupy land since in these districts Christians also owned agricultural land.

Some participants, especially one representing the Shia community, said that Islam advocated rights of religious minorities and had strictly prohibited desecration of dead bodies even during situations of armed conflict. To this, other participants pointed out that no one had suggested that Islam approved of such dreadful actions. They said that it was clear that these actions had nothing to do with Islam's teachings and cited an incident a few years ago where a mob had lynched two Muslims youth in Sialkot district and dragged their bodies through the streets. However, they said that it was important nonetheless to find ways to change attitudes and views that were breeding faith-based hatred and intolerance. They said that in the case of Bhuro Bheel it was an issue of rule of law in the context of exploitation of religious sentiments to instigate commission of offences. Some members of the expert group suggested that it was important to highlight hate speech, particularly *fatwas* (edicts) which were against basic human rights and which negatively portrayed the religion of Islam.

Several participants were far from impressed by the contribution of parliamentarians from religious minority communities in highlighting the issue. They said that until the representatives of the community raised the issues in parliament the voices and concern that needed to be on the government's priority list would remain outside the agenda. However, one participant pointed out the case of Saleem Khokhara member of the provincial legislative assembly of Sindh

representing the Christian community who had been given death threats for being vocal against the abduction and forced conversion of Hindu women. In 2012, Amnesty International had called upon the government of Pakistan to provide Khokhar and his family with adequate security and investigate the threats. Khokhar and his family had since reportedly found sanctuary in the United Kingdom. "Khokhar was punished with forced exile for speaking his mind," a participant said.

The expert group added:

- What happened to Bhuro Bheel's body was disgraceful even as an action against a deceased person and against a whole community but it was also an offence under the law. This issue should not be seen as an issue between a religious majority and minority but in the context of rule of law. While the news media in Sindh had covered the incident in detail and civil society organisations had staged protests, the government had not responded in a manner that such an appalling incident demanded. Cases had not been registered against the individuals who incited people to commit criminal offences.
- This dreadful incident deserved the most unequivocal condemnation. Whenever such incidents had happened in Pakistan or anywhere else in the world the religious minority communities and civil society had protested. If Muslim religious scholars also publicly condemned such incidents and came out to

protest, on the basis of humanity and not on the basis of religion, that could help expose, discourage and isolate the perpetrators.

- Even though they had sufficient prior notice, the police had not acted to prevent the mob from assembling or digging up the body.
- It was a matter of serious concern that while conscious citizens spoke about promoting education, positive values and development in villages and cities, there was degeneration and destruction underway at the same time. Such incidents had no precedent in Sindh's culture where of all religious faiths people used to celebrate Diwali, Christmas, Eid, *Shab-e-Barat* and joined Muharram processions. A few decades earlier there were shared graveyards in Sindh irrespective of the deceased's religion and now in the 21st century there were incidents such as these to mourn.
- If citizens were brought up on a staple of tolerance then a few mischief making clerics could not succeed in sowing seeds of hatred and intolerance among the people. There was a need to look at the curriculum of madrassas, and even of mainstream schools. Some civil society organisations, notably National Commission of Justice and Peace, had been highlighting instances of discrimination and intolerance in the curriculum. Until hate material and discrimination were weeded out of the curriculum it would be difficult to counter intolerance in society.

Pamphlet advocating voting along religious lines

2013 was the election year and the May 11 parliamentary polls provided another opportunity to test the effectiveness of the joint electorate mechanism in place since 2002.

Tharparkar district of Sindh province has the largest concentration of Hindu population in the country and Hindus' votes there largely determine the outcome of elections. The district has almost as many non-Muslims as it has Muslims. In almost half of Tharparkar's 22,000 villages, Hindus own farmland. Tharparkar district has been a relatively safe region for non-Muslims.

In this district, a pamphlet was distributed ahead of the elections, urging Muslims not to vote for non-Muslims. The pamphlet described Hindus as infidels and added that voting for a Hindu candidate was the same as going against Islam.

A local madrassa had issued the pamphlet allegedly on the behest of an influential political family in the district. The political family denied any link with the pamphlet.

Politicians exploiting religious sentiments in their election campaigns has not been uncommon in Pakistan. However, the code of conduct for political parties and candidates, issued by the Election Commission of Pakistan (ECP) ahead of the 2013 polls, specifically prohibited seeking votes in the name of religion or sect.

Political parties, candidates and their supporters were also barred from campaigning against any person on the basis of religion, ethnicity, caste or gender. The

political parties and candidates were also required to uphold the rights and freedoms of the people as guaranteed by the Constitution.

The Code of Conduct stated that “political parties, contesting candidates and their supporters shall not propagate against the participation of any person in the elections on the basis of gender, ethnicity, religion or caste”. Failure to comply could lead to disqualification.

The ban was welcomed by civil society and was generally well received. However, some religious political parties had voiced their concern, including during a session of the Senate, against the ECP ban on seeking vote based on sect and religion. They had stated that such a ban was a step towards turning the country into a secular state.

The expert group members made the following observations:

- The distribution of the “anti-Hindu pamphlet” had a number of outcomes, not all of which were undesirable. In Tharparkar, a region known for its Sufi and tolerant tradition, the perception that religion had been invoked for electoral gains apparently did not sit well with either the Hindu voters or the Muslims. There was a perception that pamphlet had contributed to a prominent political family in the district losing on all but one of the seats that they had contested in the 2013 general election. The pamphlet had also led to more enthusiastic participation in elections and demonstrated maturity and awareness among the voters.
- On the down side, the authorities, police and the

Election Commission of Pakistan itself had not taken any action after the pamphlet was distributed. The lack of action had taken away the desired deterrent effect under the ECP Code of Conduct. Seeking votes in the name of religion or conspiring to prevent support for a candidate by appealing to the electorate's religious sentiments were offences under the law. If such offences were proved the people responsible should have been punished according to law. The political parties that do not give tickets to non-Muslim candidates to contest elections because they were non-Muslim were also acting against the law and should be proceeded against.

We know that these elements seek to exploit religion when they think they can get any benefit by doing that. One way to look at this episode is that there appears to be little hesitation among candidates and political parties in accepting votes from Hindu, Christian, and other non-Muslim voters whenever they need those to win. But when it is a question of voting for candidates from the minority communities that somehow represents a peril to the faith of a Muslim voter. It seems that in the extremists' view Islam is not threatened by receiving a non-Muslim's support when it comes to close election contests.

Another way to analyse this is that if we only accept votes from non-Muslim citizens and refuse to vote for candidates from these communities then that contradicts the very spirit of the joint electorate system. Religion has nothing to do with this. If a candidate has the people's confidence and he can deliver then it should not matter if he is Muslim, Hindu, Christian or from any other faith.

– A member of the expert group

- The political parties had also failed to condemn the pamphlet or to pressurise the government and the ECP to take action against the perpetrators. Whatever little protest and reaction had been there had been on the social media.
- There had been no consequences for the madrassa that had reportedly issued and distributed the pamphlet and no investigation was held to find a link to any election candidate. Those exploiting religion for personal and electoral gains were small in number but were organised and focused on what they wanted. This small minority manages to have impact because those with progressive thinking did not join hands and therefore failed to bank on their own combined strength.

Challenges for Ahmadis

Pakistan's Ahmadis were declared non-Muslim through a constitutional amendment in 1974. A decade later, they were barred from identifying themselves as Muslims through an amendment to the Pakistan Penal Code (inserting sections 298-B and C).

Recounting the recent challenges faced by Ahmadi citizens, the participants noted that in October police in Lahore, in the Punjab province, had stopped a number of members of the Ahmadi community from slaughtering animals on Eidul Azha, proclaiming that the ritual of animal sacrifice on Eid was an Islamic injunction whereas Ahmadis were not Muslims. In at least two cases, police had visited houses of Ahmadis and sought guarantees that they would not sacrifice animals present at their respective houses on Eid. One of the men had reportedly been detained at a police station and released after he provided a written undertaking that he would not sacrifice any animal.

According to some reports, police had visited Ahmadis houses after clerics made announcements in mosques that Ahmadis were following Muslim rituals. Members of the expert group said that instead of providing security to the citizens, the police were meddling in sectarian and religious issues and supporting hardliners.

In November, police in Lahore arrested Masood Ahmad, who practiced homeopathy, from his clinic and registered a case against him under Section 298-C of the Pakistan Penal Code (PPC).

The complainant in the case had reportedly visited Ahmad's clinic to seek medical advice. He asked the homeopath whether he was an Ahmadi. On Ahmad's reply in the affirmative, the complainant asked him to explain the Ahmadiyya faith. When Ahmad responded, the complainant recorded his comments with a hidden device. He later presented the recording to the police as evidence that Ahmad had preached to him when he went to consult him. The elderly homeopath was arrested and moved to Camp Jail, Lahore. A judge refused him bail and said to the state attorney that the evidence called for charges under sections 295-A and 295-C of the PPC. The latter provision carries the death penalty. The expert group expressed concern over intimidation and harassment of Ahmadi citizens and

I faced numerous problems during my studies at the university merely because I was an Ahmadi. No other student wanted to join me in doing course assignments. Under pressure from the student body of a right-wing political party, other students stayed away from me. They were advised not to sit or work with me because I was an Ahmadi. This was the first time I faced such an environment. But others have told me of how they had been sacked for being Ahmadi. Even if they wanted to offer prayers separately in their office, they were not allowed to do that. Now there is this law in place, which people observe out of respect or compulsion. There is no call to prayer from Ahmadi places of worship because of this law. ***An Ahmadi former student of Karachi University***

called upon the civil society to raise the issue in a sustained manner to pressure the government into protecting the community.

The expert group members noted that even though a joint electorate system was supposed to be in place in the country members of the Ahmadiyya community remained on a separate voters' list. They said that keeping one group on a separate voters' list purely because of their religious identity was discriminatory. They highlighted that in order to lodge protest against a failure to end this discrimination, the Ahmadis had publically announced to disassociate themselves from the May 11 general elections. Consequently, Ahmadis had not got the chance to use the elections as an occasion to find ways to address their concerns.

Hate speech

Members of the expert group underlined widespread and largely unchecked promotion of hatred and intolerance as a major ongoing challenge. Among other factors, some sections of the media have served as a vehicle for inflammatory messages. The group noted that the legal mechanism to curb and penalise hate speech had been rendered ineffective on account of a lack of implementation. They recalled how in 2008 an anchorperson of a popular Urdu TV channel had commemorated the 1974 amendment to the Constitution, which had declared Ahmadis non-Muslim, by holding a prime-time discussion that ended with the anchor declaring the Ahmadis *Wajibul Qatl* (liable to be killed). The following day an Ahmadi doctor was shot dead in Mirpurkhas district, Sindh. The day after that, another Ahmadi was assassinated in Nawabshah district of Sindh. Members of the expert group said that the most unfortunate aspect was that the TV anchor had not even been reprimanded by the TV channel, much less charged with spreading hatred and instigating killing of citizens.

Hate speech is a very serious crime in civilised societies. People might get away with serious offences such as money laundering but they are nabbed for hate speech. In Pakistan, hate speech has now spread to the social media, and that too in a big way. Just last week we heard the news of US actor Paul Walker's death at our college campus when someone said that that was a loss. To this a friend of ours said that one less Christian in the world was hardly a news to mourn. This is just an indication of the degree to which people's minds have been poisoned. – ***A representative of the Hindu community***

The group noted that hate speech, particularly instigation of hatred and intolerance from the pulpit, was nothing new in Pakistan. Semi-literate clerics deemed the mosque loudspeaker as their personal property and frequently misrepresented, found fault with or needlessly criticized other sects or religious faiths in their sermons.

They said that it was not uncommon for worshippers in the mosque to speak among themselves about a Friday sermon lacking any positive message and merely preaching hatred. But the same worshippers would not go to the person who delivered the sermon or to the mosque administration committee to speak their mind. No progress had been made on an idea floated by the government that the use of mosque loudspeakers should be prohibited on Fridays for anything other than a sermon approved by a designated official authority.

The expert group appreciated consensus among religious scholars of various schools of thought in Lahore earlier in the same week that had led to formulation of a voluntary nine-point code of conduct with the aim of curbing hate speech and intra-faith violence. The Punjab government had approved the code, which agreed to the use of loudspeakers only for the purpose of delivering *A'azan* (call to prayer) and sermons in Arabic. Hate speech or remarks towards followers of any sect through sermons, slogans, published material, press releases or wall chalking were banned and no one was to be allowed to declare members of other sects infidel or *Wajibul Qatl*. The code also stressed that it was mandatory for all sects of Islam to protect the rights of non-Muslims and safeguard their places of worship.

The expert group suggested that such initiatives should be extended to other provinces and leaders of other religions should also be taken on board so that they too could play a

role in preventing any words or actions causing offence or hurting the sentiments of members of any religious community.

However, members of the group noted that this was not the first time a religious code had been adopted. They emphasised that laws should be adopted to make the code a binding commitment. They said that the biggest hurdle in countering hate speech was Pakistan's failure to enforce much of its existing laws prohibiting speech that incited violence. The working group concluded that hate speech and instigation of faith-based violence had risen largely because of pervasive impunity for the perpetrators.

The biggest flaw in our thinking is that we are Muslims and we should protect religious minorities in Pakistan. The simple fact is that whether anyone is from the majority or a religious minority it is the responsibility of the state to ensure the protection and rights of every single citizen. – ***A member of the expert group***

Local bodies elections

At the time when the expert group met in Karachi in December, it appeared that local bodies elections would soon be held in all the provinces. In fact, local government elections were scheduled to be held in Balochistan on December 7, just two days after the expert group meeting.

In the national and provincial legislatures, nomination of representatives against reserved seats meant that religious minorities lacked direct access to their representatives and could not hold them accountable through their ballot. But members of the group said that the local government elections afforded an opportunity to members of religious communities as candidates would need to seek their votes to get elected.

The expert group noted that irrespective of when the local bodies elections were held it was clear following the recent devolution of power that the real power lies with the provincial governments. They said that under a good local government system, religious minority communities could play a greater role at the grassroots, by electing members of their communities or even otherwise, depending on votes of the community in a constituency, playing a role in determining the outcome of the elections. They believed that effective representation at the local level could lead to the religious minorities getting their share in the decision-making process and inclusion of issues of their concern to the agenda of the political parties and governments. Some participants suggested that on account of the disadvantages that the country's minority communities faced, some affirmative action should also be considered in consultation with the stakeholders.

They said that it was important for the minority communities to learn lessons from the May 11, 2013 parliamentary

elections and work together in a more organised manner in order to enhance both the quantity and quality of their representation.

One participant said that while the overwhelming majority of the Hindu population in Pakistan was from the so-called lower caste or scheduled caste, their representatives at all tiers were from the “upper castes”. She hoped that local bodies elections could change that.

The group noted in further observations:

- Members of religious minority communities were taking interest and keenly awaiting the local bodies elections because they believed that this tier of government could solve many of their problems. It was up to the political parties to accommodate and take along citizens from Pakistan's religious minority communities when panels of candidates would be formed for local bodies constituencies. That would be the time for the political parties to demonstrate how keen they were to ensuring mainstreaming and inclusion of citizens from minority religious faiths in the electoral process. It was also important to get support from other institutions and to establish and uphold people's legal rights.
- In the local bodies system [in Sindh] there were to be nine members in each constituency; a chairperson, a vice- chairperson and seven general councillors. Members of religious minorities could now contest for all these positions. In constituencies where religious minorities had between 2,000 and 5,000 votes, they had a real shot at getting their representatives elected as chairperson and vice-chairperson.
- Representatives must especially be found from

among communities where faith-based violence had increased against citizens from religious minorities. Electing such candidates could lead to positive results straight away since these would be the very people who would oversee local decision-making and monitor hate speech at the local level.

Conclusions and recommendations

The expert group expressed satisfaction that despite the difficult circumstances people from all religious faiths remained keen to join hands in order to find solutions to their problems. It emphasised that this shared struggle would be greatly supported by the communities documenting and sharing with the expert group details of violations and steps that should be taken to improve the situation.

The group said that many challenges that the expert group and the civil society was grappling with were rooted in history and society, but it was important that along with the old challenges new ones were also kept in view. The situation had deteriorated for religious minorities in the country during 2013. It was not that many of the problems they faced during the year had not existed earlier but the sort of intimidation and violence being observed now was more vicious. The expert group noted that some positives were also in evidence but there had also been degeneration and destruction. Instances of religious extremism in Sindh, long known for its tradition of tolerance and peaceful coexistence, were particularly disturbing as a sign of ground being ceded to extremists in an area where in theory the easiest gains should have been expected.

The biggest concern was the government's inaction as people were being systematically instigated to resort to violence in the name of religion through statements in the media, text messages, wall chalking, etc. The expert group concluded that at the minimum the following actions were needed to improve the situation.

- Amid assault on the citizens on the basis of faith, the federal and provincial governments must not confine their response merely to giving financial compensation and the odd government job to the

affected families. The perpetrators should be nabbed and tried and every possible effort made to prevent faith-based violence in the future. While it might be difficult to stop a suicide attacker from striking, a multi-pronged approach that seeks to address radicalization can yield results. Effective measures should be put in place for rehabilitation of families of the deceased and for those injured in the Peshawar attack.

- The discrepancy in the number of fatalities in the Peshawar attack should be addressed once for all in consultation with the affected community. Media and civil society organisations should also play their part. The media in particular should highlight the impact of such incidents of violence on the families and communities and the obligations of the state.
- The support and empathy of the majority community in the Peshawar church attack and the Bhuro Bheel incident and the widespread condemnation of both incidents were important positives that needed to be built upon. Muslim religious scholars should also publicly condemn such incidents and join the protests in order to expose and isolate the perpetrators.
- While attempts to exploit religion to gain an edge over others should not be ignored, it is important to highlight that the digging up of Bhuro Bheel's grave and desecration of his body were issues of rule of law and should be dealt with in that context. The individuals who incited people to commit criminal offences should be brought to justice. It should also be investigated why despite sufficient prior notice the police failed to prevent the mob from digging up Bhuro Bheel's body.

- The failure of the government, police and the Election Commission of Pakistan to take any action after an “anti-Hindu” pamphlet was distributed in Tharparkar ahead of the May 11 parliamentary elections are appalling and the reason for that needs to be shared with the people. The madrassa that had reportedly prepared and distributed the pamphlet should be proceeded against and it should be investigated if that was done on the behest of a candidate in the elections. The political parties' lack of condemnation of the pamphlet is also something that the civil society should take up with these parties.
- There is an urgent need to look at the curriculum of both madrassas and mainstream schools to weed out instances of discrimination and intolerance and move towards bringing up tolerant generations.
- The widespread intimidation and violence against the Ahmadis must be condemned and prevented. When a joint electorate system is supposed to be in place in the country, keeping the Ahmadis on a separate voters' list because of their religious identity is discriminatory. This anomaly must be addressed without delay.
- It is indeed admirable for religious scholars to frame codes of conduct with the aim of curbing hate speech and enhancing sectarian harmony. However, that does not absolve the government of its primary responsibility to prevent all manners of hate speech. It is a matter of grave concern that hate speech and faith-based incitement to violence continue largely

unchecked across the country. Implementation of the existing law and effective prosecution without waiting for complainants to come forward should chip away at pervasive impunity in that respect.

- The print and electronic media has a crucial role in highlighting the challenges that the religious minority communities face in Pakistan. Media organisations must also guard against contributing to hate speech or intimidation in any way.
- There is considerable gap between the original expectation from the joint electorate system and what it has actually delivered. Reservations over this system and the whole “nomination process” should be addressed and ways found for religious minority communities to hold their representatives accountable through their ballots.
- Civil society organisations should call upon political parties to accommodate candidates in the local government election according to their ability to effectively represent the electorate. They should urge these parties to give representation to religious minorities in elections to all tiers of government, particularly when they finalise panels of candidates for constituencies in the local bodies elections. The political parties should also encourage voting for non-Muslim candidates and not confine themselves to only seeking religious minorities’ votes for Muslim candidates.
- Finally, it is high time to stop looking at human rights

violations and excesses as violations of religious minorities' rights. Matters of law and rule of law should not depend on the religious faith of the victim. The onus is on the government to demonstrate through its actions that the religious faith of a citizen would have no adverse or favourable bearing on his or her human rights.