

## PART 5: SECTARIANISM

### 5.1 Introduction

Our fifth theme studies sectarianism and the state's attempts to curb it. It is an amalgamation of several points in the NAP, specifically [#5](#), [#8](#) and [#18](#), and also covers minorities rights.

There is some overlap with Part 3: Proscribed Organizations, and Part 4: Counterterrorism. Minority rights and government action is also covered in this section.

The Ministry of Interior and Narcotics Control presented a report in the National Assembly in January, 2016. According to that report cases have been registered regarding hate speech and the misuse of the loudspeaker, and thousands have been arrested. While positive, these actions continue to target the symptoms of religious hatred and sectarianism, and do little to target the ideology that fuels such a mindset.<sup>1</sup>

### 5.2 Minorities in Pakistan

During 2012-2015 Christians faced a range of atrocities, including sexual assaults, harassment and forced conversions in some parts of the country, and 14 Christians were charged under the blasphemy laws. In 40 attacks on the Christian community, seven churches were targeted. Ahmedis constantly face humiliation, threats to life and property. Constitutionalized anti-Ahmadi laws especially facilitate this, and at least six Ahmadi places of worship have come under attack during the same period.

Hindus remain a target of abduction, forced marriages, rape of girls and kidnappings. Curriculum taught in schools paints them as the enemy, tying them closely with the state's antagonistic narrative on India. The minority that faces the worst

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**NAP POINT 5:** Strict action against the literature, newspapers and magazines promoting hatred, decapitation, extremism, sectarianism and intolerance.

**NAP POINT 9:** End to religious extremism and protection of minorities will be ensured.

**NAP POINT 18:** Action against elements spreading sectarianism.

<sup>1</sup> Questions and Oral Answers, 28th session of the National Assembly. (2016, January 15). Retrieved March 15, 2016, from [http://www.na.gov.pk/uploads/documents/questions/1452850149\\_459.pdf](http://www.na.gov.pk/uploads/documents/questions/1452850149_459.pdf).

of attacks is the Shia community. In the last three years, even though minority casualties have reduced by more than half, violence against Shias has risen. The Ismailis, a Shia sub-sect, were also targeted in the Safoora Goth attack in Karachi, leaving 46 dead.<sup>2</sup>

### 5.2.1 Population of Different Sects of Islam in Pakistan

Sunni and Shia are the major sects in Islam. Ismalis are a sub-category of Shia Islam and Brelvi, Deobandi and Ahle-Hadith are sub categories of Sunni Islam.<sup>3</sup>

Sect	Population
Brelvi	50%
Deobandi	20%
Shia	18%
Ahle Hadith	4%
Ismaili	2%
Others	2%

### 5.2.2 Laws pertaining to minorities

These are some of the laws pertaining to minorities in Pakistan:

- Christian Marriage Act 1832
- Hindu Widows Re-Marriage Act 1856
- Sindh Hindu Heirs Relief Act 1866
- Christian Marriage Act 1872
- Hindu Disposition of Property Act 1916
- Hindu Inheritance (Removal of Disabilities) Act 1928
- Hindu Law of Inheritance (Amendment) Act 1929
- Hindu Gains of Learning Act 1930
- Paris Marriage and Divorce Act 1936<sup>4</sup>
- Hindu Women's Rights to Property Act 1937
- Hindu Marriage Disabilities Removal Act 1946
- Hindu Married Women's Right to Separate Residence and Maintenance Act 1946

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<sup>2</sup> Mehmood, R., & Akbar, S. H. (2016). State of Religious Freedom in Pakistan. Retrieved March 25, 2015, from <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>.

<sup>3</sup> Oxford Islamic Studies.(n.d.). Pakistan, Islam in. Retrieved March 24, 2016, from [http://www.oxfordislamicstudies.com/article/opr/t125/e1809?\\_hi=1](http://www.oxfordislamicstudies.com/article/opr/t125/e1809?_hi=1).

<sup>4</sup> Please see Annex VI: Laws pertaining to minorities

- Protection of Communal Properties of minorities Ordinance 2001
- Protection of Communal Properties of Minorities Communities Rules 2003

### 5.2.3 Violence against Minorities

Religious minorities in Pakistan have faced the brunt of violence in the country, and the state response has been traditionally weak. Data collected by the Center for Research and Security Studies shows that sectarian violence claimed about 1,340 lives (and left some 1,940 injured) during the last three years. The province of Sindh had the highest number of sectarian fatalities (569), followed by Baluchistan (359), KP (215), FATA (109), and Punjab (79). The capital of the country, Islamabad, also suffered nine fatalities. Baluchistan faced the highest number of injured people in sectarian violence (608).<sup>5</sup>

Non-Muslims constitute about three percent of Pakistan's estimated population of 200 million. Some 20 percent of the rest are Shia Muslims. Prominent among the non-Muslim minority groups are Christians (2.5 million), Hindus (1 million), and Ahmadis (3 million), thus accounting for about 3.7% of Pakistan's population.<sup>6</sup>

A downward trend, as observed in all other forms of violence, is evident in sectarian violence as well. More than a 50% drop in fatalities in sectarian violence is visible in 2015 when compared with those in 2013.

Major causes include incitement by religious leaders, particularly through misuse of the loudspeakers during sermons, institutionalized and constitutionalized hatred and discrimination, biased curriculum, and abuse of controversial laws.

The blasphemy laws in particular can be systematically abused to target minorities and incite religious hatred. Some progress to revisit these laws was made in 2015. First, the death sentence for Mumtaz Qadri, the man who killed Punjab's sitting Governor Salman Taseer on what he viewed as blasphemous conduct, was upheld by a court.<sup>7</sup> In May, 2015, a piece of legislation was introduced calling for severe penalties for misuse of the blasphemy laws.<sup>8</sup> In a statement by the Supreme Court in October, 2015, Justice Asif Saeed Khosa remarked that criticism of

<sup>5</sup> Nafees, M., Gul, I., & Salahuddin, Z. (2016, February 26). CRSS Annual Security Report - 2015. Retrieved February 26, 2016, from <http://crss.pk/wp-content/uploads/2010/07/CRSS-Annual-Security-Report-2015.pdf>.

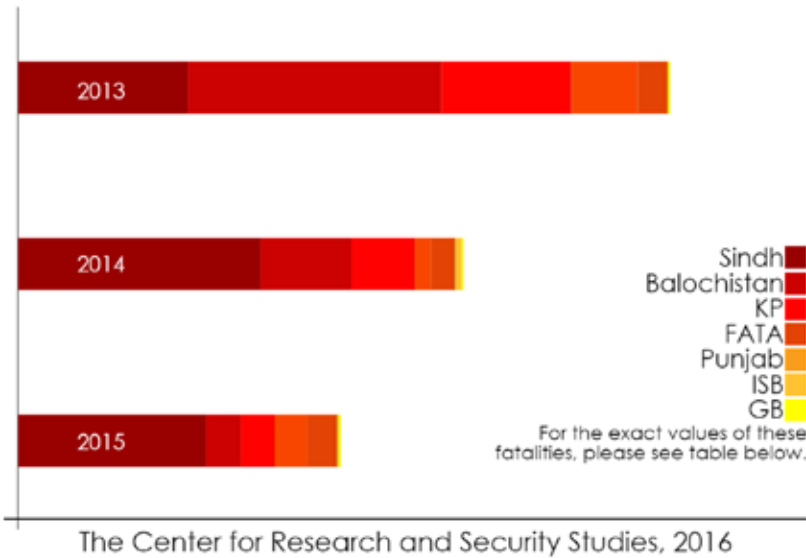
<sup>6</sup> Europe External Policy Advisors.(n.d.). Status of Religious Minorities In Pakistan. Retrieved February 17, 2016, from [http://www.eepa.be/wcm/dmdocuments/EP\\_Hearing\\_Pakistan/Fact\\_Sheet\\_Minorities\\_in\\_Pakistan.pdf](http://www.eepa.be/wcm/dmdocuments/EP_Hearing_Pakistan/Fact_Sheet_Minorities_in_Pakistan.pdf).

<sup>7</sup> Malik, M. Z. (2015, March 09). Death sentence upheld for killer of Pakistani governor over blasphemy law. Retrieved March 16, 2016, from <http://www.reuters.com/article/us-pakistan-blasphemy-idUSKBNOM50LT20150309>.

<sup>8</sup> Lodge, C. (2015, June 01). World. Retrieved February 24, 2016, from <http://www.christiantoday.com/article/pakistan.new.legislation.could.stop.misuse.of.blasphemy.laws/55131.htm>.

blasphemy laws was not blasphemy in of itself, thus opening the doors for a public debate on the issue.<sup>9</sup> At the end of the 13-month audit period, a boy in Khanqah cut off his own hand after he was marked a blasphemer by the local cleric. The cleric has since been arrested and charges have been filed against him.<sup>10</sup>

**Graph 5.1 Violence against Minorities – 2013-2015**



Sectarian Violence Fatalities - 2013 - 2015						
Region	2013		2014		2015	
	Dead	Injured	Dead	Injured	Dead	Injured
Sindh	161	129	230	67	178	131
Balochistan	240	424	86	153	33	31
KP	123	195	60	104	32	63
FATA	63	200	15	31	31	76
Punjab	28	113	23	24	28	99
ISB	1	0	6	98	2	1

<sup>9</sup> Haider, I. (2015, October 05). Criticising blasphemy law does not amount to blasphemy: Justice Khosa. Retrieved March 26, 2016, from <http://www.dawn.com/news/1211047>.

<sup>10</sup> Gillani, W., & Nordland, R. (2016, January 18). Boy's Response to Blasphemy Charge Unnerves Many in Pakistan. Retrieved January 19, 2016, from <http://www.nytimes.com/2016/01/19/world/asia/boys-response-to-blasphemy-charge-unnerves-many-in-pakistan.html>.

GB	0	0	0	1	0	0
<b>Total</b>	<b>616</b>	<b>1061</b>	<b>420</b>	<b>478</b>	<b>304</b>	<b>401</b>

### 5.2.4 Supreme Court Judgment

In June 2014, the Supreme Court of Pakistan highlighted the state's failure to protect religious minorities and their place of worships. The court found a "lack of awareness about minority rights" among law-enforcement agencies and had observed that assaults against religious minorities could be credited to the failure by the state to take satisfactory preventive measures.<sup>11</sup>

These preventative measures include designing school curriculums to promote religious tolerance and cohesion, constituting a national council for the protection of minorities to frame policy recommendations for safeguarding and protecting rights of religious minorities, constituting a special police force to protect places of worship of religious minorities, and ensuring that action, including registration of criminal cases, is promptly taken to bring to justice to perpetrators who abuse the rights of religious minorities.<sup>12</sup>

### 5.3 Government Progress against Spreading Hatred/Sectarianism

As stated above, the Ministry of Interior and Narcotics Control presented a the National Assembly in January, 2016. According to that report 2,337 cases have been registered on hate speech, coupled with the arrests of some 2,195 individuals. 73 shops have also been sealed. Regarding misuse of loudspeakers to spread hatred and sectarianism, 9,164 cases have been registered implicating 9,340 individuals and 2,542 pieces of equipment have been confiscated as well.<sup>13</sup>

Pakistani Prime Minister Nawaz Sharif in his address to the Hindu community at a Diwali event in Karachi said, "I am the Prime Minister of all Pakistanis, whether they are Hindu, Muslim, Sikh, Christian, Parsi, or any other religion. I will stand by victims of violence and ensure perpetrators are brought to justice, even where

<sup>11</sup> Omer, R. (2015, November 24). Minority matters. Retrieved May 06, 2016, from <http://www.dawn.com/news/1221823>.

<sup>12</sup> US State Department. (2014, July 28). 2013 Report on International Religious Freedom - Bureau of Democracy, Human Rights, And Labor. Retrieved March 27, 2016, from <http://www.state.gov/j/drl/rls/irf/2013/sca/222339.htm>.

<sup>13</sup> Questions and Oral Answers, 28th session of the National Assembly. (2016, January 15). Retrieved March 15, 2016, from [http://www.na.gov.pk/uploads/documents/questions/1452850149\\_459.pdf](http://www.na.gov.pk/uploads/documents/questions/1452850149_459.pdf).

the perpetrators are Muslim.”<sup>14</sup>

Mr. Lal Chand, Member, National Assembly, proposed and moved the National Commission for Minority Rights Act, 2015.<sup>15</sup> The proposed act lists the functions and powers of the Commission as follows:

- (1) The Commission shall perform all or any of the following functions, namely;
  - (a) Evaluate the progress and development of Minorities;
  - (b) Monitor the working of the safeguards provided in the Constitution of Pakistan and in laws enacted by Parliament;
  - (c) Make recommendations to effective implementation of safeguards of the protection of the interests of Minorities
  - (d) Inquire and investigate into specific complaints regarding deprivation of rights and safeguards of the Minorities and take up such matters with the appropriate authorities
  - (e) Cause studies to be undertaken into problems arising out of any discrimination against Minorities and recommend measures for their removal;
  - (f) Conduct studies, research and analysis on the issues relating to socioeconomic and educational development of Minorities;
  - (g) Suggest appropriate measures with respect to any Minority to be undertaken by the Government;
  - (h) Make periodical or special reports to the Government on any matter pertaining to Minorities and in particular the difficulties confronted by them,
  - (i) Any other matter which may be referred to it by the Government, and
  - (j) Review the existing laws or that may be enacted in future in the best interest of religious minorities and send its recommendations to Parliament.

(2) The Government shall cause the recommendations referred to in clause (c) of sub-section (1) to be laid before Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations and the reasons for the non-acceptance, if any, of such recommendations.

(3) The Commission shall, while performing any of the functions mentioned in sub-clauses (a), (b) and (d) of sub-section (1), have all the powers of a civil court

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<sup>14</sup> Omer, R. (2015, November 24). Minority matters. Retrieved May 11, 2016, from [http://epaper.dawn.com/DetailImage.php?StoryImage=24\\_11\\_2015\\_008\\_003](http://epaper.dawn.com/DetailImage.php?StoryImage=24_11_2015_008_003).

<sup>15</sup> Section of the National Assembly. Retrieved May 06, 2016, from [http://www.na.gov.pk/uploads/documents/1450170084\\_274.pdf](http://www.na.gov.pk/uploads/documents/1450170084_274.pdf).

trying a suit and, in particular, in respect of the following matters, namely.

- (a) Summoning and enforcing the attendance of any person from any part of Islamic Republic of Pakistan and examining him on oath;
- (b) Requiring the discovery and production of any document;
- (c) Receiving evidence of affidavits;
- (d) Requisitioning any public record or copy thereof from any court of office;
- (e) Issuing commissions for the examination of witness and documents; and any other matter which may be prescribed.

The Sindh government announced on January 19, 2016, that it is planning to legislate a bill after which government will issue uniform Friday sermons to mosques to curb extremism and promote sectarian harmony in the province.

Abdul Qayyum Soomro, the adviser to the Sindh chief minister on religious affairs said that “One of our key objectives is to promote sectarian harmony”.<sup>16, 17, 18</sup>

## 5.4 The Council of Islamic Ideology (CII)

The CII is mentioned here because it is in a unique position to alter the framework that drives radical ideology in Pakistan, and work with the state to introduce/amend laws that can help create sustainable stability, and protect minority rights.

### 5.4.1 CII: A Brief History

The CII is a constitutional advisory body on Islamic injunctions. It was inaugurated as the Advisory Council of Islamic Ideology on August 1, 1962 under General Ayub Khan to serve as an advisory body. It has gone through some minor changes over the year, but its primary function stays the same. The CII also enjoys immense legislative and policy power, despite being comprised of no lawmakers.

The 1973 Constitution under Articles 228-31 gave the CII the task of identifying laws contrary to Islam and recommending amendments to bring those more in

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<sup>16</sup> Rehman, K. (2016, January 19). Sindh mosques to have uniform Friday sermon. Retrieved March 09, 2016, from <http://www.thenews.com.pk/print/92045-Sindh-mosques-to-have-uniform-Friday-sermon>.

<sup>17</sup> Staff Reporter. (2016, May 19). Sindh plans to regulate Friday sermon. Retrieved March 09, 2016, from <http://www.dawn.com/news/1233902/sindh-plans-to-regulate-friday-sermon>.

<sup>18</sup> Khan, N. (2016, January 23). Sindh secures support of another group for sermons. Retrieved March 09, 2016, from <http://www.thefrontierpost.com/article/370714/sindh-secures-support-of-another-group-for-sermons/>.

line with Islamic principles. The CII was also used by General Zia-ul-Haq to legitimize and pass controversial legislation like the Hudood Ordinance.

### 5.4.2 CII: Role and Functions

Aside from the above, the council's current functions include recommending laws to the parliament and provincial assemblies that conform to the Quran and Sunnah, making recommendations to convey current laws to fit in with Islamic injunctions and advising the parliament, provincial assemblies, or other government functionaries on proposed laws and whether they are in accordance with Islamic injunctions or not.

### 5.4.3 Controversies

The CII is a controversial body by the very nature of its functions. Under the leadership of Dr. Khalid Masood (Chairman CII 2004 – 2010), the CII supported some progressive reforms, including women's rights. However, since then, the CII has been at the center of questionable recommendations and ideology.

Most recently, it termed a piece of legislation banning child marriages as un-Islamic<sup>19</sup>, resulting in country-wide protests asking for the abolishment of the CII.<sup>20</sup>

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<sup>19</sup> Tharoor, I. (2016, January 15). Bill banning child marriage fails in Pakistan after it's deemed 'un-Islamic'. Retrieved January 18, 2016, from <https://www.washingtonpost.com/news/world-views/wp/2016/01/15/bill-banning-child-marriage-fails-in-pakistan-after-its-deemed-un-islamic/>.

<sup>20</sup> Correspondent. (2016, January 20). One for the women: Civil society demands Centre to abolish CII - The Express Tribune. Retrieved March 25, 2016, from <http://tribune.com.pk/story/1030606/one-for-the-women-civil-society-demands-centre-to-abolish-cii/>.



## 5.5 How NAP Changed Pakistan in a Year by Dr. Ehsan Sadiq

For decades Pakistan's response to terrorism and sectarianism was limited to introducing more stringent laws and raising small anti-terrorism unit within police. The first major attempt to tackle the whole spectrum of terrorism was by Musharaf government. In 2002 under growing international obligations and pressure. Following deadliest wave of terrorism in Pakistan's history, NACTA was established in 2009 to shape and spearhead counter terrorism response-albeit it remained a nonstarter. Much trumpeted National Internal Security Policy, announced in 2014, was yet another attempt to holistically deal with the whole gambit of terrorism. However, the tragedy of killing of 122 children of Army Public School by terrorist on 16 December 2014, which prompted a national consensus, in shape of a National Action Plan, on what was required to be done to counter the menace of terrorism, now devouring nation's children. National Action Plan (NAP) consisting of 20 agreed measures aimed to address all forms, sources and manifestations of terrorism in Pakistan. In view of the chequered history of counterterrorism it was but natural for many to feel skeptical on the prospects of success of the NAP. However, miraculously as it may seem, NAP has succeeded in turning a page for better in history of Pakistan. This write up summarizes some achievements under NAP and lists the reasons for successful impact of NAP. The observations made out here generally in context of Punjab's Bahawalpur region, the biggest administrative division of the province and home to many sectarian outfits and known terrorists.

NAP revived the confidence in the political executives as well as civilian law enforcement agencies in their capacity to take on the militants and terrorists on their own. One could see civilian ownership and footprints in many counter terrorism operations carried out in Punjab including the elimination of top LeJ leadership. In particular, reinforced CTD in Punjab (Sindh and KPK too) is now a much more effective and specialized unit. With induction of specially trained 500 corporals, establishment of purpose built and specifically mandated police stations at regional Hqs and taking up investigation of all real terrorism cases; CTD Punjab is playing a lead role in counter terrorism efforts.

Moreover with political ownership there and intelligence support forthcoming, the police, which once looked evasive and subdued to face the sectarian militants, is more confidently conducting local operations. Police capacity has been further strengthened by induction of army trained Quick Response Force (QRF) in their ranks. In Bahawalpur region alone, around 300 police officers were trained by army authorities in a month long crisp and condensed training course. The training, which focused on weapon handling, close combat and search and raid operations-traditionally weak areas of police, had a transformational effect on the

outlook, self-confidence and motivation of trained officials. The QRF units have played an effective role in police combing and search operations as well as close combat and protection functions.

A year back it was hard for police officers to imagine that they can so effectively take action against, an otherwise innocuous (notwithstanding their nuisance and provocative nature), violations of laws regulating loudspeakers, or wall chalking. However, the strengthening of legal framework with its widened scope, enhanced penalties for violators and provision for summary trial procedures, made a real difference. Particularly, the promulgation of Punjab Sound System (Regulation) Ordinance, the Punjab Prohibition of Expressing Material on Walls, Information on Temporary Residences Ordinance, Security of Vulnerable Establishments, and amendments in Arms Ordinance empowered the police to take prompt and meaningful action against the violators and restore a sense of order in the society. The police in Bahawalpur Region registered 1917 cases for Arms Ordinance violations, 419 cases against misuse of sound system, 128 cases for failing to inform about temporary residences by strangers, 101 cases against hate material and 54 cases against wall chalking. Although the judiciary more proactively tried these cases with better conviction ratio but the number of under trial cases, registered under these laws, is still significantly high.

Greater level of coordination and collaboration among police, district administration and intelligence agencies on one hand and police, prosecution and courts on the other hand is ensured better results under NAP. In particular, the forum of Apex Committees at national, provincial and regional level-which brought together the political, military, intelligence and police leadership - facilitated continuous monitoring, effective coordination and two way communication between political decision makers and operational command. Similarly, regular monthly meetings at Lahore High Court between the ATA judges and senior police officers helped clear years long backlog in ATA courts. Lesser known fact is that the ATA courts also decided 57 cases of real terrorism.

Creation of certain institutional mechanisms at local level, such as District Intelligence Committees and District Security Committees helped creating greater ownership of the actions taken by the police. This ensured sustainability, transparency and fairness of police actions against sectarian/militant elements. This also deflected various extraneous pressures on police to soft paddle or overlook activities of these elements. Everyone knew that neither the police did it alone nor can it undo on its own.

A very useful mechanism was provided, under Anti Terrorism Act 1997, to tag and monitor all those elements who could, in any way, be associated with terrorism. An elaborate procedure, for bringing such elements on the so called Fourth

Schedulers List, was laid under Section 11 EE of the Act. The persons born on this list were bound to report all their movements out of their area of residence to the local police. However, over time the intent of geographically and socially isolating these elements was lost sight of and for most them it was a business as usual. Many continued with running Madaris, holding rallies and even contesting elections, while some others were even opted as members of District Peace Committees-meant to maintain sectarian harmony and peace- by the district administration. The stigmatic effect that the law intended to create,through inclusion of a person in the list (of Fourth Schedulers), was, therefore, not there. Under NAP strong action against 208 existing Fourth Schedulers was taken in the region; including unseating them from membership of Peace committees/management of Madaris, restricting their social activities and detaining them under relevant provisions of ATA(i.e. 11 EE (4) and 11EEE) as well as Maintenance of Public Order (MPO) Ordinance. Moreover 81 new individuals who had shown any kind of sympathy, support or association with any banned organization, terrorist group, cause or activity and thereby could fall in the ambit of provisions Section 11 EE of ATA were added to Fourth Schedulers List. This served as a strong disincentive and de-motivating factor for other such individuals.

Apart from action against individuals, NAP also enabled police to carry out a thorough mapping of all the 1876 Madaris, collect detailed information on each aspect of their working and geo tag them to a centralized database. CTD has complete data on teachers, students, curriculum and funding. Such ingress to all categories of Madaris is unprecedented and rare. At least 10 Madaris were subjected to complete search operation. The myth of Madaris as untouchable entities and no go areas was, thus, broken.

Implementation of National Action Plan also helped the police leadership to articulate and communicate political, social and organizational constraints faced by the police to deliver. It also helped in highlighting the bottlenecks in criminal justice process as a whole. The real value of implementing NAP, that it once again underlined the need for strengthening the police's enforcement capacity, incentivizing transformation from within, and most of all, redefining police role in improving the quality of overall governance.

NAP success should be defined beyond its original scope as small enforcement measures such as strict ban on unauthorized use of sound system and wall chalking had a ripple effect on overall environment which is resistant to any kind of regulation. For instance the district administration felt much more confident in taking action against road encroachments, spurious drug sellers and adulterated food. The police and courts were able to more firmly deal with hitherto defiant and unruly lawyers. Measures against hate speech, wall chalking, sound system and fourth schedulers also contributed in relatively more peaceful conduct of Mo-

haram and local bodies elections.

Media Role has been largely positive. It desisted from past practice of glorifying terrorists, spreading insecurity and being unnecessarily critical of the law enforcement agencies. It showed great sense of responsibility, when a suicide bomber exploded himself during a tour of Zimbabwean cricket team this year.

Most importantly NAP has made people feel the state establishing its writ-after decades of anarchic chaos. It vividly shows that if there is a clarity of purpose, political will and ownership, intelligence support, enabling legal and institutional framework, and operational autonomy; the police can optimally perform even against heavy odds and formidable challenges. Police can act alone but should not be seen acting alone-the state should be at its back. It is therefore only logical to suggest that it is high time to start working on the last point of NAP i.e. reforming the criminal justice system.

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