

Al-Khoei Foundation submission on the Report on Anti-Muslim Hatred and Discrimination

Summary

Pakistan was founded in 1947 to protect the rights of Muslim minority living in the sub-continent. The founder of Pakistan, Mohammad Ali Jinnah, hoped to create a land where Muslims would enjoy the freedom to practice their religion. Yet, Shia Muslims in Pakistan are systematically persecuted and not only are their rights denied in the country but they are subjected to immense emotional and physical torture. The persecution of Shias saw a sharp increase in the year 2020 with re-emergence of anti-Shia narrative by the state-backed extremists.

Introduction

Pakistan is home to an estimated 40 million Shia Muslims who constitute around 20 percent of its nearly 200 million population. The history of violence against Shias dates back to 1979. In the 1980s, anti-Shia terror groups began to assemble in Pakistan with intentions to target the very existence of Shias from the country. The most active of them were Sipah e Sahaba (SSP) and Lashkar e Jhangvi (LeJ). The Government of Pakistan had banned these groups but they continue to operate using different cover names. Their operations include spreading hate based narratives against Shias and other religious minorities, promoting violence against them and carrying out attacks on Shia individuals and their places of worship. SSP under different names such as Ahle-Sunnat Wald Jamat (ASWJ) has also been contesting general elections in Pakistan. The anti-Shia legislation is being promoted in Punjab by Muavia Azam who is the son of the founder of the defunct SSP, currently a member of the provincial assembly of Punjab.

As per a report by the [USCIRF](#), there have been around 471 anti-Shia attacks since 2001 that have killed around 2700 Shia Muslims and injured 4800 people.

According to one independent report, [more than 23,000](#) Shias have been target killed in Pakistan including doctors, lawyers, academics, clerics and other notable members of the community. Anti-Shia forces have recently been gaining an upper hand where even in many instances, the apparatus of the state has been used and is contributing by booking members of the community under absurd blasphemy charges and illegally abducting members from their homes and keeping them in hidden torture cells for years.

The silence from the authorities and inability to provide protection and justice for the citizens who belong to minority sections, religions or ethnicities is violative of its international legal obligations; most prominently, its obligations under the International Covenant on Civil and Political Rights (ICCPR), under Articles 2.1, 6, 6.1, 9.1, 10.1, 18, 19, and 27 which require the state to guarantee and ensure the rights to life,

freedom of conscience, religion, expression, and association, to profess and practice respective religions, and the rights of minorities.

Discrimination in Law and Practice

a) Blasphemy cases

Pakistan Penal Code has clauses labelled as 'blasphemy clauses' that criminalizes anyone who intentionally hurts the sentiments of a person or disrespects holy figures of Islam. Unfortunately, this law in Pakistan has been abused against the members of Christian community, and now Shia Muslims as well as other minorities are being charged under false blasphemy allegations. Muslims and as well as other minorities in the country. Of the blasphemy clauses, the ones widely used against the Shia members are 295-A and 298-A (insulting and hurting religious belief/sentiments).

The year 2020 observed a drastic increase in the number of [Shia Muslims being booked under the blasphemy law](#). The series of these bookings began on the 30th August when Shia Muslims were organising the annual Ashura procession in Karachi. The organiser of the procession, and the orator who was reciting Ziyarat-e-Ashura, a prayer that condemns the killers of the 3rd Imam in Shia faith, were booked under blasphemy charges. Following the day, [a three-year-old child](#) was booked in Punjab since he was named as the organiser of the religious gathering held inside the residence. Dozens were also charged for holding the Muharram rituals inside their residences. Shia youth were [charged](#) under blasphemy law for criticizing the members of the banned terror outfit SSP. Hundreds were [booked](#) and arrested for participating in another religious procession (Arbaeen) all over the country. According to the Human Rights Commission of Pakistan, more than [40](#) blasphemy cases were registered against Shias between August and early September.

b) Punjab Bill

On 22nd July 2020, a bill titled 'Tahaffuz Bunyad Islam Bill' was passed in the Punjab Assembly. The bill was an attempt to restrict the religious freedom of the Shia sect by making it compulsory to follow specific honorifics to the names of the holy figures of the majority sect. Moreover, the bill also applied a ban on any literature that criticizes any of the historic figures of Islam. Any such literature would be confiscated and the publisher would have to face a term lasting up to [5 years](#). The clause was seen as an attempt to erase the part of Shia history since their history contains criticism of some companions of the Holy Prophet who conflicted with the Prophet's family. Due to protests by the human rights activists and members of the community, the bill has not

been turned into law yet. But there is a fear among the community that it can become the law as anti-Shia groups are pressuring authorities by using street power and populism as a tactic.

c) Enforced Disappearance

Enforced disappearances is the most pressing issue in Pakistan. As mentioned by the USCIRF in its 2019 [report](#), around 140 Shia Muslims are 'missing' since 2016. In 2019, two journalists from the Shia community were [abducted](#). In some cases, members of the Shia community on their return to Pakistan after going on pilgrimage to holy sites in Iran, Iraq and Damascus, are illegally [abducted](#) by the security agencies after carrying out raids at night. The illegally abducted men are placed under immense mental and physical torture for years without any charges filed against them while their family members keep searching for the whereabouts of their loved ones. Many community members have asked the authorities to present any evidence against those who are abducted and stop their arbitrary arrests.

The draft [bill](#) to criminalise the enforced disappearances that was submitted in January 2019 by the Ministry of Human Rights to the Ministry of Law is still pending since then.

Effects of Discrimination

a) Violence and hate speech (online and offline)

[Large scale anti-Shia marches](#), raising slogans which constitute hate speech against the community, have been organised across the country; particularly large public gatherings were held on 11th, 12th, 13th September 2020 in Karachi, on 17th September 2020 in Islamabad and 24th September 2020 in Multan. [The tens of thousands](#) of participants demanded to declare and place Shia Muslims as 'infidels' in the Constitution of Pakistan, 1973, pledged to observe social [boycott](#) of Shia Muslims, and called upon Shias to be killed. This is a blatant violation of Articles 9, 14, 19, 25 and 20 of the 1973 Constitution, that is, for every citizen to have the freedom to profess religion and the right to live. It is the responsibility of the Federal and Provincial Governments to curb and punish such actions or omissions that deprive other citizens of their Constitutionally guaranteed rights.

As a result of this public manifestation of hate and call to action against Shia Muslims that was propagated in these marches, four Shia Muslims have been [killed](#) in the country in the following weeks and multiple Shia religious processions and their places of worship have come under [attack](#).

The extremists have also utilised social media platforms such as Twitter and Facebook to propagate their hate messaging and incitement against the community. In September, the trend of '[#Kafir Kafir Shia Kafir](#)' was observed in the top panel several times. We call upon social media companies to carefully monitor the propagation of hate speech from their platforms and close sites which consistently propagate violence and hate.

b) Harassing students and women

Shia students are facing constant harassment in educational institutes all over the country. In two separate incidents in Islamabad and Kohat, Shia students were beaten, [tortured](#) and nearly lynched by their classmates on accusations of blasphemy.

In Narowal, Shia women and children were [manhandled](#), harassed and tortured by the Punjab police during the raid carried out to arrest the men booked for participating in the Arbaeen procession. The children were [beaten](#) by batons, and the women were slapped and harassed during the raid carried out at midnight.