



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Pakistan – Researched and compiled by the Refugee Documentation Centre of Ireland on 14 July 2011

Re: Information on the situation between Shia and Sunni in 2011; Information on Sunni - Shia inter-religious marriages

IRIN News reports:

“The Khyber Agency in Pakistan has emerged in recent times as a centre of sectarian conflict - partially as a result of the spillover of deep-rooted differences between Sunni and Shia Muslims in the nearby Kurram Agency and partially as a reaction to efforts by hardline Sunni groups to establish their writ in the area.” (*IRIN News* (30 May 2011) *Pakistan: Backgrounder on Khyber Agency militancy*)

The *United Kingdom Border Agency* states:

“Jane’s Sentinel Country Risk Assessment for Pakistan noted in its chapter on Security, updated 2 December 2010, that:

“Pakistan has experienced a persistently high level of sectarian violence throughout much of its history, with the minority Shia Muslim community, which makes up approximately 20 per cent of the population, clashing with the majority Sunni Muslims. Violence intensified in the 1980s, following Sunni concern over the spread of Shia influence after the Iranian revolution and the subsequent funding of Sunni madrassahs and institutions by Saudi Arabia throughout the Middle East. The key anti-Shia extremist group, Lashkar-e-Jhangvi (LeJ), remains a key threat to security, despite being banned in 2002. Overall sectarian violence fell steadily in 2003, but the trend was reversed in 2004. Anti-Shia violence rose substantially in 2008 and 2009, and is set to persist through the course of 2010.” (*United Kingdom Border Agency* (17 January 2011) *Country of Origin Information (COI) Report – Pakistan*)

The same report also states:

“In correspondence from the Foreign and Commonwealth Office (FCO) to the UK Border Agency, dated 9 January 2009, an FCO official stated that:

“...there are incidents of sectarian violence – mainly Sunnis against Shias – in the parts of Pakistan where the Shia minority are most prevalent. For example, in January 2007, during the Shia festival of Ashura, at least two suicide bombers attacked Shia gatherings and two rockets were launched at a Shia mosque in Bannu. Authorities respond to these attacks, although in Pakistan police investigation etc does not equate to protection or necessarily to justice through legal proceedings.” (*Ibid*)

The *United States Department of State* reports:

“The government, at its most senior levels, continued to call for interfaith dialogue and sectarian harmony to promote moderation, tolerance, and minority rights.”

(United States Department of State (17 November 2010) *International Religious Freedom Report 2010 – Pakistan*)

The same report also states:

“The government continued to celebrate 10 religious festivals of minority groups at the national level. Also, the Minister for Minority Affairs, religious institutions, and nongovernmental organizations continued to organize interfaith meetings and dialogue sessions in an attempt to reduce violence against minority communities. Ahmadis refused to participate in events organized by the Ministry of Minority Affairs, as they consider themselves to be a Muslim sect.” (Ibid)

It also states:

“Attacks on houses of worship, religious gatherings, and religious leaders linked to sectarian, religious extremist, and terrorist groups resulted in hundreds of deaths during the reporting period. Sectarian violence between Sunni and Shi'a extremists continued during the reporting period, and several religious minority individuals and communities were the targets of religious violence across the country. Examples of these cases include the following:

On February 20, 2010, members of the Sipah-e-Sahaba anti-Shi'a extremist organization, disguised among Deobandi protestors, fired upon a Brailvi religious procession in Faisalabad. This caused a riot in which protestors set fire to a police station and the home, mosque, and madrassah of a leading Deobandi cleric. The violence left one person dead and 20 injured.

In January 2010 militants blew up six shrines and exhumed the body of a spiritual leader in Stori Khel area of Orakzai Agency. Locals said heavily armed militants came to the area of the Stori Khel tribe and dug up the grave of spiritual leader Anwarul Haq. They desecrated the remains and then took them to an unknown location.

On December 27, 2009, a roadside bomb exploded near a Shi'a religious procession in Karachi. At least 26 persons were injured. The bombing was attributed to the terrorist group Lashkar-e-Jhangvi. On December 29, 2009, a suicide bomber attacked a second Shi'a religious procession in Karachi, killing 25 persons and injuring more than 50. Following the attack, protestors rioted, destroying private businesses and government property. This attack was also attributed to the terrorist group Lashkar-e-Jhangvi.” (Ibid)

The *Human Rights Commission of Pakistan* states under ‘Sectarian violence’:

“Sectarian attacks against Shias were carried out across the country. At least 7 out of 108 suicide attacks targeted Shia congregations killing at least 218 people and injuring hundreds of others. Sectarian bloodshed was more pronounced in Quetta and Kurram Agency. In 48 sectarian tribal clashes in Kurram, Khyber and Qarakzai Agencies, 282 people were reported killed and 373 injured. Some major sectarian attacks were:

Early in 2009, a warning against the promotion of ‘shrine culture’ was delivered to the management of the shrine of Sufi poet Rehman Baba in the Akhund Baba graveyard of Peshawar. Soon afterwards the 17th century mausoleum was seriously damaged in an explosion.

On February 5, at least 32 people were killed and 48 others wounded when a suspected suicide bomber blew himself up amidst a crowd of Shia worshippers outside a mosque in Dera Ghazi Khan.

On March 2, six people were killed and 12 others, mostly students, sustained injuries in a suicide attack on amadrassa (seminary) in KiliKarbala in the Pishin District. Several top leaders of JUI-F were attending a ceremony at the seminary when a 15-year-old boy blew himself up in front of the stage. However, all the JUI-F leaders escaped unhurt.

On June 22, three Shias, including a union council chief Talib Agha, were killed in Quetta by unidentified men. Unidentified armed men opened fire on Talib, Union Council 47 chief in Quetta, when he was on his way home with his driver and security guard.

On September 18, at least three persons sustained bullet injuries during a sectarian clash which erupted at Iftar time in the precincts of Soldier Bazaar Police Station at Karachi, Sindh. The clash took place between the Shia community and the people belonging to the Deobandi school of thought over the use of loudspeaker during Iftar.

On December 28, at least 51 people were killed and more than 90 were injured in a suicide attack on Ashura procession in Karachi. Enraged people set 29 commercial buildings around the blast scene on fire and burnt dozens of vehicles. Violence erupted across the city following this incident.” (Human Rights Commission of Pakistan (February 2010) State of Human Rights in 2009)

The *South Asian Terrorism Portal* states under ‘Major incidents of Terrorism-related violence in Pakistan – 2011’:

“May 25: Nine persons were killed and over 39 got injured when militants drove a car packed with explosives into a CID Police Station at University Road in Peshawar.

Four persons were killed and 18 others received injuries in the Balishkhel area of Upper Kurram Agency of FATA ahead of ceasefire agreement between the warring tribes of Shia and Sunni sects.” (South Asian Terrorism Portal (Undated) Major incidents of Terrorism-related violence in Pakistan – 2011)

Information on Sunni - Shia inter-religious marriages

A response by the *Immigration and Refugee Board of Canada* under the heading ‘Pakistan: The consequences of a Shia-Sunni inter-religious marriage, including the treatment of the couple and their children (October 2003 - May 2005)’ states:

“A professor at the Institute of Islamic Studies at McGill University who specializes in modern Islamic developments in India and Pakistan, including women's issues, stated in a 7 October 2003 telephone interview that intermarriages between Sunnis and Shias are less problematic in Pakistan than marriages between Muslims and Christians. Sunni and Shi'ite Muslims share the same faith and abide by the same five pillars of Islam (Professor 7 Oct. 2003). There are no rules forcing a woman to adopt her husband's particular branch of Islam (ibid.).

In practice, the marriage agreement between both spouses will determine whether the woman joins her husband's religious community and whether the children will

grow up in that community (ibid.). In general, the children born into Sunni-Shia intermarriages are normally raised within the father's sect; however, there are cases where the children are brought up in the mother's sect (ibid.)." (Immigration and Refugee Board of Canada (25 May 2005) *Pakistan: The consequences of a Shia-Sunni inter-religious marriage, including the treatment of the couple and their children (October 2003 - May 2005)*)

It also states:

"In 20 October 2003 correspondence, the Chairman of the Board of Directors of the Toronto-based Al-Eman Society of Canada (AESC), a registered charitable religious organization, who is also an authorized imam in the Shia faith, stated that, according to Islam, a newly wed Sunni woman does not have to convert to the Shia faith of her husband, and that is true for Pakistan. It is up to the wife to make the decision (Al-Eman Society of Canada 20 Oct. 2003). The Chairman also stated that "if there is pressure applied for the woman to convert, this is a different matter and has nothing to do with jurisprudence of either the Shi'a or Sunni [tradition]" (ibid.).

With respect to the religious upbringing of the children, the Chairman stated that it is a matter to be resolved by the mutual understanding of the parents (ibid.)." (ibid)

It also states:

"In 24 May 2005 correspondence to the Research Directorate, the Human Rights Commission of Pakistan (HRCP) stated that

[t]here is no legal discrimination against inter-religious couples or their children. As far as the social situation is concerned, it depends on the beliefs of their extended family or the circle they move in. The society in general does not discriminate against them." (ibid)

The *United States Department of State Country Report on Human rights Practices* published in April 2011 notes:

"Although the government generally did not interfere with the right to marry, local officials on occasion assisted influential families in preventing marriages to which the families were opposed. The government also failed to prosecute cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members." (United States Department of State (8 April 2011) *Pakistan: Country Report on Human Rights Practices – 2010*)

Under the heading 'Women' the report notes:

"Every year hundreds of women reportedly were killed in the name of honor. Many cases went unreported and unpunished. The News reported that in 2009, 29 women and 15 men were killed in 25 honor-killing incidents in KP. During the year 39 women and 29 men were killed in 20 incidents of honor killing. The HRCP reported that during the year there were 790 honor killings in the country. The practice of "karo-kari," which occurred in Sindh Province, continued across the country. Karo-kari is a form of premeditated honor killing that occurs if a tribal court or jirga determines that adultery or some other "crime of honor" occurred. Karo-kari means "black male" (karo) and "black female" (kari), metaphoric terms for someone who has dishonored the family or is an adulterer and adulteress. Once a woman is labeled as a kari, male

family members have the self-authorized justification to kill her and any coaccused karo to restore family honor. In many cases the karo is not killed or is able to flee.

The Criminal Law (Amendment) Act of 2005 increased penalties for karo-kari and other forms of honor killing. However, human rights groups criticized the act because it allows the victim or the victim's heirs to negotiate physical or monetary restitution with the perpetrator in exchange for dropping charges, known as "qisas" and "diyat."

Police in Sindh have established karo-kari cells with a toll-free telephone number in the districts of Sukkur, Ghotki, Khairpur, and Nausharo Feroze for persons to report karo-kari incidents. Because honor crimes generally occurred within families, many went unreported. However, police and NGOs reported that increased media coverage enabled law enforcement to take action against perpetrators." (United States Department of State (8 April 2011) *Pakistan: Country Report on Human Rights Practices – 2010*)

The *United States Department of State International Religious Freedom Report* published in 2008 noted:

"In effect, the Government recognizes a marriage if both bride and groom are of the same religious group, irrespective of the sect, or if the groom is Muslim and bride is "of the Book."" (United States Department of State (19 September 2008) *2008 Report on International Religious Freedom – Pakistan*)

A report from the *Pakistan Newswire* published in February 2009 noted:

"In an armed clash between two rival groups of Marfani tribes, a villager, identified as Peeral Marfani, was killed at Golo Daro forest in the jurisdiction of Hamayoon police station on Tuesday.

The motive behind the incident is said to be ongoing dispute between two groups of Marfani tribe men over matter of Karo-Kari (honour killing). No FIR of incident was registered till filing of this story." (Pakistan Newswire (18 February 2009) Villager killed in bloody tribal feud)

A report from the *Associated Press* notes:

"Many men in deeply conservative rural areas of Pakistan consider it an insult to family honor if female relatives have an affair outside of wedlock or even if they marry without their consent. Some view attacking or killing the women or their partners as a way to restore family honor.

The independent Human Rights Commission of Pakistan, citing government figures, said in a report last year that about 1,000 women die annually in honor killings." (Associated Press (1 February 2007) *2 Pakistani men arrested for allegedly bludgeoning sister and her lover to death*)

A response to an information request published in January 2007 by the *Immigration and Refugee Board of Canada* on honour killings in Pakistan states:

"There is an extensive amount of information on honour killings in Pakistan, primarily focusing on female victims. Honour killings are described as a custom (HRW n.d.; HRCF Feb. 2005, 19; Shirkat Gah 25 Nov. 2001, 2) in which mostly women and some men are murdered after accusations of sexual infidelity (ibid.; AI 23 May 2006;

US 8 Mar. 2006, Sec. 1.a). The killers seek to avenge the shame that victims are accused of bringing to their families (HRW n.d.). However, even girls (AI 23 May 2006; *ibid.* 25 May 2005) and, on a smaller scale, boys are victims of the practice (*ibid.* 23 May 2006).

Honour killings are known by different names depending on the area in Pakistan in which they are practised (Shirkat Gah 25 Nov. 2001, iii-iv). In Sindh province they are referred to as karo kari (*ibid.* 25 Nov. 2001, iii), where karo refers to the "blackened" or dishonoured man and kali to the "blackened" woman (Christian Science Monitor 20 Jan. 2005); they are called tora in the North-West Frontier Province (NWFP), where tor refers to the accused man and tora to the accused woman; kala kali in Punjab province, where kala refers to the accused man and kali refers to the accused woman; and sinyahkari in Balochistan (Shirkat Gah 25 Nov. 2001, iii-iv)."
(Immigration and Refugee Board of Canada (24 January 2007) *PAK101175.E – Pakistan: Honour killings targeting men and women, especially in the northern areas (2001 - 2006)*)

The query response also states:

"Pakistan's Criminal Law (Amendment) Act 2004 provides women protection against "offences committed in name or on the pretext of honour" (HRCP Feb. 2005, 18-19), and its constitution enshrines the principle of equality before the law (*ibid.* Feb 2006, 173). Yet, according to the NCSW, the state is failing to punish those guilty of honour killing (Pakistan n.d., 26). Calling it a "miscarriage of justice," the NCSW reports that from 1997 to mid-2003 acquittal rates for cases of honour killings were over 90 percent in NWFP and Sindh, 43 percent in Balochistan and 72 percent in Punjab (*ibid.*). In an effort to specifically target and criminalize honour killings, the government amended the country's Penal Code and Criminal Procedure Code in October 2004 (HRCP Feb. 2005, 18-19). Despite passage of the bill, there were still Members of the National Assembly (MNAs) who condoned honour killings as a traditional custom (HRCP Feb. 2005, 174). With attitudes slow to change and uncertainty around how the state would enforce the new legislation (*ibid.*), the HRCP pointed to data a year later showing an increase in the number of homicides of women nationwide and said they found no information to suggest that honour killings had declined (*ibid.* Feb. 2006, 174, 182). It should be noted, however, that in its annual country report, the United States Department of State indicates that Pakistan-based human rights organizations recorded 1,458 honour killings in 2004 (US 28 Feb. 2005, Sec. 1.a) and 1,211 honour killings in 2005 (*ibid.* 8 Mar. 2006, Sec. 1.a), which represents nearly 250 fewer deaths." (*ibid.*)

A report by the *Refugee Documentation Centre* under the heading 'Mixed Inter-Religious Couples' states:

"Christian Muslim inter-religious marriage is widespread in Pakistan. Some reports say that mixed inter-religious couples encounter no problems relating to this, not even persecution, while other country of origin information states the opposite. For example, in Canada, there were mixed Sunni/Shi'a couples recognised as refugees, which I suspect is a weaker case. That does not mean that they don't have problems..." (Refugee Documentation Centre (24 May 2004) *Pakistan: 9th European Country of Origin Information Seminar, Dublin, 24-25 May 2004*)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be, conclusive as to the merit of any

particular claim to refugee status or asylum. Please read in full all documents referred to.

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