Network for Inter faith Concerns Christian-Muslim News Digest Issue 2 2009

Christian-Muslim News Digest

Introduction

Welcome to the second issue of the Digest for 2009. This issue looks at Christians and Identity Cards in Egypt, the call for the expansion of Shari'ah in Nigeria, a report by the Quilliam Foundation on the training of Imams in the UK, a meeting of Iraqi church leaders, a women's interfaith initiative in Indonesia, and, in depth, at the situation in Pakistan. The article *Identity and Basic Rights: Pakistani Christians' Perspective* is by Revd. Rana Youab Khan, who is the Advisor to the Bishop on Interfaith Relations, Lahore Diocese, Church of Pakistan.

Egypt: Religious Classification on Identity Cards

In March *The Guardian* reported on a ruling concerning Identity Cards 'Egypt's step towards freedom of belief'. It explained that a court ruling meant that Egyptians will no longer be forced to identify themselves as belonging to one of three approved religions. It described this as a crucial victory for equal rights. The court ruled on a case brought by a Baha'i who was able to successfully demonstrate that he belonged to none of the three religions that are permitted on ID cards; he is now allowed to leave blank the 'religion' section on his National ID card.

The practice of restricting religion on ID cards began in 1995, when the Egyptian government began introducing computerised ID cards which required everyone to identify themselves as belonging to one of the three 'heavenly' religions: Islam, Christianity or Judaism. Cards could not be issued to anyone who refused to accept this, with the result that they effectively became non-citizens. *The Guardian* explains that the reason for only three officially approved choices of religion had no basis in Egyptian law but was derived from the interior ministry's own (possibly erroneous) interpretation of Islamic teaching.

A <u>Human Rights Watch</u> report explains that: All Egyptians upon reaching 16 years of age must, by law, obtain a national identification document that includes a national identification number assigned at birth. A national ID is essential to obtain access to postsecondary schooling, get a job, vote, travel abroad or within Egypt, and conduct the most basic financial and administrative transactions.

It is not yet known whether the ruling will affect the Christian community in Egypt, where there are a number of outstanding Court Cases in which Christians who were registered as Muslims have gone to court to have their classification changed.

In 2007 Mohammed Hegazy became the first Muslim-born Christian convert to attempt to have his new religion officially registered. Despite a constitution that grants religious freedom, legal conversion from Islam to another faith remains unprecedented. Hegazy, who filed his case in August 2007, in a January 2008 court ruling was denied the right to officially convert. The ruling declared that it was against Islamic law for a Muslim to leave Islam. The judge based his decision on Article 11 of the Egyptian constitution, which enshrines Islamic law, or *shari'a*, as the source of Egyptian law. The judge said that, according to *shari'a*, Islam is the final and most complete religion and therefore Muslims already practice full freedom of religion and cannot return to an older belief (Christianity or Judaism).

A current case concerns Maher Ahmad El-Mo'otahssem Bellah El-Gohary, who has been a Christian for over thirty years, but his ID card classifies him as a Muslim. The <u>Middle East Times</u> reports that the 2007 Hegazy case had made him brave enough to go to court, whilst <u>Compass Direct</u> reports that El-Gohary went to court in order to allow his daughter to attend Christian Religious Education classes in school. His classification meant that she could only attend Islamic Religious Education classes. The case has been working its way through the courts; in January 2009 El-Gohary's lawyer was <u>ejected</u> from court by the Judge. In early February, the Judge hearing the case was changed and El-Gohary's <u>lawyer</u> was "now 90 percent sure they will accept the conversion. I proved to the court that there is no legal reason why he can't convert to Christianity according to Egyptian civil law."

However, when the case was heard on the 22nd February, El-Gohary was accused of 'apostasy.' More than 20 Islamic lawyers attended the hearing. It is reported that two lawyers, Ahmed Dia El-Din and Abdel Al-Migid El-Anani, led the charge. Over 150 pages of memos were submitted by the lawyers, arguing from the point of religion, rather than from the law. They asserted "that cases such as El-Gohary's form part of a U.S. Zionist attack on Islam in Egypt, that Christianity is an inferior religion to Islam and that Copts protect and defend converts from Islam at their own peril."

When El-Gohary went to court to appoint his lawyer as his proxy he was sworn at and beaten by officials and unable to complete the processes, meaning, according to the judge, that the case cannot proceed.

The conduct of the case raises concerns for the Christian community. Some Christian groups are sceptical as to why El-Gohary is going through this trial, accusing him of seeking fame, and citing the fact that he has previously been married twice and is now engaged to a Christian woman.

In an <u>Arab-West Report</u> 'Media reports of Christians converting to Islam' (March 2008) the reasons for conflicting reports of numbers of conversions from Christianity to Islam are examined. Reports show a discrepancy in the numbers of conversions, some claim more than 1,000 a year whilst the official records at al-Azhar show only 100 a year. The report looks in detail at the recent increase in media coverage of conversions to Islam in Egypt, finding four different reasons for conversion being given: the media claim that the primary reasons for conversion are: forced disappearance, broken marriage, financial pressure and faith.

REFERENCES

Arab-West Report, Paper 6, 'Media reports of Christians converting to Islam', March 2008 http://www.arabwestreport.info/pdfs/AWRpapers/paper6.pdf

Compass Direct 'Egypt: Judge Ejects Lawyer For Christian From Court', 13th January 2009,

http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5759&backpage=index&critere=&countryname=&rowcur=50

Compass Direct 'Egypt: Ruling on Bid for Christian ID Expected Soon', 10th February 2009,

http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5804&backpage=inde x&critere=&countryname=&rowcur=50

Compass Direct 'Egypt: Islamic Lawyers Urge Death Sentence for Convert', 26th February 2009,

http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5826&backpage=index&critere=&countryname=&rowcur=50

Human Rights Watch 'Prohibited Identities State Interference with Religious Freedom', November 2007 http://www.hrw.org/reports/2007/egypt1107/egypt107/egypt1107/egypt1107/egypt1107/egypt1107/egypt1107/egypt1107/egypt1107/egypt1107/egypt1

Middle East Times 'Egyptian Muslim Admits His Name is Peter', 8th August 2008,

http://www.metimes.com/International/2008/08/14/egyptian muslim admits his name is peter/1066/

Whitaker, Brian 'Egypt's step towards freedom of belief', Guardian

http://www.guardian.co.uk/commentisfree/belief/2009/mar/17/egypt-religion

Nigeria: Churches response to call for the expansion of Shari'ah

The Communiqué from the Standing Committee of the Church of Nigeria (Anglican Communion) held in Ile-Ife (10th-14th March 2009) raised concerns about a looming 'Religious Crisis' following pronouncements from Senator Ahmed Sani Yerima.

The Communiqué states: "We also view with grave concern the recent inflammatory statement by Senator Ahmed Sani Yerima calling for the total Islamization of Nigeria. This attitude threatens the very existence of our nation. Since this call violates specific Constitutional provision for the freedom of religion and his public oath to protect the Constitution we ask the leadership of the Senate to investigate as to whether Senator Yerima is qualified to continue to hold office. We call for a national conference of all relevant stakeholders especially the National Assembly, Media practitioners, religious leaders and the guardians of our constitution to deal with these issues and plan for a peaceful and just future for Nigeria. We are convinced that unless urgent action is taken we may have no future for the next generation".

Following the Communiqué, Archbishop Peter Akinola published a letter 'Another Wake Up Call to the People of God' highlighting the reasons why the church should be concerned at the pronouncements from Yerima.

Nigerian paper the <u>Vanguard</u> reported that Pastor Ayo Oritsejafor, National President of the Pentecostal Fellowship of Nigeria (PFN), had issued a stern warning to the Federal Government to take immediate steps to stem the spate of ethno-religious crises in the North or risk violent disruptions of the democratic process. He also appealed to President Umaru Yar'Adua to urgently call to order former Governor of Zamfara State, Senator Ahmad Sani Yerima, saying his "unguided and inflammatory utterances are capable of plunging the nation into crises of unimaginable proportions".

An article in the <u>Daily Trust</u> "Nigeria: Shari'ah - Surmounting the Tall Obstacles" reported that Senator Yerima, who as the former Governor of Zamfara State, was responsible for re-introducing Shari'ah in 2000 there, was presiding at the Second National Conference on Shari'ah Implementation in Nigeria held at Centre for Promotion of Shari'ah (CPS) in Kano.

<u>Leadership</u> reported that the conference was financed by the Kano state Government. The three-day conference drew participants from the twelve states that have implemented Shari'ah. Most of the discussion at the conference revolved around the need for greater support and enforcement of the Shari'ah legal code. It was concerned with

<u>examining</u> why "the implementation of the Shari'ah has slowed down in most of these states. This development, according to the scholars at the workshop, calls for re-strategising on the way forward for the Muslims' way of life, the Shari'ah".

The <u>Daily Trust</u> reports Senator Yerima as having stressed the need for the sustenance of the legal system, at least in the 12 states that have already implemented the Shari'ah. He averred that while Muslims exist in Nigeria, the legal system can never fizzle out. He went on to explain that for Shari'ah to be practiced effectively in the states of the federation, each state needs to have an independent constitution.

He said: "Democracy is a game of numbers. If we are to practise democracy vis-à-vis the Shari'ah legal system, individual states need to have constitutions drafted and supported by the people of every state. When we have that in place, states that want to practise Shari'ah can go ahead and do it holistically without any constraint." Further explaining that Shari'ah implementation is a collective responsibility of the entire Nigerian Muslim Umma, he said there is a strong need for Muslims to live according to the provisions of the Shari'ah legal system, saying that the struggle for the implementation and sustenance of Shari'ah requires unity of the Umma.

Another major speaker was Kano State governor, Malam Ibrahim Shekarau, whom the <u>Daily Trust</u> reports as stating that the implementation of Shari'ah in some states of the north has given politics a higher meaning. The need to sustain the system, the governor said, cannot be overemphasised. The governor explained that while Muslims in Northern Nigeria are striving hard to see to the success of Shari'ah in the region, the plight of their counterparts in South Nigeria should also come to focus. "While Muslims in the north are struggling and pushing for further expansion of Shari'ah in their respective states, those in the south have been denied the right to have their marriages, divorces, inheritance and other social activities officially conducted, regulated and resolved in accordance with the provision of Shari'ah law. This is unfair and unacceptable and this forum must find a peaceful way out for our brothers in the south, also. We all have a role to play in this predicament of our southern brothers."

The concerns raised by church leaders at the statements by Yerima and Shekarau are genuine. It can be questioned as to how much Muslims in the southern states actually want Shari'ah, as attempts to set up Independent Shari'ah Panels have met with little success, as is shown by research in Osun State by Abdul-Fatah Makinde. According to the <u>Daily Trust</u> the pronouncements appear to be an opening salvo in a presidential bid by Ibrahim Shekarau with support from Yerima, coupled with a dispute between the Senate and the House of Representatives over the leadership of the Joint Constitution Review Committee, which "has thrown the constitutional review process into disarray, [meaning that] Shari'ah advocates are making the most of the opportunity to advance Governor Ibrahim Shekarau's presidential prospects".

<u>Leadership</u> reported that major forces within the pro-Shari'ah camp are itching to take centre stage with the Shari'ah agenda. Apart from the need to seek more power for the Shari'ah legal code in the new constitution, which some persons have expressed, others are setting out to play the Shari'ah ticket for political prominence. The cornerstone of this is the political romance between the former Zamfara State governor, Ahmad Sani Yerima, and the incumbent Kano State governor, Ibrahim Shekarau.

For more information on the re-introduction of Shari'ah in Northern Nigeria <u>documentation</u> can be found in <u>Sharia</u> <u>Implementation in Northern Nigeria 1999-2006: A Sourcebook</u> Phil Ostien, (2007).

REFERENCES

Church of Nigeria "Standing Committee Meeting: Communique" http://www.anglican-

nig.org/main.php?k j=12&d=307&p t=main.php?k j=34

Church of Nigeria "Another Wake up Call to the People of God" http://www.anglican-

nig.org/main.php?k j=12&d=307&p t=main.php?k j=34

Daily Trust Nigeria: "2011 - Inside Shekarau's 'Presidential Project'", Suleiman M. Bisalla, 8th March 2009 http://allafrica.com/stories/200903091274.html

Daily Trust "Nigeria: Shari'ah - Surmounting the Tall Obstacles", Isa Sa'idu, 10th March 2009 http://allafrica.com/stories/200903100260.html

Leadership "Reincarnating The Sharia Debate?", Abdulaziz Ahmad Abdulaziz, March 10th 2009

http://allafrica.com/stories/200903100343.html

Makinde, A.K. "The Evolution of an Independent Shari'ah Panel in Osun State, South-West Nigeria", in J.A.

Chesworth & F. Kogelmann (Eds.), Shari'ah Debates in Sub-Saharan Africa (Forthcoming)

Ostien, P. 2007 <u>Sharia Implementation in Northern Nigeria 1999-2006: A Sourcebook</u> downloadable at: http://www.sharia-in-africa.net/pages/publications.php

Vanguard "Nigeria: PFN Warns FG on Religious Crises", Sam Eyoboka and Patience Ogbodo 2nd March 2009 http://allafrica.com/stories/200903020138.html

United Kingdom: Quilliam Foundation & Research on Imams in Britain

The <u>Quilliam Foundation</u>, founded in 2008, is a counter-extremism think tank, located in London, whose founders are former members of UK-based extremist Islamist organizations. Their website states that "Quilliam seeks to challenge what we think, and the way we think. It aims to generate creative thought paradigms through informed and inclusive discussion to counter the Islamist ideology behind terrorism, whilst simultaneously providing evidence-based recommendations to governments for related policy measures". The Foundation is named after <u>William Quilliam</u> who founded the first mosque in Britain in Liverpool in the late 19th Century.

In February 2009, it published its first report <u>Mosques Made in Britain</u> by Anya Hart Dyke. The research was carried out in September 2008, by means of telephone interviews with 512 mosques, out of 1,000 that they attempted to reach. The report finds that many young Muslims in Britain are becoming alienated from the mosques, because the Imams were out of touch with British society, as they were not born or trained in Britain. The survey asked five questions:

- 1. Do you have evening classes learning the Qur'an in Arabic for children?
- 2. What is the language of the Friday lecture?
- 3. Can women attend the mosque for prayers?
- 4. Which country is the [main] imam from?
- 5. Which country did the [main] imam train in? (Hart Dyke 2009 page 10)

Not all the questions were answered by all respondents. The results are given in percentage form, following the order of questions asked, it was found that:

- 95% of the mosques had Islamic Education for children, either as evening classes during the week, or on Saturday mornings (Hart Dyke 2009 page 34). It should also be noted that the survey was carried out during Ramadan, when more activities could well have been offered. This question raises issues concerning: the content of the teaching, how regulated the classes are, and whether attendance at evening classes overburdens children during school terms.
- 2. The Friday lecture is given only in English in 9% of the mosques, in English alternating with another language in 47% of the mosques (the other languages being: mostly Urdu or Bengali, but also Arabic, Punjabi and Gujurati), and never in English in 44% of the mosques (Hart Dyke 2009 page 14). The lecture is part of Friday prayers where the first part of the Khutbah (sermon) is given in Arabic, but the lecture is supposed to be given in the language that is understood by the majority of the congregation. This raises issues for young Muslims for whom English is their first language.
- 3. Only 54% of mosques surveyed had prayer facilities for women (Hart Dyke 2009 page 20). The survey acknowledges that it would need inspection visits to ascertain what the facilities actually are.
- 4. 97% of the main Imams in mosques were born abroad (Hart Dyke 2009 page 11).
- 5. 92% of the main Imams in mosques were trained abroad (Hart Dyke 2009 page 11).

It must be questioned whether the results for questions 4 and 5 are meaningful as less than half the mosques responded to the question about country of origin and less than a third responded to the question about where the Imam trained.

In *The Guardian* Andrew Brown in 'Islam in Britain: not very C of E', summarises the report as lamenting the high numbers of foreign-trained leaders of UK mosques. He also questions whether making imams more like vicars is the solution.

The report opens up the debate as to whether or not Imams are in-touch with Muslim youth and if this is a factor in the radicalising of Muslim youth.

Co-incidently also in February 2009, the Charity Commission published their report <u>Survey of Mosques in</u> <u>England and Wales</u> which carried out research in October and November 2008, and succeeded in contacting 250 mosques, out of the 1,000 mosques approached.

REFERENCES

Brown, Andrew 'Islam in Britain: not very C of E', *Guardian* 23rd February 2009, http://www.guardian.co.uk/commentisfree/andrewbrown/2009/feb/23/religion-islam Charity Commission *Survey of mosques in England and Wales* http://www.charity-commission.gov.uk/Library/tcc/pdfs/fscumosque.pdf

Hart Dyke, Anya Mosques Made in Britain
http://www.quilliamfoundation.org/images/mosques made in britain quilliam 022009.pdf
Quilliam Foundation.org/images/mosques made in britain quilliam 022009.pdf
http://www.quilliamfoundation.org/images/mosques made in britain quilliam 022009.pdf
Quilliam Foundation.org/images/mosques made in britain quilliam 022009.pdf
Quilliam Foundation.org/images/mosques made in britain quilliam 022009.pdf
Quilliam Foundation.org/images/mosques
Quilliam Foundation.org/images/mosques
Quilliam Foundation.org/why-quilliam.html

Iraq: Meeting of Church Leaders

Church leaders say that <u>Christians have a role</u> to play in rebuilding Iraq. Representatives of churches in Iraq confirmed their commitment to work together with all Iraqi citizens for reconciliation and the rebuilding of peace in the country. A two day meeting in February 2009, was held in Dar Sayedat Al Jabal, Fatka, Lebanon, organized by the World Council of Churches (WCC).

Twelve church leaders from all over Iraq discussed the current situation of its Christians community. Representatives from different Iraqi churches participated in the meeting together with bishops from the Syrian and Armenian Orthodox Churches and the Chaldean Church in Lebanon, and the General Secretary of the Middle East Council of Churches. The gathering addressed the challenges facing Christians in Iraq today, particularly issues of safety and security as well as forced migration. They affirmed the status of Iraqi Christians as "authentic children of [the] land," emphasizing the values of equal citizenship and constructive co-existence.

Participants in the meeting, some of whom went through the experience of being kidnapped in Iraq, called upon Iraqi Christians "to stay in their homeland and participate actively in its rebuilding and development". Iraqi Christians have a role "in building educational and social institutions that contribute to national reconciliation, peace building and stability," they said.

The gathering also called on Western churches "not to encourage migration and resettlement programmes for refugees outside Iraq," but rather to "focus their efforts on bringing back security and stability inside Iraq for all Iraqis," with the aim of enabling Iraqis to "work together, healing wounds and building a better future". "The solution to current conditions lies not in emptying Iraq of its human resources," said the participants.

They emphasized the importance of continued dialogue "among Christians and their Muslim brothers and sisters." They pledged to establish an "ecumenical forum" in order to allow "all Iraqi church leaders [...] to speak with a common voice to religious and political authorities inside and outside Iraq". The <u>final statement</u> is posted on the <u>www.oikoumene.org</u> web-site.

Following the last edition of the Digest, I would like to thank Rima Barsoum, Programme Executive for Christian-Muslim Relations, World Council of Churches, for explaining the different families of churches in Iraq. She writes: Assyrians in Iraq belong to two churches, the Church of the East (majority) and the Ancient Eastern Church (minority). Also, the Syrian Orthodox and Armenian Orthodox churches (together with the Coptic and Ethiopian churches' often known as non-Chalcedonians) are usually called "Oriental Orthodox". In Iraq there are: Syriacs (or Syrians), both Oriental Orthodox and Catholic (eastern rite), as well as Armenians, both Oriental Orthodox and Catholic (eastern rite).

REFERENCES

http://www.oikoumene.org/en/news/news-management/eng/a/article/1722/christians-have-a-role-to.html http://www.oikoumene.org/en/resources/documents/wcc-programmes/interreligious-dialogue-and-cooperation/accompanying-churches-in-conflict-situations/iraqi-church-representatives-statement.html

Indonesia: Peace-loving Women Movement is launched

The Union of Catholic Asian News (UCAN), in an article "INDONESIA Catholic, Protestant, Muslim women launch peace movement", reports on an interfaith workshop for Indonesian and Malaysian women with the theme of "Women as Agents of Peace" where thirty Catholic, Protestant and Muslim women met for four days at Bogor, West Java. At the end of the Workshop, Revd. Rosmalia Barus of the Communion of Protestant Churches in Indonesia (PGI) announced the formation of the Peace-Loving Women Movement. Revd. Barus said the movement "asks governments, Churches and society to take women's interest into account when drafting policies, and to involve women in conflict resolution and reconciliation building."

Revd. Barus heads the PGI Department for Women and Children, which, together with the Asian Women Fellowship and Mission 21, organized the February 2009 workshop.

This initiative is to be commended as an example to be applied in other parts of the world, and to remind Church leaders of the vital contribution played by women, which is all too often forgotten.

REFERENCE

http://www.ucanews.com/2009/03/05/catholic-protestant-muslim-women-launch-peace-movement/

Pakistan: Identity and Basic Rights: Pakistani Christians' Perspective

Revd. Rana Youab Khan

Advisor to the Bishop on Interfaith Relations, Church of Pakistan Lahore Diocese

In this article I have touched on economic, political, constitutional and religious aspects of Pakistan and tried to show the involvement of Pakistani Christians at all levels, demonstrating the minorities' perspective. Although Christians have deep roots in the history of the Indian Sub-continent but I have started with the colonial period, as Christianity in Pakistan today is shaped by it. This article is not written merely to provide information but also to show different perspectives. The early Pakistani Christians (and other religious minorities) had no idea that one day they will be recognized in the constitution, as a minority.

Historical Background

Under British rule Pakistan was part of United India. Under the leadership of Muhammad Ali Jinnah, the Muslim League started the struggle for a separate state, which culminated in 'the state of Pakistan' on 14th August 1947. At that time it had two parts, East and West. In 1971, East Pakistan, which is now Bangladesh, was separated from West Pakistan, the present Pakistan.

Christians are the largest religious minority in Pakistan. During British rule, as a result of mass conversion movements, low caste Hindus were converted; during the same period there were conversions among Muslims, high caste Hindus and Sikhs.

Punjab is the most populated province of Pakistan, and the majority of Pakistani Christians come from it. Christians in other provinces of the country migrated from here. Therefore it can be observed that Punjabi features are quite dominant in the Pakistani Church. A small number of non-Punjabi Christians in Karachi (Sindh) are Goan and in some other big cities are Anglo-Indian.

Christian institutions and churches in big cities are located on prime land, the buildings a reminder of the colonial period. Now, maintenance of the old buildings is needed and they need protection from the bad intentions of the 'land mafia' and dissident Christians. These properties were originally bought by the churches and mission agencies during the British period and, since 1947, the local churches have been looking after them. As many of the church properties are situated in areas where land values are very high, pressure has been brought on the churches for the sites to be sold for development. President Pervaiz Musharraf (1999-2008), through a Presidential ordinance in 2002, banned the sale of property belonging to Churches and later the ordinance was made law by parliament. Despite this, there are always ways to get round such laws, therefore legal and constitutional measures should be taken in this regard to protect church property.

Economic Aspects

Pakistan is a poor and heavily populated country. Political instability, tension on the eastern borders with India and with Afghanistan on the western borders, growing terrorism in northern areas, insecurity, decline in foreign investment, and energy crises are some prominent reasons for its economic downfall, even apart from the international economic crisis. The result is a brain drain from the country. Many of the 'competitive' Christians have emigrated to North America, Europe and Australia.

The majority of Pakistani Christians do not have a business background, and because of religious prejudice, the social set up would not favour it. It can be observed that the Christians prefer government service, employment in the private sector, and church institutions, work such as education, health care and other human development, rather than trade, business and industry. The **Constitution of Pakistan** states that 'all religious minorities are equal':

Article 33. Parochial and other similar prejudices to be discouraged.

The state shall discourage parochial, racial, tribal, sectarian and provincial prejudices among citizens.

Article 36. Protection of Minorities.

The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services.

¹ West Pakistan (the present Pakistan) included <u>Sindh</u>, <u>North-West Frontier Province</u>, <u>West Punjab</u> and <u>Balochistan</u>. East Pakistan (now Bangladesh) East Bengal of the United India.

But there is social prejudice against religious minorities (in particular Christians). Bribery, connections and relations with the appointing authorities, employment on a political basis, favouritism and nepotism are to some extent indispensable in getting a government job. According to Article 18 of the Constitution there is "freedom of trade, business or profession". The present National Assembly has passed a bill that gives Christians a 5% quota of jobs in the government sector.

According to the Constitution non-Muslims cannot become President, Prime Minister or the Chief of Army staff. Therefore Christians mostly avoid open competition in many spheres of life. Though some articles of the constitution give security regarding their economic progress and development, since the violation of law and constitution is a social practice, so discrimination on the basis of religion and the caste/class system is very obvious.

Constitutional Issues

Quaid-e-Azam Muhammad Ali Jinnah, the founder of Pakistan, and his close associates had a legal background, but unfortunately Jinnah did not live for even a year after independence. Sometimes it is said:

The history of formulation of the constitution of Pakistan begins with the <u>Lahore Resolution in 1940</u>. It was here that the idea of Pakistan, a separate homeland for the Muslims of India, was first outlined.

It means Pakistan's demand for independence was based on religion rather than nationalism or ethnicity. The Objectives Resolution that was passed in 1949 declared the country to be an Islamic State. The first constitution of the country was produced eight years after independence in 1956. President Ayub Khan (1958-1969) promulgated a new constitution in 1962 in order to prolong his rule.

During the time when Z.A. Bhutto (1973-1977) was Prime Minister, the Constitution of 1973 was enacted by the National Assembly on 10th April 1973 and was published in *The Gazette of Pakistan* on 12th April 1973 after being approved by the President of Pakistan. Although the minorities had some reservations, in part due to its declaration of Pakistan as an <u>Islamic Republic</u>, where only a Muslim could be president, the major political parties had come to a consensus on it, so it was accepted by the minorities as well.

General Zia ul-Haq imposed Martial Law on 5th July 1977, intended initially for 90 days. In the event Zia ul-Haq stayed in government for more than 10 years until his death in an aircrash on 17th August 1988. He ruled over the country in the name of Islam, and most of the discriminatory laws were introduced in his time.

During his administration there was a separate electoral system based on religion. From 1985, Muslims had to elect Muslims as members of Parliament, and the provincial assemblies. In the same way, Christians had to vote for Christians and other religious minorities were supposed to use their votes to elect members from their own religious community. An absolute majority of minorities, human rights organizations, open minded people, and democratic political parties were against this.

Minorities and the Law

In 1982, Blasphemy Law section 295-B was passed. This law deals with defiling the Holy Qur'an, a crime to be punished with life imprisonment. Four years later, section 295-C was added, concerning offences against Prophet Muhammad (PBUH), which were to be punished with life imprisonment or death and a fine. This section was given even greater force when the Federal Shari'at Court in Pakistan ruled that the life imprisonment option should be disallowed, leaving death as the mandatory sentence. This ruling was enforced in 1991.

The <u>Pakistan Christian Post</u> of 2nd March 2009 reported that two Christians have been arrested under the Blasphemy Law in Maloki Kasur District and that the First Information Report (FIR) had been filed against them. The newspaper report gives details of the offence, that pages of the Qur'an had been placed on the ground.

Pakistani society has its own problems and when this law is analyzed in light of these problems the following issues come out:

- Bribery and corruption preclude the opportunity for a fair trial.
- Extremism creates pressure on the police at the time of the registration of a case and later on during the prosecution.
- In a country like Pakistan where religious prejudice is very much in the texture of the society these type of laws are harmful to peaceful coexistence.
- Christians, other minorities and even Muslims are also victims of it. It has been observed that false cases are made against their opponents.
- It is always a sensitive matter, so the accused are usually killed by extremists or sometimes by religiously
 emotional mobs.

Some flaws in procedure have been remedied, but minorities are still at risk of baseless accusations of blasphemy. Christians are just a two percent of the population and have no such background and tradition that they would commit blasphemy.

Criminal minds always misuse the law, but it is the state's responsibility to see that such misuse should not occur. Unfortunately, in Pakistan, misuse of the law has become a social practice. Sometimes it is observed that criminals check the relevant laws before they commit a crime. Islamic laws also have many flaws in implementation and procedures. Like the Blasphemy Law, the 1979 Hudood Ordinance which regulates activities prohibited under Islamic law and are also enforceable on non-Muslims, and the Law of Evidence are criticized by the Minorities and Human Rights Organizations. Forced marriages have become a big problem in this regard, when a non-Muslim woman is kidnapped or by forced by a Wadera (feudal chief) or by a religiously/politically/socially influential person to change her religion and marry a Muslim. If this happens, there is no need to get divorce from the previous husband. It is not just a matter of religious prejudice but is a feudal mentality; it is a tragedy that laws based on religion give protection to these sorts of discrimination.

Shari'ah in Swat Valley

It was announced in February 2009 that the provincial government of North West Frontier Province (NWFP) had made a truce with Taliban fighters and accepted their demand to impose Shari'ah and establish Islamic courts in Swat Valley in the name of Nizam-e-Adal (system of justice). These are Qazi Courts, which religious groups of northern Pakistan claim were working some decades back. The Pakistani Judicial system is very expensive and procedurally very lengthy; therefore it is the general experience that it is very difficult to get justice in Pakistan. Recently, news of the flogging of young women under the Islamic laws has stirred the emotions, feelings and moral sensitivity of Pakistani society. There is hardly a group which is not condemning this inhuman act. Iftikhar Chaudhry the newly re-instated Chief Justice of Pakistan has taken action against it and has issued notices to the concerned authorities and also has ordered them to present the victim before the court. Everyone wants to know who these people were. Without having any legal or constitutional status why were they fearless in carrying out the punishment publically? People are asking if there is another state within the state of Pakistan? It is a challenging situation for the Parliament, government and, in particular for the Judiciary that these forces of religious extremism like the Taliban are becoming so powerful and are implementing religion by the bullet, according to their own interpretation. It is also challenging for the moderate democratic forces to educate the nation so that these extremists may not get the power of the ballot box.

Developments in the Democratic Process

The history of democracy in Pakistan is checkered but for the past few years vibrant media, active civil society and a strong judiciary have emerged from its internal crises.

In 2002, the then President, Pervaiz Musharraf, reversed the separate religiously based electoral system, introduced in 1985 by Zia ul-Haq, and in addition provided for reserved seats for the minorities. Pakistan is among the few states in the world where minorities can participate in general elections and have reserved seats at the same time. Now it is felt that the democratic process in Pakistan is being strengthened. The exclusive approach of politics with reference to the minorities is being shifted to inclusiveness. Those political parties which had less space for the minorities in their manifestos are now revising them. Christians' vital participation in political life will indeed be helpful in building their confidence within the mainstream political parties.

For the past few years the superior judiciary in Pakistan has taken bold steps to establish the rule of law and democracy in Pakistan. President Musharraf came with many liberal and secular slogans but it is also on record that he tried to have an exemplary division of judiciary and politics during his rule. To some extent he succeeded but in March 2007, during a conflict on a constitutional matter with the Chief Justice of Pakistan, he suspended the Chief Justice, and later on, other Judges, and appointed another Chief Justice. After a long struggle, the Chief Justice and other deposed judges were restored in March 2009, as reported in the <u>Pakistan Times</u>, as a result, the people of Pakistan have emerged as a nation which has the power to fight for democracy and the rule of law. People are looking to the Supreme Court and are expecting more bold steps against the extra-judicial activities whether by any group, political or religious or by the state.

The media in Pakistan are very active. Most of the private TV channels are giving very moderate and up-to-date teaching about religion. The minorities perspective is always taken on board. Christians are broadly satisfied with the present role of the media, whereas when some years back there was only one TV channel, which belonged to the government, Christians and other minorities were not satisfied with it. One TV channel that is causing concern amongst Christians is 'Peace TV' which is attacking Christian beliefs and whose web-site describes it as being a '24 Hour Islamic Spiritual Edutainment International Satellite TV Channel' broadcasting in Urdu and English. Electronic media, which have only recently come to Pakistan, can play a vital role in formation of the people.

The place of Christians in Pakistan society

The traditional concept of a religious minority makes Christians uncomfortable. Prior to Independence in 1947, Christian members of the Punjab Assembly voted in favour of Pakistan, the proposal of the Muslim League rather than that of the Indian Congress. A separate state was demanded by the largest religious minority (Muslims) of India, so it was quite logical to feel that the security of a minority would be ensured. They had full confidence in Mr. Jinnah and his understanding of a national state. Therefore, after independence, he in his address to the first

Constituent Assembly on 11th August 1947 said, "You are free; you are free to go to your temples, you are free to go to your mosques or to any other place of worship in this State of Pakistan. You may belong to any religion or caste or creed; that has nothing to do with the business of the State". Secular and human rights activists take this as encapsulating Muhammad al Jinna's concept of a state.

Christians have been raising their voice against a variety of forms of discrimination for a long time. Churches around the world, humanitarian-based organizations, working locally and globally, and democratic forces have always provided their support and assistance. Christians need to explore new possibilities for their economic, political, educational and social growth and progress. Modern education, awareness of the contemporary political challenges and new economic trends are indispensible. Sincerity and enthusiasm by the individual and for the community will change the situation of both the Christians and Pakistan.

REFERENCES

Aftab Mughal 'Peace in the Name of Qazi Courts' *Daily Estimate* 29th March 2009 http://www.dailyestimate.com/print.asp?idarticle=18635

Centre for Legal Aid Assistance & Settlement 'Restoration of Quota System' http://www.claas.org.uk/disp-page.aspx?pageid=21

Constitution of Pakistan Articles 33 and 36 http://www.pakistani.org/pakistan/constitution/part2.ch2.html Interfaith Dialogue (Monthly), Islamic Centre Kamonki, Pakistan. April 2009.

Pakistan Times 'Chief Justice back in Court No. 1', 24th March 2009 http://www.pak-times.com/2009/03/24/chief-justice-back-in-supreme-court-room-no1/

Pakistan Times 'Wave of resentment and anguish prevailed on girl flogging', 4th April 2009 http://www.pak-times.com/2009/04/04/wave-of-resentment-and-anguish-prevailed-on-girl-flogging/

Peace TV '24 Hour Islamic Spiritual Edutainment International Satellite TV Channel' http://www.peacetv.tv/
The Story of Pakistan "Lahore Resolution of 1940" http://www.storyofpakistan.com/articletext.asp?artid=A054
The Story of Pakistan "1973 Constitution" http://www.storyofpakistan.com/articletext.asp?artid=A072