



INTERNATIONAL HUMAN RIGHTS COMMITTEE

SUBMISSION TO THE UNITED NATIONS

REPORT 2021

PERSECUTION OF AHMADIS WORLDWIDE



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1. PURPOSE OF THIS REPORT

- 1.1 The report presents information on the persistent patterns and trends of persecution of the Ahmadiyya Muslim Community worldwide, unknown to many.
- 1.2 The Ahmadiyya Muslim Community has suffered long-standing persecution in Pakistan, where the very identity of an Ahmadi Muslim, existential by definition, has been denied. The community is persecuted and discriminated by law and by religious ideology. The fundamental right to freedom of thought, conscience and religion or belief as well as other human rights of the Ahmadiyya Muslim community have been seriously violated. Pakistan, while party to many international treaties, has failed its obligations to protect all its citizens, including Ahmadis.
- 1.3 Unfortunately, the persecution of Ahmadis is not limited to Pakistan and the trend is spreading around the world, particularly in Muslim countries and even in some Western countries. There has been a major escalation in anti-Ahmadi activity recently driven by the use of cyber laws.
- 1.4 It is important to tackle the persecution of the Ahmadis as it is a form of violence in the name of religion that disproportionately targets religious dissidents, members of religious minorities or converts. The international community should take concerted efforts to raise awareness on the persecution of the Ahmadis and other religious minorities and to hold relevant authorities and perpetrators accountable for all the human rights violations, in particular, incitement to hatred and violence.



2. INTRODUCTION

- 2.1 The Ahmadiyya Muslim Community (the “Community”) was founded in Qadian, India in 1889 by Hazrat Mirza Ghulam Ahmad. Ahmadis believe Hazrat Mirza Ghulam Ahmad to be the Messiah and ‘Imam Mahdi’, as prophesised in Islam. Some Muslims have interpreted this as a challenge to the concept of Prophet Muhammad being the final prophet, a view which Ahmadi Muslims disagree with as Hazrat Mirza Ghulam Ahmad sought to revive the peaceful teachings of Islam rather than bring any new law or scripture. As a result of this theological difference, the Community has suffered hostility, violence and persecution from state and non-state actors since its inception, with the first murder of an Ahmadi Muslim in 1901. The Community has never retaliated and has always stayed true to its philosophy of non-violence and its principle of Love for All, Hatred for None. The Community is spread throughout the world in more than 200 countries with a membership running into the tens of millions. Ahmadis consider themselves to be Muslims and believe that they observe Islamic practices.
- 2.2 Following the partition in India, many members of the Community migrated to Pakistan. There are an estimated 150 million plus Ahmadis throughout the world with around 500,000 currently living in Pakistan. Their centre is located in Rabwah, Jhang district in Pakistan's Punjab province. Ahmadis have held key posts in government and the armed forces in Pakistan leading to persistent accusation from some orthodox Muslims that the Ahmadis seek to undermine Islam from within. Twice in Pakistan's history, in 1953 and 1974, large scale agitation against the Community led to serious bloodshed. In the latter instance, over 20 Ahmadis were said to have been killed and ten of their places of worship and many houses destroyed. The Islamization policy of President Zia-ul-Haq (1977 to 1988) was accompanied with legislation progressively restricting the freedom of Ahmadis to practise their faith. Successive governments, including those of Benazir Bhutto and the current Prime Minister, Imran Khan, in spite of them professing to restore and respect human rights, have not repealed any of the laws violating the freedom of religion of Ahmadis.
- 2.3 In 1974, a constitutional amendment known as the Second Amendment introduced by the Government of Prime Minister Zulfikar Ali Bhutto, declared the Community a non-Muslim minority. This move was generally interpreted as a response to pressure from orthodox Muslim groups to circumscribe the activities of the Ahmadis. The Second Amendment amended Article 260 so that it read:
- “A person who does not believe in the absolute and unqualified finality of the prophet-hood of Muhammad (PBUH), the last of the Prophets or claims to be a Prophet, in any sense of the word or of any description whatsoever, after Muhammad (PBUH), or recognizes such a claimant as a Prophet or religious reformer, is not a Muslim for the purposes of the Constitution or law.”*
- 2.4 This amendment explicitly deprived members of the Ahmadiyya Muslim Community of their Muslim identity. For the purposes of the law, henceforth Ahmadis were considered non-Muslims.
- 2.5 In response to pressure from hard-liners on 26 April 1984, the final nail in the coffin sealing the fate of Ahmadi Muslims was made by General Zia ul Haq through Ordinance XX (“Ordinance Twenty”). This amended the Pakistan Penal Code and Press Publication Ordinance sections 298-B and 298-C, whereby any outward sign of practising Islam by an Ahmadi was made a criminal offence and blasphemy – a vaguely defined term – the penalty for which could be death. Two of the five anti-blasphemy laws explicitly target, by name, the activities of Ahmadis in Pakistan. This provided a charter for harassment and orthodox clerics were empowered further. Scores of criminal charges have been laid against Ahmadis under the provisions of Ordinance XX, which criminalised the very existence of Ahmadis in Pakistan.
- 2.6 On 29 July 1991, under the government of Mian Nawaz Sharif, Section 295-C of the Pakistan Penal Code was further amended to remove the alternative punishment of imprisonment for life. The amendment makes the death penalty the mandatory punishment for the criminal offence of defiling the name of the Prophet Muhammad. The Ahmadis' reference to the Prophet Mohammad is taken by orthodox Muslims to constitute defiling the name of the Prophet.
- 2.7 For fear of being charged with "indirectly or directly posing as a Muslim", Ahmadis can no longer profess their faith, either verbally or in writing. Thousands of Ahmadis have been arrested under these draconian laws and many hundreds have been murdered by extremists, emboldened by anti-Ahmadiyya laws.
- 2.8 Similarly, using Islamic prayers on Ahmadi wedding invitations, the offering of Ahmadi funeral prayers, and the displaying of the "Kalima" (the principal creed of a Muslim) on Ahmadi gravestones is an often-



prosecuted crime and puts an Ahmadi's life in grave danger. In addition, Ordinance XX prohibits Ahmadis from declaring their faith publicly, propagating their faith, or giving the "Adhan" (Muslim call to prayers).

- 2.9 Many Ahmadis have been arrested for exercising their right to freedom of religion or belief. Pakistani authorities actively or passively, either themselves or through non-state actors, routinely allow the destruction and defacing of Ahmadi mosques all over Pakistan. Ahmadis are not permitted to build new mosques. All Ahmadi publications in Punjab are now banned, and violation of this ban is classified as a terrorism-related offence.
- 2.10 If this was not enough, further action was taken against Ahmadis under Chief Executive Order 15, which placed Ahmadis in a separate electoral roll; in order to obtain basic official paper, one must denouncing the Ahmadi faith. This demonstrates that the State itself interferes in religious matters and makes provision for the differential and adverse treatment of Ahmadis.
- 2.11 Today, due to the anti-Ahmadiyya laws, Ahmadis continue to live in fear in Pakistan. They still cannot identify themselves a Muslim. This government-sponsored persecution of Ahmadis is so pervasive that Ahmadis cannot get a Pakistani Passport or National Identity Card unless they declare that they are not Muslims. Every Pakistani who applies for a passport, whether or not he is an Ahmadi, must condemn the Community as well as its founders and core beliefs in order to get a Pakistani Passport or National ID card. Moreover, every Pakistani citizen who has a Pakistan passport has signed a document declaring not only that Ahmadis are not Muslims but that they condemn the Ahmadi faith as a false religion.
- 2.12 The lack of political will to safeguard and protect the rights of Ahmadis has only become worse under successive governments, who have caved into pressure from religious elements in Pakistan. The inaction of law enforcement agencies in the face of violence against the Ahmadis, the reluctance of politicians to be seen publicly supporting Ahmadis and the failure of the State generally to take positive or vigorous action to take punitive action against perpetrators of violence and incitements to hatred and murder, all combine to permit a charter for the persecution of Ahmadis with impunity.
- 2.13 What makes the case of the Community special is that the examples cited above and below directly affect a core element of freedom of religion or belief, i.e. everyone's freedom to define themselves in matters of faith and to communicate their beliefs free from discrimination and free from fear.
- 2.14 Although the most extreme examples are found in Pakistan, the source, that State acts as a guide for other Muslims countries and actors who also then persecute Ahmadis in various ways and forms. Persecution against Ahmadis is, unfortunately, increasing rapidly worldwide and will continue to do so if left unmanaged.
- 2.15 This document sets out in summary form the various ways in which Ahmadis are being persecuted around the world and the recent escalation in the persecution of Ahmadis.
- 2.16 In the face of ongoing abuses and the systematic persecution suffered by the Community, the international community has a responsibility clearly and loudly to speak out against and deal with the violations of freedom of religion or belief of members of the Community, wherever they occur.



3. FREEDOM OF RELIGION AND BELIEF

3.1 *Right to adopt a religion or belief*

- 3.1.1 In **Pakistan**, Ordinance XX (promulgated in April 1984) makes it a criminal offence for any Ahmadi Muslim to refer to their faith as Islam.¹
- 3.1.2 Legislation which provides for imprisonment and even the death penalty on grounds of religious belief violates the right to freedom of religion contained in Article 18 of the Universal Declaration of Human Rights. It is contrary to the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief.
- 3.1.3 Ahmadis are frequently charged and sentenced under Sections 298-B and 298-C of the Pakistan Penal Code.
- 3.1.4 The large majority of Ahmadis charged under Sections 298-B, 298-C, 295-A and 295-C are, however, released on bail and sometimes have to wait for periods extending to several months and sometimes years before being brought to trial.
- 3.1.5 In **Algeria**, in December 2020, a judge at a court in Tizi Ouzou sentenced 31 Ahmadis to a two-month suspended prison sentence on accusations of “undermining the integrity of the national territory” under Article 79 of the Penal Code, because of their religious beliefs. Overall, since 2016, more than 280 Ahmadis in Algeria have been prosecuted on the grounds of their faith.²
- 3.1.6 In **Indonesia**, the Indonesian Council of Ulemas issued a fatwah in 1980 (reissued in 2005) that declared Ahmadis to be a “*non-Islamic group, deviant and misled*” and called for them to be banned.
- 3.1.7 In **Malaysia**, a fatwah issued in 1975 by the Selangor Fatwah Council declared Ahmadis to be non-Muslims and stated that Ahmadis should be killed if they do not repent. In 1998, a further fatwah from the Mufti of Selangor officially declared Ahmadis “*apostates*”.
- 3.1.8 In **Egypt**, in 2018 the Interior Minister arrested at least 25 Ahmadis on account of their faith. The laptop of the publications secretary of the Ahmadiyya community was seized and he was arrested and sentenced to imprisonment.³

3.2 *Violence and hate crimes against Ahmadis*

- 3.2.1 Over the last few years, Ahmadis have been deliberately targeted and on the receiving end of numerous and frequent hate crimes, including mass murder.
- 3.2.2 In **Pakistan**, between 2010 and 2015, 144 Ahmadis were murdered on account of their faith.⁴ In 2010, one attack on a mosque in Lahore alone resulted in the deaths of 86 Ahmadis with 116 injured. The unprovoked attack was carried out on those who were praying by several armed non-state actors.⁵
- 3.2.3 In 2014, in Gujranwala a mob of non-state actors set fire to, and burned down, 8 houses where Ahmadi families lived, resulting in the death of 3 Ahmadi girls, two of whom were aged 7 years old and 8 months old.⁶ Two police vehicles were present throughout but the police did not intervene. The pretext for the actions of the mob was the false allegation that a young Ahmadi Muslim had defaced a picture of the Sacred Mosque in Mecca on Facebook. A heavily pregnant victim of the attack was taken to hospital but was refused treatment by a doctor. She was, subsequently, transferred to a different hospital.

¹ It did so by adding sections 298B and 298C to the Pakistan Penal Code (Act XLV of 1860).

² UK All-Party Parliamentary Group for the Ahmadiyya Muslim Community, “Suffocation of the Faithful: the persecution of Ahmadi Muslims in Pakistan and the rise of international extremism” (2020), p.92.

³ UK All-Party Parliamentary Group for the Ahmadiyya Muslim Community, “Suffocation of the Faithful: the persecution of Ahmadi Muslims in Pakistan and the rise of international extremism” (2020), p.94.

⁴ Asian Human Rights Commission and the International Human Rights Committee, “A Beleaguered Community: On the rising persecution of the Ahmadiyya Muslim Community (Report of the fact-finding mission to Pakistan)” (2015), p.28.

⁵ Asian Human Rights Commission and the International Human Rights Committee, “A Beleaguered Community: On the rising persecution of the Ahmadiyya Muslim Community (Report of the fact finding mission to Pakistan)” (2015), p.30.

⁶ Asian Human Rights Commission and the International Human Rights Committee, “A Beleaguered Community: On the rising persecution of the Ahmadiyya Muslim Community (Report of the fact finding mission to Pakistan)” (2015), p.32.



- 3.2.4 Multiple murders of Ahmadis on account of their faith occur each year. In 2020, the Ahmadiyya community had been subjected to numerous attacks and at least five targeted killings.⁷
- 3.2.5 Mosques are regularly attacked, as are graves.⁸
- 3.2.6 A report of the Human Rights Commission of Pakistan found that, since 1984, “27 of their worship places have been demolished, 33 sealed, 21 set on fire, 17 forcibly occupied, and authorities have barred the construction of 17 worship places.”⁹
- 3.2.7 In **Indonesia**, since the Indonesian Council of Ulemas issued the fatwah in 1980 and re-issued it in 2005, there have been regular attacks on mosques (including state authorities ordering them to be shut) and on Ahmadi individuals. In 2018, an angry mob comprising dozens of non-state actors attacked and destroyed 8 houses in East Lombok belonging to Ahmadis on account of their faith and forced 24 villagers from seven families.¹⁰ In 2011, a group of 1500 non-state actors attacked 20 Ahmadi Muslims in the Cikeusik Banten Province. They destroyed and burnt a house whilst ordering the Ahmadi men to strip naked before being beaten. Three were killed and six wounded, whilst 30 police officers watched without intervening.¹¹
- 3.2.8 In **Bangladesh**, in 2019, 50 Ahmadis Muslims were injured in co-ordinated attacks in Panchagarh when groups of conservative Muslims vandalised and torched their houses.¹² The attack was carried out by way of protest against an annual conference held by the Ahmadi Community.
- 3.2.9 In 2015, a suicide-bomber detonated his vest during Friday Prayers at a mosque in a northern village of Bangladesh, injuring three. In 2005, thousands of members of the group Khatme Nabuwwat processed towards houses owned by Ahmadi Muslims with sticks and machetes. Dozens of Ahmadi Muslims were injured and 10 houses looted. The police’s participation was limited to placing a sign on the local Ahmadi mosque saying:
- “This is a place of worship for Qadianis; no Muslim should mistake it for a mosque”.*¹³
- 3.2.10 In **Algeria**, the state authorities have been responsible for destroying mosques and harassing members of the Ahmadiyya community.¹⁴
- 3.2.11 In June 2016, the National Gendarmerie, acting on the orders of the Prime Minister, raided and destroyed a newly built mosque in Larbaa.¹⁵ Moreover, in January 2020, the Prosecutor’s Office in Constantine interrogated seven Ahmadis and confiscated their passports after interviewing them in relation to their religious beliefs and practices, then prosecuting them for forming an illegal association. At the end of December 2020, the Court of First Instance acquitted them but the authorities did not return their passports.
- 3.2.12 In the **UK**, in 2016 in Glasgow, Ahmadi Muslim shopkeeper, Asad Shah, was attacked and stabbed to death in the middle of the day for his Ahmadi beliefs.¹⁶ This is not a one off incident but a culmination of years of hate propaganda being promoted in Pakistan making its way into the Muslim community in the United Kingdom leading to regular verbal and physical threats to the Community in the UK¹⁷.

⁷ Amnesty International Report 2020/21: The State of the World’s Human Rights (2021), p.38.

⁸ UK All-Party Parliamentary Group for the Ahmadiyya Muslim Community, “Suffocation of the Faithful: the persecution of Ahmadi Muslims in Pakistan and the rise of international extremism” (2020), pp.36-40.

⁹ <http://hrpc-web.org/publication/wp-content/uploads/2018/04/State-of-Human-Rights-in-2017.pdf> (last accessed on 30 April 2021).

¹⁰ UK All-Party Parliamentary Group for the Ahmadiyya Muslim Community, “Suffocation of the Faithful: the persecution of Ahmadi Muslims in Pakistan and the rise of international extremism” (2020), p.96; <https://www.amnesty.org/download/Documents/ASA2184532018ENGLISH1.pdf> (last accessed on 30 April 2021).

¹¹ UK All-Party Parliamentary Group for the Ahmadiyya Muslim Community, “Suffocation of the Faithful: the persecution of Ahmadi Muslims in Pakistan and the rise of international extremism” (2020), p.95; <https://www.hrw.org/news/2011/02/24/indonesia-ahmadiyah-official-line-kills> (last accessed on 30 April 2021).

¹² UK All-Party Parliamentary Group for the Ahmadiyya Muslim Community, “Suffocation of the Faithful: the persecution of Ahmadi Muslims in Pakistan and the rise of international extremism” (2020), p.93.

¹³ UK All-Party Parliamentary Group for the Ahmadiyya Muslim Community, “Suffocation of the Faithful: the persecution of Ahmadi Muslims in Pakistan and the rise of international extremism” (2020), p.93.

¹⁴ Amnesty International Report 2020/21: The State of the World’s Human Rights (2021), pp.62 and 64.

¹⁵ UK All-Party Parliamentary Group for the Ahmadiyya Muslim Community, “Suffocation of the Faithful: the persecution of Ahmadi Muslims in Pakistan and the rise of international extremism” (2020), p.92.

¹⁶ UK All-Party Parliamentary Group for the Ahmadiyya Muslim Community, “Suffocation of the Faithful: the persecution of Ahmadi Muslims in Pakistan and the rise of international extremism” (2020), p.106.

¹⁷ <https://www.faith-matters.org/wp-content/uploads/2016/10/Sectarianism-Extremism-and-Hate-Crime.pdf>



3.3 ***Right to manifest one's religion or belief, freedom of association assembly and freedom of expression***

- 3.3.1 In **Pakistan**, Ordinance XX (promulgated in April 1984) makes it a criminal offence for any Ahmadi Muslim to practise Islam, for example the offering of daily prayers.
- 3.3.2 Under the same laws, it is an offence to possess a copy of the Holy Quran. In addition, the Ahmadiyya community is banned from publishing and possessing their core religious texts, including the writings of the founder of the Ahmadiyya community.¹⁸ In 2016, 30 armed policemen raided an Ahmadiyya building in Rabwah, Pakistan, arresting all the workers in the publications and dragging them to police cars on the pretext of counter-terrorism.¹⁹
- 3.3.3 In **Indonesia**, in 2008 the Indonesia's Ministry of Religious Affairs released a Joint Ministerial Decree forbidding the Ahmadiyya community from preaching.²⁰
- 3.3.4 In **Malaysia**, in April 2009, the Ahmadi Community was banned from offering Friday prayers at their main mosque in Selangor on the grounds that they were not Muslims. The Selangor Islamic Religious Council issued the ruling, violation of which was punishable with prison terms and fines. Moreover, the Selangor State Islamic Religious Department raided an Ahmadi mosque in 2014, arresting 41 people, in order to halt Friday prayers.²¹
- 3.3.5 In **Kazakhstan**, it is a criminal offence for the Ahmadiyya community to pray, take part in meetings, or take part in any religious practice.²²
- 3.3.6 In **Kyrgyzstan**, the government has issued a notification banning the Ahmadiyya community from any activities, including prayer, religious programmes and publications.²³

3.4 ***Blasphemy, hate speech and incitement to hatred or violence***

- 3.4.1 In **Pakistan**, an Ahmadi Muslim can be imprisoned for three years or sentenced to death under blasphemy laws. As of 31 December 2019, the number of Ahmadis charged under the blasphemy laws was 315 and the number of Ahmadis charged on religious grounds was 1,222.
- 3.4.2 In 2014, four Ahmadi Muslims took down an anti-Ahmadi poster from a shop in Sheikhpura declaring Ahmadis to be "*liable to be killed*". They were arrested and one was murdered in custody by a local student a few days later. In 2017, the other three were sentenced to death based on blasphemy charges and they remain in solitary confinement.²⁴ This episode led the three UN Special Rapporteurs on freedom of religion or belief, minority issues, and extrajudicial, summary or arbitrary executions to issue a press statement²⁵ urging the Government to adopt urgent measures to stop faith-based killings and ensure the security of the Ahmadiyya community.
- 3.4.3 In Pakistan, anti-Ahmadi rallies are held several times a year in Rabwah and elsewhere in Pakistan. On the contrary, Ahmadis are forbidden from holding any peaceful gatherings whatsoever in Rabwah. Whereas mullahs shout inflammatory slogans against Ahmadis through loudspeakers, the Ahmadi community is not allowed to use any public address systems at all in Rabwah.
- 3.4.4. Another recent example is the public demonization of the Community by serving Pakistani Ministers which is a matter of special concern. On 29 April 2020, Ali Muhammad Khan, Pakistan's Minister of State for Parliamentary Affairs tweeted: "***There is only one punishment for blasphemy; beheading***".

¹⁸ UK All-Party Parliamentary Group for the Ahmadiyya Muslim Community, "Suffocation of the Faithful: the persecution of Ahmadi Muslims in Pakistan and the rise of international extremism" (2020), p.45.

¹⁹ UK All-Party Parliamentary Group for the Ahmadiyya Muslim Community, "Suffocation of the Faithful: the persecution of Ahmadi Muslims in Pakistan and the rise of international extremism" (2020), p.47.

²⁰ UK All-Party Parliamentary Group for the Ahmadiyya Muslim Community, "Suffocation of the Faithful: the persecution of Ahmadi Muslims in Pakistan and the rise of international extremism" (2020), p.95.

²¹ IHRC Report (2019): Fact Finding Mission to Thailand and Malaysia - From Persecution to Desperation, pp.56-57.

²² UK All-Party Parliamentary Group for the Ahmadiyya Muslim Community, "Suffocation of the Faithful: the persecution of Ahmadi Muslims in Pakistan and the rise of international extremism" (2020), p.96.

²³ UK All-Party Parliamentary Group for the Ahmadiyya Muslim Community, "Suffocation of the Faithful: the persecution of Ahmadi Muslims in Pakistan and the rise of international extremism" (2020), p.96.

²⁴ UK All-Party Parliamentary Group for the Ahmadiyya Muslim Community, "Suffocation of the Faithful: the persecution of Ahmadi Muslims in Pakistan and the rise of international extremism" (2020), p.52.

²⁵ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14658&LangID=E> (last accessed on 30 April 2021).



- 3.4.5 Seven days later, he appeared on a prime-time national television programme, accusing Ahmadis of being a rebellion against Islam and asserting his willingness to die for his religious convictions. He referred to Ahmadis as "Qadianis" (a derogatory term used for Ahmadis). In encouraging terror against Ahmadis, the Pakistani Minister of State stated:

"We are willing to die to safeguard the honour of the Holy Prophet (saw) ... Qadianis are a very big rebellion (fitna) against Islam."

- 3.4.6 The Minister's hate speech was broadcast on linear channels worldwide.

3.5 Discrimination based on religion or belief

- 3.5.1 In Pakistan, when Ahmadis apply for ID cards – necessary to register for health and education services, and buy services such as a mobile SIM card – the application form requires individuals to declare their religion. Ahmadis must sign a declaration stating that:

"I declare on oath that I am not Muslim and I belong to Qadiani/Ahmadi religion". Moreover, when applying for a passport, self-identifying Muslims must declare that, "I consider Mirza Ghulam Ahmad Qadiani²⁶ to be an imposter nabi and also consider his followers whether belonging to the Lahori or Qadiani group to be a non-Muslim".

- 3.5.2 On 5 May 2020, [Pakistan's cabinet established the National Commission for Minorities](#) (NCM) and adopted the position of the Ministry of Religious Affairs and Inter-faith Harmony not to include Ahmadis among its members. Information Minister [Shibli Faraz stated after the cabinet meeting](#) that: Ahmadis did not "fall in the definition of minorities." Keeping Ahmadis off the commission shows the extent to which the community faces discrimination every day.

- 3.5.3 We are concerned that the Ahmadis have been asked to accept themselves as non-Muslims to be considered as members of the National Commission for Minorities. Any exclusion of significant or particularly vulnerable minorities, including minority women, would not only be discriminatory, it might also damage the credibility and effectiveness of the NCM to create any positive impact, and address the main challenges of minorities rights as well as religious intolerance.

a) Prejudice and bias in Judiciary, Judicial and Legal System

- 3.5.4 In Pakistan, the legal system is very much weighted against Ahmadis. The laws themselves are Ahmadi-specific and thus aimed at penalising Ahmadis for their beliefs. In any event, Ahmadis cannot obtain proper redress from the legal system. From the police – who lack the will and interest in providing protection to any Ahmadis who may be subjected to violence and harm – to judges – who prefer to pass the buck whenever sectarian issues come before them for fear of reprisal and thus arrange for the case to be transferred elsewhere for decision, Ahmadis believe they have no recourse. Cases are delayed for many months and sometimes for many years.

- 3.5.5 Ahmadis feel that their very essence has been sapped and outlawed by the fact that they are not allowed to express any aspect of their faith which has any connection with Islam or from referring to their faith as "Islam". Article 298-C forbids Ahmadis from "posing as Muslims" directly or indirectly "or from outraging the feelings of Muslims", for which Ahmadis can get up to three years imprisonment or a fine. The loose wording means abuse of the law to harass Ahmadis is rife. Given that Ahmadis believe themselves to be Muslims and follow all rituals and practices of the Islamic faith as well as following hadith and the Holy Quran like all other Muslims, these laws undermine their very being.

b) Right to Vote and Participation

- 3.5.6 In Pakistan, Ahmadi Muslims have been denied voting rights in every election since 1985 (including local, provincial and national).²⁷ They have been discriminated against by being placed on a separate electoral list where their names, addresses and their religion is made public. In order to be included in

²⁶ This is the founder of the Ahmadiyya community.

²⁷ UK All-Party Parliamentary Group for the Ahmadiyya Muslim Community, "Suffocation of the Faithful: the persecution of Ahmadi Muslims in Pakistan and the rise of international extremism" (2020), p.42.



the general list of voters, Ahmadis would be obliged to denounce their founder and accept being called Non-Muslims. Ahmadis have therefore refused collectively to vote via such a system.

- 3.5.7 The concern of the Ahmadiyya Muslim Community is also that individuals are exposed and vulnerable to the opponents who will easily identify and locate Ahmadis through the separate electoral roll. It is only Ahmadis who are on the separate list whereas all other minorities such as Christians, Hindus and Sikhs are on the general list.

c) Right to equal Employment opportunity and right to Livelihood

- 3.5.8 Ahmadi Muslims also face discrimination in employment as a result of their faith. There is an unwritten rule in the army, for example, that an Ahmadi Muslim will not be promoted beyond a brigadier.²⁸ Businesses are regularly boycotted if they are run by Ahmadi Muslim owners. Moreover, in 2018, the Islamabad High Court declared that a faith affidavit – a statement declaring their religion – must be submitted to apply for all government and quasi-government roles, including for the judiciary, armed forces and civil services.²⁹

- 3.5.9 This measure was aimed at ensuring Ahmadi Muslims would be identified, with the attendant discrimination that would entail. Justice Siddiqui stated that:

“If they [Ahmadis] wish to stay on in Pakistan, they should do so as non-Muslim citizens, and not commit thievery against Islam.” The Judge went on to request that Parliament: “take measures which can completely terminate those who scar [the belief that Muhammad (PBUH) is the final prophet].”³⁰

- 3.5.10 In Pakistan, other Muslim countries and even in Western countries such as the UK, Ahmadis experience considerable harassment and death threats on account of their faith. Pamphlets inciting the boycott of Ahmadi businesses and “hitlists” naming individual Ahmadis that have been selected for elimination as being “*Wajib al Qatal*” (liable to be killed) exist. Those who have drawn the adverse attention of hard-line clerics become marked individuals and once an allegation of blasphemy is made, in particular, have little hope of escape.

- 3.5.11 Many aspects of life in Pakistan are diffused with religiosity. It transcends one’s social or economic standing, education or achievements. In the case of Ahmadis, their faith overshadows all other aspects of the individual even if they are highly acclaimed in their field. Thus, one’s religion has become an important element in job applications, promotions and entry for school public examinations.

- 3.5.12 Since Ahmadis appear on a separate electoral roll, access to services and virtually all aspects of life are either denied or severely curtailed.

d) Right to Education

- 3.5.13 The Constitution of Pakistan specifically prohibits discrimination in admission to a state educational institution solely on the basis of religion, but students are required to declare their religion on application and admission forms.

- 3.5.14 This identification of Ahmadi students is done by adding a religion declaration in the admission forms, board documents and roll-number slips.

- 3.5.15 Ahmadi students are usually discriminated against when applying to the government educational institutions on the basis of their religious affiliation. Once identified and admitted, a protracted cycle of constant discrimination begins. Teachers usually single out individual Ahmadi students in classes and publicly shame them, making them targets of bullying and further discrimination.

²⁸ Asian Human Rights Commission and the International Human Rights Committee, “A Beleaguered Community: On the rising persecution of the Ahmadiyya Muslim Community (Report of the fact finding mission to Pakistan)” (2015), p.58.

²⁹ UK Home Office report, “Country Policy and Information Note” (2019), p.19 - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/790304/CPIN-Pakistan-Ahmadis-v4.0_Mar_19.pdf (last accessed on 30 April 2021).

³⁰ <https://www.reuters.com/article/us-pakistan-religion-law-idUSKCN1GL28T> (last accessed on 30 April 2021).



- 3.5.16 Social boycott is a common tool used against Ahmadi students. They are isolated, shunned from public gatherings, publicly ridiculed, discriminated against in grades, sometimes expelled from school, and even physically abused.³¹
- 3.5.17 Religious discrimination against Ahmadis is also promoted as part of the curriculum and in textbooks. The textbooks used in schools, for examples, portray Ahmadi Muslims in a negative light.
- 3.5.18 In Pakistan, all private educational institutions were de-nationalised some years ago but this did not apply to Ahmadi educational institutions, which remained in the control of the state. The effect is that there exist empty, abandoned schools owned by the Ahmadi Muslim Community, which are not permitted to be used as schools.³²
- 3.5.19 In 2008, all Ahmadi Muslim students were expelled from a medical college in Faisalabad on the grounds of their faith. A local newspaper printed the headline, “We shall not allow admission in Rawalpindi Medical College of any student guilty of blasphemy”.³³
- 3.5.20 In October 2020, a group of youngsters affiliated with the Youth Parliament defaced a photo of Pakistan’s first Nobel laureate, Dr. Abdus Salam – an Ahmad, at Science College in Gujranwala, Pakistan.
- 3.5.21 Similarly, in October 2020, the Institute for Business Administration Karachi – a renowned business school in Pakistan – scheduled a zoom talk with Dr Atif Mian, a celebrated economist from Princeton, on the topic of ‘Why has economic growth fallen behind in Pakistan?’. The talk was cancelled by the business school amid mounting pressure from religious clergy and a smear campaign launched on social media seeking the cancellation over his Ahmadiyya faith.
- 3.5.22 On 5 October 2020, Dr. Naeemuddin Khattak an Ahmadi professor at the Government Superior Science College, Peshawar was gunned down due to his Ahmadi beliefs. He held a PhD in zoology, and his death coincided with International Teacher’s Day.
- 3.5.23 The USSD IRF Report 2017 stated:

‘Ahmadi representatives said the wording of the declaration students needed to sign on their applications for admission to university continued to prevent Ahmadis from declaring themselves as Muslims. Their refusal to sign the statement meant they were automatically disqualified from fulfilling the admissions requirements. The government maintained Ahmadis could qualify for admission as long as they did not claim to be Muslims. Ahmadiyya community leaders reported multiple Ahmadi students had been expelled from public universities after not disclosing their religious affiliation at initial admission.’

- 3.5.24 A Study of Public Schools and Madrassas: United States Commission on International religious freedom (2011)³⁴ stated:
- “Views expressed by teachers about Ahmadis, Christians, and Jews often were very negative.”³⁵
 - “Hindus are often singled out for particular criticism in texts and in interview responses, together with Ahmadis.”³⁶
 - “Many (public school teachers) described Ahmadis as non-Muslims and expressed a particular distaste for them.”³⁷
 - “There is compelling evidence that the non-Muslim law, created for Ahmadis, is being used to discriminate against other minorities in Pakistan.”³⁸
 - “Adherents to the Ahmadi practice were widely seen in a pejorative and discriminatory light, and often considered non-Muslims.”³⁹
 - “Criticism seemed to be focused on Ahmadis, Hindus, and Jews.”⁴⁰

³¹ UK All-Party Parliamentary Group for the Ahmadiyya Muslim Community, “Suffocation of the Faithful: the persecution of Ahmadi Muslims in Pakistan and the rise of international extremism” (2020), p.49; Asian Human Rights Commission and the International Human Rights Committee, “A Beleaguered Community: On the rising persecution of the Ahmadiyya Muslim Community (Report of the fact finding mission to Pakistan)” (2015), p.60.

³² <https://www.refworld.org/docid/4d6cd6b22.html> (last accessed on 30 April 2021).

³³ <https://appgfreedomofreligionorbelief.org/house-of-commons-debates-the-persecution-of-ahmadis/> (last accessed on 30 April 2021).

³⁴ A Study of Public Schools and Madrassas: United States Commission on International religious freedom (2011) [https://www.uscirf.gov/sites/default/files/resources/Pakistan-ConnectingTheDots-Email\(3\).pdf](https://www.uscirf.gov/sites/default/files/resources/Pakistan-ConnectingTheDots-Email(3).pdf)

³⁵ Ibid Page 11

³⁶ Ibid Page 15

³⁷ Ibid Page 16

³⁸ Ibid Page 25

³⁹ Ibid Page 57

⁴⁰ Ibid Page 58



- g) “There were also instances of negative views towards the Ahmadi sect that were seemingly influenced by the discriminatory constitutional prohibitions.”⁴¹

3.6 Hate speech and incitement in Electronic and Print Media

- 3.6.1 Hate speech is regularly used to target the Community. Advertisements are regularly placed in mainstream media outlets which target the Community. By way of examples in Urdu newspapers regularly advertisements are placed which incited the people to kill Ahmadis.
- 3.6.2 In some cases the adverts are linked to other organisations based in other countries such as the United Kingdom which shows how this hate speech is spreading. which shows how this is spreading to other parts of the world.
- 3.6.3 By way of example, two mainstream Urdu television programs, NEO TV and Channel 92, aired anti-Ahmadi propaganda in the first week of September 2016. Ahmadis were labeled as ‘Blasphemers’ and ‘Traitors’ during the shows Harf-e-Raz (NEO TV) and Subh-e-Noor (Channel 92).
- 3.6.4 When the matter was appealed to the Pakistan Electronic Media Regulatory Authority (PEMRA), a mob took action, which included 100 lawyers and the anchor of NEO television, Orya Maqbool Jaan, defending the programs. Police took no action against the mob.
- 3.6.5 Subsequently, due to the intense pressure of the mob, PEMRA dismissed the case.

4. VULNERABLE GROUPS

4.1 Children

- 4.1.1 Ahmadi children are often denied admission because of their faith, are constantly ridiculed, bullied, boycotted, ostracized by teachers in the classroom, are failed despite doing well, are beaten, and sometimes receive threats of rape and murder. As a result of the religious discrimination and persecution they face, most students develop mental disorders. Numerous cases of emotional distress, anger, sadness, avoidance, trauma, depression, stress, constant anxiety and self-blame have been reported. The severity and systematic nature of the same leads to them abandoning their education or in the least suffering irreparable disruption in their studies.
- 4.1.2 A UK Home Office report, “Country Policy and Information Note” on Ahmadi Muslims in Pakistan reported the following situation: ⁴² “The IHRC/AHRC fact-finding report described the difficulties faced by Ahmadi students, stating they faced severe discrimination from both classmates and teachers. The report stated:

‘They face extreme bullying, physical and mental abuse, segregation and threats which have a negative impact on the studies and psychological wellbeing of the affected children. Ahmadi teachers face discriminatory attitudes from other staff, parents and local clerics who call on the community to boycott Ahmadi teachers. In many instances children face widespread exclusion by teachers and their classmates, many are forced to move schools and abandon their studies.’

4.2 Ahmadi Women

- 4.2.1 Ahmadi women experience the same issues as men in terms of social harassment and targeting in education and employment and the issues which apply to men are universal and omnified. However, gender-specific issues arise due to the fact that they are female in a highly Islamised society and, in traditional Ahmadi attire, they have an additional handicap in that their clothes make them very obviously Ahmadi. Congregational prayers have been denied to Ahmadi women for a number of years now, particularly since the Lahore attacks in 2010.

⁴¹ Ibid Page 59

⁴² Home Office UK, Country Policy and Information Note Pakistan: Ahmadis
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/790304/CPIN-Pakistan-Ahmadis-v4.0_Mar_19.pdf (last accessed on 30 April 2021).



- 4.2.2 Ahmadi ladies generally wear a jacket which resembles a long coat and which descends to their ankles, unlike their Sunni counterparts, and many wear the veil in a different fashion covering the hair and mouth but leaving the nose uncovered with an easy to wear tubular one-piece head covering. This means that in public they become easily identifiable as Ahmadi. The way the head scarf is stitched and worn by many Ahmadi women can be distinctive, from which a stranger could guess the Ahmadi faith of the woman. This makes them soft targets.
- 4.2.3 Currently, Ahmadi women are unable to attend any significant social gatherings or even Nikahs (marriage ceremonies), including their own or that of their daughters, sisters or nieces etc., as women can no longer gather safely at the mosque or elsewhere.

4.3 *Refugees and Asylum Seekers*

- 4.3.1 The persecution faced by Ahmadis in Pakistan has led to the departure of many neighbouring countries, creating a refugee crisis. In countries like Thailand, Malaysia and Sri Lanka – countries which have not signed the 1951 Refugee Convention – there are now more than 6,000 stranded refugees awaiting resettlement despite being granted UNHRC status.⁴³
- 4.3.2 In Thailand, many Ahmadi refugees and asylum-seekers, including children, and are in urgent need of health services – including for conditions such as scabies, polio, respiratory infections, tuberculosis, deteriorating mental health and a number of non-communicable diseases – but cannot access them due to the cost of travel and medical fees, and the fear that they will be arrested if they leave their accommodation. The same is true in Malaysia.⁴⁴ Both countries also lack a national asylum policy. Without a legal status, refugees are vulnerable to arrest, indefinite detention, deportation and possible “refoulement” in contravention of the principles with the UN Convention. Living conditions of refugees are generally poor, with large families often living in one room only. The detention policies in these two countries also fail to take the principle of family unity and best interests of children into consideration; minors were found to be detained with unrelated adults and/or separated from their parents.
- 4.3.3 There are 1,200 Ahmadi refugees in Thailand and around 4,000 in Malaysia. Most of the refugees arrived after the Lahore attacks in 2010 and have been in Malaysia or Thailand for at least five years; between 2010 to 2016 approximately 2,000 Ahmadi refugees arrived in Thailand. But many have been living in these countries for longer periods with no end in sight. The numbers have drastically reduced since 2017 to 145 as of today’s date with 9 arriving in 2020.
- 4.3.4 In Malaysia, asylum-seekers and refugees face similar challenges as in Pakistan as well as additional problems. Access to healthcare is extremely expensive and lawful employment unavailable. Several refugees have reported police brutality. Additionally, Ahmadis face discrimination because of their religion. Article 3 of the Federal Constitution states that Islam is the official religion of Malaysia, but the federal government has no authority to regulate Islamic religious affairs throughout the country. In Malaysia, Ahmadis are considered non-Muslim and are therefore not allowed to practice their religion. Notwithstanding this, many Ahmadis are identified as Muslims in their National Registration Identification Card. This fact gives the State Islamic Religious Department the right to investigate the Ahmadiyya community and call them to the State’s Shariah Court.
- 4.3.5 There is no real durable solution for Ahmadis in these countries. In relation to Malaysia, many of the Ahmadi refugees meet the UNHCR vulnerability guidelines. However, their resettlement to third countries remains a huge challenge that should receive additional consideration in view of the extreme vulnerability faced by the Ahmadi community in country of origin i.e. Pakistan. Notwithstanding the principle of non-refoulement, in which Ahmadis ordinarily could not be returned to Pakistan where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm, there have been instances when Ahmadis were forcibly deported from Thailand and Malaysia.
- 4.3.6 Refugees also face issues in Sri Lanka, Uganda and parts of the Middle East. In **Sri Lanka** there are around 1,500 refugees who were caught up in the general sectarian violence and faced opposition from the local indigenous community including physical threats. In **Uganda**, Ahmadi refugees are also facing issues with their claims with some facing the threat of deportation due to the discriminatory policy adopted by the State. For the past 5 years the Government of Uganda has totally refused to accept any

⁴³ UK All-Party Parliamentary Group for the Ahmadiyya Muslim Community, “Suffocation of the Faithful: the persecution of Ahmadi Muslims in Pakistan and the rise of international extremism” (2020), p. VI.

⁴⁴ IHRC Report (2019): Fact Finding Mission to Thailand and Malaysia – From Persecution to Desperation, pp.64-67.



cases of Pakistani Ahmadis seeking asylum in Uganda. In the **Middle East**, the numbers are less but many hide below the radar since these are Muslim countries.

5. INFRINGEMENT OF RIGHT TO PRIVACY THROUGH CYBER LAWS

- 5.1 On 24 December 2020, the Pakistan Telecommunication Authority (the “PTA”) emailed two US citizens who are members of the US-based Ahmadiyya Muslim Community with a legal notice to remove the U.S. based website – www.trueislam.com – for containing “blasphemous” content in violation of Pakistan’s Blasphemy Law and Cyber Laws (**See Annex 1 – Background**). Under the law, there can be a 500 million rupee fine (\$3.1M USD) for non-compliance, along with potential prosecution which includes a 10-year prison sentence without bail.
- 5.2 On 25 December 2020, the PTA issued takedown notices to Google and Wikipedia to remove content associated with the Ahmadiyya Muslim Community, claiming that it amounted to disseminating sacrilegious content through these platforms. The Pakistan Government is:
 - a) Requiring Wikipedia to remove articles portraying the worldwide Caliph of the Ahmadiyya Muslim Community, His Holiness Mirza Masroor Ahmad, as a Muslim;
 - b) Requiring Google to remove a Google play app published by the Ahmadiyya Muslim Community, which provides Arabic and English translations of the Qur’an; and
 - c) Requiring Google to change their algorithm for the search queries “Khalifa of Islam” and “Caliph of Islam”. The PTA has threatened penalties and prosecution for non-compliance and action is also being taken in other Western countries.
- 5.3 In the past few weeks, the PTA has issued takedown notices to the Ahmadiyya Muslim Community in Australia, Canada and the UK.
- 5.4 The original intent behind the Cyber Laws was to curb online harassment and terrorist content in the wake of the 2014 terrorist attack on the Army Public School in Peshawar. However, these Cyber Laws are being misused to target minorities. More disturbingly these Cyber Laws target foreigners outside of Pakistan provided their actions are directed at Pakistan. Effectively, this is applying Pakistani law globally including to acts undertaken outside of Pakistan by people who are not citizens of Pakistan.
- 5.5 This attempt to extend Pakistan’s persecution of Ahmadis to other jurisdictions is a dangerous escalation. The Pakistani government must end its policing of Ahmadis outside the country, and focus on providing an enabling environment for free speech, expression, and freedom of religion inside Pakistan. Members of the Ahmadiyya Muslim Community are already a major target for blasphemy prosecutions, and are subjected to specific anti-Ahmadi laws across Pakistan. These include the use of anti-terror laws and cyber laws against them.
- 5.6 Policing Ahmadis digitally on what they can or cannot preach, no matter where they are, is a violation of Pakistan’s legal obligations under the International Covenant on Civil and Political Rights to which the country is a state party.

6. ANTI-TERRORISM ACT

- 6.1 There is a very broad definition of terrorism laid down in the Anti-Terrorism Act; by the Act’s supremacy over other laws, including the Juvenile Justice System Ordinance, 2000, which enables the courts to try juveniles; by the power of the authorities to detain a person for up to one year; and by the admissibility of confessions made in police custody as evidence in court, provided for in section 21-H of the Act. It is also concerned by the extensive jurisdiction of antiterrorism courts and the huge backlog of cases, as well as the absence of procedural safeguards in court proceedings (arts. 2, 6, 7, 14 and 15).
- 6.2 This legislation was supposed to stop sectarian hatred against minorities but is increasingly used by the State to ban Ahmadi literature and by extremist clerics to target Ahmadis. This has profound implications and is more far reaching than the Blasphemy Laws as any Ahmadi can now be arrested without notice and without any recourse to bail. The penalty is a mandatory five-year sentence of imprisonment. It is extremely concerning that Ahmadis are being profiled under this legislation. The National Plan of Action is the origin of the raid in the Rabwah, Chakwal attack and the arrest of Abdul Shakoor (elderly bookshop



owner). Pakistan is using anti-terrorism laws as a pretext for denying Ahmadis their fundamental human right to religious freedom. The arrest and sentencing of Abdul Shakoor is yet another example of Pakistan's systematic and egregious violations of freedom of religion or belief.

7. TREATY BODIES, UNIVERSAL PERIODIC REVIEWS AND SPECIAL PROCEDURES

a) *Universal Periodic Review*

- 7.1 The treatment of Ahmadi Muslims as set out above has occurred notwithstanding repeated appeals and recommendations by the international community.
- 7.2 In Pakistan's first Universal Periodic Review (UPR) of 2008, **Canada** noted the treatment of the Ahmadiyya community, including the Constitution, which outlawed Ahmadi Muslims. It recommended removing restrictions on religion or belief that discriminated against minorities, such as Ahmadis.⁴⁵
- 7.3 In its second UPR of 2012, the **United States** expressed serious concerns about the violence against Ahmadi communities.⁴⁶ Moreover, **Canada** recalled its 2008 recommendations on amending legislation which permitted the imprisonment of Ahmadis for preaching their beliefs. **France** made a recommendation to repeal the blasphemy laws and to guarantee freedom of religion for Ahmadis.⁴⁷
- 7.4 In particular, during the second UPR in 2012, Pakistan received seven recommendations related to its blasphemy laws. Pakistan rejected recommendations 122.30, which called for the derogation of the law on blasphemy to guarantee in practice the right to freedom of religion. Pakistan noted a number of recommendations including recommendation 122.28, which asked the Government to ensure that blasphemy laws and their implementation are in line with international law (Switzerland); enact legislation ensuring freedom of religion and belief for all religious groups and consider abolishing the so-called blasphemy laws; repeal or reform thoroughly the so-called blasphemy law; recommendation 122.31, which asked Pakistan to modify or repeal the blasphemy laws in order to bring them in line with the principles related to freedom of thought, conscience and religion, and in particular with its obligations under the International Covenant on Civil and Political Rights (ICCPR); recommendation 122.32, which called for repealing the discriminatory blasphemy laws against religious minorities and ensure that there is no impunity for those who commit hate crimes; repealing the blasphemy law and respect and guarantee freedoms of religion or belief and of expression and opinion for all, including Ahmadis, Hindus and Christians; and recommendation 122.33, which called for repealing the blasphemy law, or at least amend it to protect persons from eventual abuses or false accusations and lighten corresponding penalties, that are currently disproportional.
- 7.5 In its third UPR of 2016, recommendations to protect the rights of Ahmadis, to take measures to protect minorities such as Ahmadis and to repeal the blasphemy laws and their use against Ahmadis were made by **France, Argentina, the Netherlands, New Zealand and the USA**.⁴⁸
- 7.6 However, despite the recommendations received in the three review cycles, Pakistan has yet taken any concrete action or shown sufficient political will to protect and support the Ahmadiyya Community from the violence, intolerance and discrimination it faces.

b) *Treaty Bodies*

- 7.7 Pakistan is a party to multiple [human rights treaties](#). All States parties are obliged to submit regular reports to the different committees of treaties on how the rights are being implemented. States must report initially one year after acceding to the Covenant or Convention and then whenever the committees request (usually every two to five years depending on the Committee). Each Committee examines each report and addresses its concerns and recommendations to the State party in the form of "concluding observations".

⁴⁵ Report of the Working Group on the Universal Periodic Review (4 June 2008) (8th Session), p.6.

⁴⁶ Report of the Working Group on the Universal Periodic Review (26 December 2012) (22nd Session), p.7.

⁴⁷ Report of the Working Group on the Universal Periodic Review (26 December 2012) (22nd Session), p.17 (recommendation 32).

⁴⁸ Report of the Working Group on the Universal Periodic Review (29 December 2017) (37th Session), pp.18-19 (recommendations 84, 148, 155, 160 and 168).



7.8 From the latest reviews on Pakistan by Committee on the Elimination of Racial Discrimination and Committee on the Rights of the Child in 2016, Human Rights Committee in 2017 as well as Committee on the Elimination of Discrimination against Women in 2020, please see relevant extracts below that referred to Ahmadis and other minorities.

7.9 The **Committee on the Elimination of Racial Discrimination** also reviewed Pakistan in 2016 and in its Concluding observations (2016) [CERD/C/PAK/CO/21-23](#), it provided observation and recommendations as the following:

- “ *that it remains deeply concerned at the reportedly high incidence of hate crimes such as harassment, violent mobs and killings of persons belonging to ethnic and religious minorities, particularly Hazaras, Christian Dalits, Hindu Dalits and Ahmadis, and the absence of investigation and prosecution.*
- *that the State party intensify its efforts to end violence against Ahmadis, Hazaras, Dalits and other minority groups, and take effective measures to combat the segregation of members of those communities. It also recommends that the State party ensure that those who are in segregated areas enjoy their rights as stipulated in article 5 of the Convention, particularly the rights to employment, health care, education and other basic services.*
- *that the State party consider repealing the blasphemy laws that go against freedom of expression and religion, as established in the Constitution. It also recommends that the State party take all measures necessary to prosecute and punish those who have made false accusations and to provide effective remedies to the victims of false accusations. The Committee urges the State party to take all measures necessary to protect the judges who hear blasphemy cases and those accused of blasphemy.”*

7.10 In particular, on **racist hate speech and hate crimes**, it stated:

“15. The Committee notes the efforts made by the State party to address racist hate speech and hate crimes, including a number of arrests for such crimes. However, it remains deeply concerned at the reportedly high incidence of hate crimes such as harassment, violent mobs and killings of persons belonging to ethnic and religious minorities, particularly Hazaras, Christian Dalits, Hindu Dalits and Ahmadis, and the absence of investigation and prosecution. It is also concerned at reports of a rise in racist hate speech targeting ethnic and religious minorities and refugees, including by public officials and political parties, in the media, on social networks and at religious gatherings (arts. 2, 4 and 6).

16. Drawing the State party’s attention to its general recommendation No. 35 (2015) on combating racist hate speech, the Committee recommends that the State party:

- (a) Take effective measures to enhance the reporting of racist crimes, including through reinforcing victims’ trust in the police and prosecutors;**
- (b) Investigate all reported cases of racist hate speech and hate crimes, prosecute and punish the perpetrators with penalties commensurate with the gravity of the offences, and provide the victims with effective remedies;**
- (c) Take comprehensive measures to combat racist hate speech, including through enhanced human rights education and awareness-raising campaigns, and ensure that public officials refrain from such speech and condemn it.”**

7.11 **On violence and segregation of minorities**, it stated:

“19. The Committee is concerned at violence against minorities, particularly **Ahmadis**, Hazaras and Dalits, and their de facto segregation in isolated areas without



fair access to employment, health care, education and other basic services, which is exacerbated by growing violence against them (arts. 3 and 6).

“20. The Committee recommends that the State party intensify its efforts to end violence against Ahmadis, Hazaras, Dalits and other minority groups, and take effective measures to combat the segregation of members of those communities. It also recommends that the State party ensure that those who are in segregated areas enjoy their rights as stipulated in article 5 of the Convention, particularly the rights to employment, health care, education and other basic services.”

7.12 **In relation to blasphemy laws**, it stated:

“21. The Committee notes the State party’s efforts to prevent misuse of the blasphemy laws. However, it is concerned at the broad and vague definition of offences against religions provided for in those laws, including sections 295, 295-A, 295-B, 295-C, 298-A, 298-B and 298-C of the Pakistan Penal Code 1860, and the disproportionate use of those laws against individuals belonging to ethnic and religious minorities. It is also concerned at reports about the large number of blasphemy cases based on false accusation and the absence of investigation and prosecutions, as well as reports that the judges who hear blasphemy cases and those accused of blasphemy are facing intimidation, death threats and murder (arts. 5 and 6).

22. The Committee recommends that the State party consider repealing the blasphemy laws that go against freedom of expression and religion, as established in the Constitution. It also recommends that the State party take all measures necessary to prosecute and punish those who have made false accusations and to provide effective remedies to the victims of false accusations. The Committee urges the State party to take all measures necessary to protect the judges who hear blasphemy cases and those accused of blasphemy.”

7.13 The **Committee on the Rights of the Child** in its concluding observation (insert document reference and hyperlink) in 2016 stated that is seriously concerned about the limited freedom of religion in the State party, the sectarian violence targeting children from religious minorities, such as Shia Muslims, Hindus, Christians and Ahmadis, and forced conversions. It is particularly concerned about the blasphemy laws and that religious intolerance is taught in schools and that some school textbooks include derogatory statements about religious minorities.

7.14 The Committee urged the State to:

- (a) **Protect the freedom of religion of all children, including Shia Muslim, Hindu, Christian and Ahmadi children, and ensure that children are able to choose their religion, or not to profess any religion at all, including in schools;**
- (b) **Review and repeal its blasphemy laws to avoid their misuse or misinterpretation and ensure that children under the age of 18 years are exempt from criminal responsibility for such crimes;**
- (c) **Remove all derogatory statements about religious minorities from school textbooks and promote the teaching of tolerance, non-discrimination and human rights.**

7.15 The **Human Rights Committee** produced a “List of issues in relation to the initial report of Pakistan” on 15 November 2016 (CCPR/C/PAK/Q/1⁴⁹). Regarding Pakistan’s compliance with Article 18 and related elements of the Covenant, the Committee noted the position of Ahmadis and other minorities. It made a number of requests including asking for clarification if Ahmadis had *the right to profess, practice and propagate their faith, how religious and Ahmadi-specific laws are compatible with article 18 of the*

⁴⁹<https://digitalibrary.un.org/record/1312220?ln=en>



Covenant and with article 20 of the Constitution. and the measures taken by the State to eliminate discrimination and violence against religious minorities in the State including Christians, Hindus, Shia Muslims and Ahmadis.

7.16 On 15 March 2017, Pakistan responded to the “List of issues” (CCPR/C/PAK/Q/Add.1). It stated:

“Regarding Ahmadiyas, after the 2nd Amendment (article 260 (3), of 1974) in the Constitution of Pakistan, 1973, the Ahmadiya Community has been declared as a minority. The Ahmadiyas have under Article 20 of the Constitution all rights as citizens of Pakistan, including to profess their religious beliefs without discrimination.” (emphasis added)

7.17 The government went on to defend Pakistan’s Blasphemy Laws:

“Blasphemy Laws aim at ensuring public order and harmony in society, by seeking to prevent inter religious discord and incitement to violence, inter alia through hate speech. Blasphemy law in Pakistan is not discriminatory as it is based on respect for all religions. It deals with offences against all religions and applies to Muslims and non-Muslims alike.”

7.18 The Committee in its concluding observations⁵⁰ (2017) [CCPR/C/PAK/CO/1](#) made a number of important observations and recommendations in particular on freedom of religion or belief, right to participation in public affairs and the national human rights institutions.

7.19 **On national human rights institution**, it stated:

“9. While welcoming the establishment of the National Commission for Human Rights in 2015, the Committee is concerned that the Chairman of the Commission reportedly did not receive the required authorization to travel to Geneva to meet with the Committee and that there are indications that the Commission is not fully independent. The Committee is also concerned that, according to its constitutive status, the Commission is prevented from fully cooperating with United Nations human rights mechanisms, cannot inquire into the practices of the intelligence agencies and is not authorized to undertake full inquiries into reports of human rights violations by members of the armed forces (art. 2).

10. The State party should adopt all legislative, policy and institutional measures necessary to ensure that the National Commission for Human Rights is able to carry out its mandate fully and in an effective and independent manner, and in full conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The State party should strengthen the power of the Commission and ensure that it is able to investigate all allegations of violations of rights recognized in the Covenant committed by any official entity, including those allegedly committed by members of the intelligence agencies or armed forces. The State party should also strengthen its efforts to provide the Commission with sufficient financial and human resources to carry out activities throughout the territory of the State party.”

7.20 **On freedom of religion, conscience and belief**, it stated:

“33. The Committee is concerned by the blasphemy laws, including sections 295 and 298 of the Pakistan Penal Code, that carry severe penalties, including the mandatory death penalty (sect. 295(C)), and reportedly have a discriminatory effect, particularly on **Ahmadi persons** (section 298 (B) and (C)); by the very high number of blasphemy cases based on false accusations and by violence against those accused of blasphemy, as illustrated by the case of Mashal Khan; and by repeated reports that judges who hear blasphemy cases are frequently harassed and subjected to intimidation and threats. While noting the judgment of the Supreme Court of 19 June 2014, the Committee regrets the absence of information on the implementation of that judgment, and remains concerned by the continued reports of hate speech and hate crimes against persons belonging to religious minorities and their places of worship

⁵⁰ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/246/36/PDF/G1724636.pdf?OpenElement>



and by the religiously biased content of textbooks and curricula in public schools and madrasas (arts. 2, 14, 18 and 19).

34. The State party should:

(a) Repeal all blasphemy laws or amend them in compliance with the strict requirements of the Covenant, including as set forth in the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, para. 48;

(b) Ensure that all those who incite or engage in violence against others based on allegations of blasphemy, as well as those who falsely accuse others of blasphemy, are brought to justice and duly punished;

(c) Take all measures necessary to ensure adequate protection of all judges, prosecutors, lawyers and witnesses involved in blasphemy cases;

(d) Ensure that all cases of hate speech and hate crimes are thoroughly and promptly investigated and that perpetrators are prosecuted and, if convicted, punished;

(e) Review school textbooks and curricula with a view to removing all religiously biased content, incorporate human rights education therein and continue to regulate madrasas;

(f) Fully implement the judgment of the Supreme Court of 19 June 2014.”

7.21 **On the right to participate in public affairs, it stated:**

“ 47. While noting the adoption of quotas for women and minority persons in the national and provincial parliaments and in public services and quotas for persons with disabilities in public services, the Committee is concerned that the minority quota is applied only to religious minorities, and regrets the absence of sufficient information on the implementation of these quotas. It is also concerned by the removal of Ahmadis from the general electoral list and their registration on a separate voting list, the low level of exercise of the right to vote by women and remaining obstacles to effective access to voting for persons with disabilities and persons belonging to minorities, including gypsies (arts. 2, 25, 26 and 27).

48. The State party should review its regime of temporary special measures, including quotas for minorities, to ensure that they apply to all persons belonging to religious, cultural and ethnic minorities and ensure that every citizen, on general terms of equality, is able to effectively participate in the conduct of public affairs and have access to public services. The State party should improve the election system and procedures with a view to ensuring that all voters are included on electoral lists and that all citizens can exercise their right to vote without obstacles.”

7.22 The Committee on the Elimination of Discrimination against Women in its concluding observations (2020) [CEDAW/C/PAK/CO/5](#) on the fifth periodic report of Pakistan provided some recommendations and observations of concerns:

“ 14. The Committee recommends that the State party adopt a national action plan for the implementation of Security Council resolution [1325 \(2000\)](#), in cooperation with representatives of women's civil society organizations from the different provinces, and ensure that the plan:

(a) Takes into consideration the full spectrum of the Security Council agenda on women and peace and security, as reflected in Council resolutions [1325 \(2000\)](#), [1820 \(2008\)](#), [1888 \(2009\)](#), [1889 \(2009\)](#), [1960 \(2010\)](#), [2106 \(2013\)](#), [2122 \(2013\)](#), [2242 \(2015\)](#), [2467 \(2019\)](#) and [2493 \(2019\)](#);

(b) Incorporates a model of substantive equality that, in line with the Convention, will have an impact on all aspects of women's lives and will address gender-based violence against women and intersecting forms of discrimination against women, in particular women with disabilities and **Ahmadi**, Christian, Dalit, Hindu, Roma, Sheedi and Sikh women and girls;



Disadvantaged groups of women

47. The Committee notes with concern:

(a) The persistence of discriminatory stereotypes faced by women and girls belonging to ethnic minority groups, in particular **Ahmadi**, Christian, Dalit, Hindu, Roma, scheduled caste, Sheedi and Sikh women and girls, who are sometimes the victims of abduction and forced conversion;

(b) The insufficient information and data on the situation of women facing intersecting forms of discrimination, including women with disabilities and **Ahmadi**, Christian, Dalit, Hindu, Roma, scheduled caste, Sheedi and Sikh women and girls.

48. The Committee recommends that the State party:

(a) Address intersecting forms of discrimination against women and girls belonging to ethnic and religious minority groups, in particular **Ahmadi**, Christian, Dalit, Hindu, scheduled caste, Roma, Sheedi, and Sikh women and girls;

(b) Provide information, disaggregated by sex, age, disability, ethnicity, religion and geographical location, collected through the Human Rights Information Management System, on women facing intersecting forms of discrimination in its next periodic report.”

c) Special Procedures

7.23 Pakistan has not extended a standing invitation to the Special Procedures for country visits. Many mandates have requested a country visit to Pakistan without success with the exception of few. See [here](#) for the list of country visit requests since 1998, only 3 country visits have taken place since 1998 and in 2021, the Government has invited the mandate holder on education and disability for a country visit. From Dec 2010 to date, Pakistan has received 115 [communications](#) from Special Procedures, among which, some communications also raised serious concerns on Ahmadiyya issues.

7.24 Mr Abdelfattah Amor, the Special Rapporteur on freedom of religion or belief visited Pakistan from 12 June to 22 June 1995 in accordance with the Commission on Human Rights Resolution 1995/23. Ahmadis were mentioned prominently in his report, indicating that the Ahmadis were restricted of their right to freedom of religion or belief, including identifying themselves as Muslims, manifesting their religious activities or practices and accessing places of worship and cemeteries. Furthermore, the Special Rapporteur also found that Ahmadis were subject to religious intolerance and systemic discrimination. Some of the concerns highlighted by the Special Rapporteur in relation to Ahmadis included:

- a) that any claim by Ahmadis to be Muslims constituted a provocation against Muslims, which made it difficult to ensure their protection.
- b) the passport application form also asks holders to identify their religion, while Muslims must state that they do not recognize Ahmadis or the Founder of Ahmadis, Mirza Ghulam Ahmad as Muslim.
- c) the religious activities of Ahmadis are seriously restricted, especially as a result of the 1974 constitutional amendment declaring them to be a non-Muslim minority, Ordinance XX of 1984 and the blasphemy law.
- d) Ahmadis have been accused of claiming to be Muslim under the terms of section 295 C, which provides the death penalty. In addition, it has been reported that Ahmadis are not authorized to bury their dead in Muslim cemeteries.



7.25 In particular, he made the following recommendations in his country visit report, [E/CN.4/1996/95/Add.1](#):

“ 82. ...the Special Rapporteur has concluded, after careful thought and having studied the matter and consulted other views, that the present State laws related to religious minorities, and more generally speaking the subject of tolerance and non-discrimination based on religion or belief, are likely to favour or foster intolerance in society. The law applied specifically to the Ahmadi minority is particularly questionable and in some respects frankly unwarranted. More generally speaking, blasphemy as an offence against belief may be subject to special legislation. However, such legislation should not be discriminatory and should not give rise to abuse. Nor should it be so vague as to jeopardize human rights, especially those of minorities. If offences against belief are made punishable under ordinary law, then procedural guarantees must be introduced and a balanced attitude must be maintained. While protecting freedom of conscience and freedom of worship is clearly a necessity, applying the death penalty for blasphemy appears disproportionate and even unacceptable, especially in view of the fact that blasphemy is very often the reflection of a very low standard of education and culture, for which the blasphemer is never solely to blame. The Special Rapporteur endorses the Government’s proposal to amend procedural aspects of the blasphemy law and would encourage it not only to give effect to this proposal, but also to go further in amending the law on blasphemy and more generally on religious offences in accordance with the views expressed above. The Special Rapporteur believes that in any event some practical measures, especially administrative and educational, should be implemented pending more substantial constitutional and legislative changes.

85. The Special Rapporteur also considers that no mention of religion should be included on passports, on identity card application forms or on any other administrative documents. Deletion of the statement required of Muslims regarding non-recognition of Ahmadis as Muslims in passport application forms is strongly recommended.”

7.26 The Special Rapporteur on the independence of judges and lawyers conducted an official visit to the Islamic Republic of Pakistan at the Government’s invitation from 19 to 29 May 2012. One of the recommendations was that Blasphemy laws, Hudood Ordinances, and anti-Ahmadi laws, as well as any other discriminatory legal provision, should be repealed and replaced with provisions in conformity with Pakistan’s Constitution and the international human rights law instruments to which Pakistan is a party.

7.27 At the invitation of the Government of Pakistan, the Working Group on Enforced or Involuntary Disappearances visited the country from 10 to 20 September 2012. The Working Group called on the Government of Pakistan to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to recognize the competence of the Committee on Enforced Disappearances to consider individual and inter-State complaints, pursuant to articles 31 and 32 of the Convention. The Working Group also recommended the ratification of the Rome Statute of the International Criminal Court, which includes enforced disappearances as a crime against humanity.



8. SUMMARY

- 8.1 The promulgation of Ordinance XX in 1984 has resulted in members of the Ahmadiyya community in Pakistan becoming more vulnerable to various forms of attack and harassment. The desecration of Ahmadi places of worship and attacks on private houses of Ahmadis is a recurrent phenomenon. The right to assembly of Ahmadis has frequently been curtailed; the annual meeting of the Ahmadiyya community has been banned since 1984. Ahmadi newspapers and magazines are frequently banned if articles in them are considered to offend the religious feelings of orthodox Muslims. The law enforcement authorities do not provide adequate protection or redress to Ahmadis who have been subjected to assault, attack, or provocation by non-Ahmadis.
- 8.2 Whether Ahmadis are recognised as Muslims or not, we are concerned that under the increasingly stringent legislation in Pakistan, members of the Ahmadiyya Community can be imprisoned and even sentenced to death solely for the exercise of their right to freedom of religion including the right to express their religion, either individually or in community with others. The legislation contained in Ordinance XX provides for imprisonment on grounds of religious belief.
- 8.3 We are also concerned that the freedom of expression and the freedom of association of members of the Ahmadiyya community have not been effectively safeguarded in Pakistan. In situations of religious conflict, the authorities have a particular responsibility to safeguard the fundamental rights of the minority, including the right to liberty and the safety of the person. We are concerned that the authorities in Pakistan have not always taken effective steps to protect these rights and, when these rights come under attack, to provide for adequate redress.
- 8.4 In the past year alone, at least 24 criminal cases were registered against members of the Ahmadiyya Muslim Community in Pakistan on religious grounds, including a jeweller who was charged for having sacrificed a cow and then distributing the meat. At least six members were killed in separate targeted attacks, including an elderly man, who was shot dead inside a courtroom.
- 8.5 The escalation in the use of Cyber Laws and anti-terror laws against Ahmadis is a major development that transcends the boundaries of Pakistan and targets overseas nationals.
- 8.6 Blasphemy legislation is implemented at political, economic, social, and educational level affecting Ahmadis from all sectors of society and of all ages. This repressive legislation and state-endorsed compliance has had traumatic consequences for all Ahmadis as they continue to live in fear of daily persecution by the state, the judiciary, the police, religious vigilantes, media, and the general public, thus effectively denying them their most basic fundamental entitlements of religious freedom and human rights.
- 8.7 Law enforcement agencies are frequently unsympathetic and unwilling and often unable to provide protection to Ahmadis due to pressure from orthodox clerics and mob violence. The Judiciary is intimidated and placed under pressure by clerics and lawyers who share fundamentalist ideologies.
- 8.8 At the political level Ahmadis continue to face political discrimination. This political persecution is institutionalised throughout all bureaucratic procedures, including identity cards and passport applications, access to public services, job applications and entry for school examinations which all require a declaration of religious belief.
- 8.9 In economic and work-related terms, Ahmadis remain discriminated against at the workplace: their shops are boycotted or destroyed, promotions are denied, they are often refused employment, and face daily harassment. Ahmadis are also frequently denied the right to visit local shops and banners targeting Ahmadis are often posted at the entrance of markets.
- 8.10 At the social level the Report supplies multiple examples of how Ahmadis are forbidden to practice their religion, including everyday practices, and how religious clerics and organisations target Ahmadis through hate campaigns and deadly attacks. The police often remain passive or condone violence in the face of targeted attacks and law enforcement agencies and the judiciary are too implicated or too afraid to effectively deal with these violations.



- 8.11 Media, journalists or lawyers supporting the Community are also frequently the objects of violent pursuits and Ahmadis who have been denied asylum in other countries often return to an insecure and fearful existence.
- 8.12 At the educational level students and teachers face constant discrimination. Such discrimination is prevalent from the primary to the university level and Ahmadi children and teachers are often forced out of school or higher education through to acts of bullying, threats and explicit violence. The psychological impact on Ahmadis living within this climate of fear, intimidation and systematic persecution needs to also be considered, particularly the impact on the young, elderly and vulnerable.
- 8.13 The Ahmadiyya Muslim Community in Pakistan is facing potential systematic genocide. The long-standing, targeted and regressive laws, coupled with pandering to demands of religious extremists is a path that leads ultimately towards genocide. The prevailing situation has gathered pace and momentum and the hostility in everyday life is becoming so intense that an increasing number of Ahmadi Muslims have sought asylum abroad.
- 8.14 The environment of hate and extremism has also impacted other religious communities, with the persecution of Shias continuing to spiral, and Christians also being widely persecuted. We urge the international community to intervene to stop the current escalation of the persecution of Ahmadis particularly in Pakistan.
- 8.15 Throughout the world, the Community has suffered numerous acts of harassment, discrimination, intimidation and violence committed by State agencies or non-State actors or a combination of both. Such acts inter alia include the dissemination of hate propaganda through public media; attempts to alienate Ahmadi children from their families, for instance in the context of school education; administrative stipulations employed to prevent people from defining their religious identities freely and openly; threats of draconian blasphemy laws, partially explicitly targeting the Community; systematic discrimination in all sectors of society, including education, the labour market and access to health care; destruction of houses of worship and vandalism of cemeteries; targeted killings in a climate of impunity; denial of asylum on religious grounds. Violation of freedom of religion or belief of Ahmadis typically goes hand in hand with other human rights abuses.
- 8.16 Global persecution against Ahmadis, seeding from Pakistan into other countries, although beginning many years ago is now intensifying. Ahmadis in countries as far as Thailand, Malaysia, Algeria, and Bangladesh are facing similar persecution from the State and non-state actors with no signs of such treatment abating. If left unmanaged, the persecution of Ahmadis will continue to spread until it is too late to contain.
- 8.17 The absence of the necessary political will (largely due to fear of reprisal from but at times also due to sympathies with orthodox clerics) prevents any progress in improving the Human Rights violations against Ahmadis through law reforms or provision of the necessary backing and resources.
- 8.18 Under international human rights law, the State is obliged to respect everyone's freedom of religion or belief and provide protection against any infringements from third parties. State cannot impose religious views on its citizen, and must offer equal protection of the law to all within its jurisdiction,
- 8.19 We hope action will be taken by the international community to safeguard and protect the human rights of Ahmadis so that they can live with dignity as equal citizens of their respective country.

9. RECOMMENDATIONS AND APPEAL TO INTERNATIONAL COMMUNITY

9.1 *Short-Term*

9.1.1 Citizenship

Right to vote – one person one vote. Having separate list/seats for minorities leads to the view of the other, divides and works against the minority groups it is supposed to protect.

Religious ideology in Pakistan being used to incite fear and hate of Ahmadis. The institutions of the State are used to transform the fear and hate into the myriad acts of persecution against Ahmadis. The Rwanda genocide is an example of where this can lead to.



Every citizen of Pakistan should be entitled to vote without any limitations on this fundamental human right.

9.1.2 Stop the misuse of Cyber Laws, Anti-Terror laws and Hate Material

Anti-Terror laws should not be used against Ahmadis or other religious or ethnic minorities and their literature should not be classified as hate literature for these purposes. These laws are used other than their intended purpose to further persecute and discriminate religious minorities. It is the duty of the State to keep Ahmadis safe and free from hate speech in the first place and not produce hate material.

Similarly, Cyber Laws should not be used to target Ahmadis within Pakistan and certainly not those in foreign countries as this is extra-territorial and Pakistan would be extending its reach beyond its borders by targeting overseas nationals which poses national security concerns.

9.1.3 Return the Nationalised Schools and Colleges of the Ahmadiyya Muslim Community

Pakistan should return the nationalized schools and colleges of the Ahmadis in accordance with the Pakistan government's own policy in this regard. Pakistan has returned such institutions to other minorities but not Ahmadis.

9.1.4 Sanctions

Consider the various types including at State level the use of 'Magnitsky' type sanctions. By way of example in the UK sanctions should be considered under the new global human rights regime to stop those involved in serious human rights abuses and violations from entering the country, channelling money through UK banks, or profiting from the economy. The measures target individuals and organisations rather than nations. The regime also considers violations and abuses motivated on the grounds of religion or belief. This should be looked at in consultation with US, Canada and EU.

9.2 Long-Term

9.2.1 Stop the Persecution of Ahmadis and repeal Ordinance XX

This is in the interests of the international community as the above breeds violent extremism and terrorism and affects the national security of States. This will also stop the need of refugees fleeing Pakistan to seek international protection.

The State should protect its citizens. Pakistan has treaty obligations to protect all its citizens, including Ahmadis.

ANNEX 1 - PTA NOTICE**Legal Notice - Trueislam.com****Web Analysis Cell** <webanalysiscell@pta.gov.pk>

Thu, Dec 24, 2020 at 6:50 AM

To: [REDACTED]

Dear Administrator,

It has come to the notice of Pakistan Telecommunication Authority (“**PTA/Authority**”) that your Social Media Website i.e <https://trueislam.com>, is involved in hosting/dissemination of content related to Ahmadiyya/Qadiani’s Community who are claiming themselves to be Muslims. It may be noted that Ahmadiyya/Qadiani’s can neither directly/indirectly pose themselves as Muslims nor call or refer to their faith as Islam. They are also not allowed to preach or propagate their faith or invite others to accept their faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever which outrages the religious feelings of Muslims, therefore, the hosting/dissemination of content in this regard is cognizable offences under section 295-A, 298-B and 298-C of Pakistan Penal Code 1860 (“**PPC**”) and *per se* abuse of Article 260 (3) and Article 31 of the Constitution of Islamic Republic of Pakistan, 1973 (“**Constitution of Pakistan**”).

It is submitted that PTA is empowered under section 37 (1) of PECA read with Rule 6 (2) of the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards), Rule 2020 (“**Rules**”) to remove or block or issue directions for removal or blocking of access to an information through any information system if it considers it necessary.

PTA has a quasi-judicial role and Rule 4(2) of Rules empowers PTA that any direction issued by the PTA shall prevail and take precedence over any contrary Community Guideline and any such Community Guideline shall be null and void. Furthermore, Rule 15 of the Rules provides that all directives, guidelines and orders issued by the PTA shall be binding.

PTA has also been empowered under Rule 6 (5) and Rule 8 of the Rules to issue directions for blocking of the entire Online System, or any service provided by such Service Providers owned or managed by the said Service Providers or Social Media Company. Moreover, in case the Service Provider or the Social Media Company fails to abide by the PECA, Rules and any direction issued by PTA then the Authority may impose penalty up to rupees five hundred million as well.

In view of the above, your Social Media Website i.e <https://trueislam.com> is hereby issued with this Notice pursuant to sub-Rule (2) of Rule 6 of the Rules requiring to remedy the aforementioned contravention by removing content related to Ahmadiyya/Qadiani’s Community **within (24) hrs** of the issuance of this notice and submit compliance report through return email (webanalysiscell@pta.gov.pk). The platform is at liberty to contact PTA either through a virtual or physical meeting to clarify position and satisfy the Authority within stipulated time.

Without Prejudice to the aforementioned submissions, in case of failure to comply with the aforementioned direction within stipulated timeline, PTA shall be constrained to initiate an action in accordance with applicable laws without further notice.

Regards,

Web Analysis Division



Pakistan Telecommunication Authority

Director (Public Relations), Headquarters, F-5/1, Islamabad
Twitter: @PTAOfficialPK | Facebook: facebook.com/PTAOfficialPK

PRESS RELEASE

PTA Issues Notices to Google & Wikipedia for Disseminating Sacriligious Content

(Islamabad: 25th December 2020): Pakistan Telecommunication Authority (PTA) issues Notices to Google Inc. and Wikipedia on account of disseminating sacriligious content through the platforms.

PTA has been receiving complaints regarding misleading search results associated with “Present Khalifa of Islam” and unauthentic version of Holy Quran uploaded by Ahmadiyya Community on Google Play Store. Being a matter of very serious nature, PTA has approached Google Inc. with the directions to immediately remove the unlawful content. The platform has been issued with the notice under Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguard) Rules 2020 (“Rules”) to remove the sacriligious content to avoid any legal action by the Regulator.

Complaints were also received regarding hosting of caricatures of Holy Prophet (PBUH) and dissemination of misleading, wrong, deceptive and deceitful information through articles published on Wikipedia portraying Mirza Masroor Ahmad as a Muslim. After extensive communication on the matter, Wikipedia has been finally served with the notice to remove the sacriligious content to avoid any legal action.

In case the platforms remain non-compliant, PTA shall be constrained to initiate further action under Prevention of Electronic Crimes Act 2016 (PECA) and Rules 2020.



ANNEX 2

1) *Constitution of Pakistan*

Freedom of religion and belief of the religious minority communities in the educational setting is also protected in the Constitution of Pakistan under Articles 20, 22, 25 and

Article 22 specifically addresses freedom of religion and belief in an educational setting with Article 22(1) stating that: *'No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.'*

Article 22(3)(a) guarantees the rights of religious communities to provide religious education for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination.

Article 22(3)(b) states that individuals should not be denied admission to education institution on the basis of their race, religion, caste or place of birth.

2) *Ordinance XX*

“298B. Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places.

(1) Any person of the Qadiani group or the Lahori group (who call themselves ‘Ahmadis’ or by any other name) who by words, either spoken or written, or by visible representation;

(a) refers to, or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (peace be upon him), as ‘Ameerul Mumineen’, ‘Khalifa-tui-Mumineen’, ‘Khalifatul-Muslimeen’, ‘Sahaabi’ or ‘Razi Allah Anho’

(b) refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (peace be upon him) as ‘Ummul-Mumineen’

(c) refers to, or addresses, any person, other than a member of the family (Ahl-e-bait) of the Holy Prophet Muhammad (peace be upon him), as ‘Ahl-e-Bait’; or

(d) refers to, or names, or calls, his place of worship as ‘Masjid’;

shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

(2) Any person of the Qadiani group or Lahori group (who call themselves Ahmadis or by any other name) who by words, either spoken or written, or by visible representation, refers to the mode or form of call to prayers followed by his faith as ‘Azan’ or recites Azan as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

298C. Person of Qadiani group etc., calling himself a Muslim or preaching or propagating his faith.

Any person of the Qadiani group or the Lahori group (who call themselves ‘Ahmadis’ or by any other name), who, directly or indirectly, poses himself as Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.”

3) *Section 295C Pakistan Criminal Code*

1. Short title and commencement

(1) This Act may be called the Criminal Law (Amendment) Act 1986. (2) It shall come into force at once.

2. Insertion of new section 295-C, Act XLV of 1860. In the Pakistan Penal Code (Act XLV of 1860), after section 295-B, the following new section shall be inserted, namely:



“295-C. Use of derogatory remarks, etc. in respect of the Holy Prophet.

Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.”