



BRIEFING

Pakistan's Blasphemy Laws

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Contact:

Email: ExternalAffairs@ahmadiyyaUK.org

www.StopThePersecution.org

PAKISTAN

The Issue

The Ahmadiyya Muslim Community in Pakistan is the only religious community to be explicitly targeted by Pakistan's laws on grounds of faith.

Anti-Ahmadi laws enshrined in the Pakistani constitution and its Penal Code are hard evidence of state-sponsored persecution against Ahmadi Muslims. Ahmadi Muslims are relentlessly harassed, denied civil rights and murdered on grounds of faith.

Such persecution is a far cry from the vision of Muhammad Ali Jinnah, the father of Pakistan. Jinnah's Pakistan was to be one where every citizen enjoyed equal treatment and was accorded full human rights.

Pakistan's constitution forcibly denies Ahmadi Muslims the right to self identify as Muslims.

Specific anti-Ahmadi laws create an atmosphere of apartheid where Ahmadis are treated as second-class citizens with imprisonment for 'crimes' such as reading the Holy Quran.

Ahmadi Muslims are prevented from exercising their human rights due to article 260 of the Constitution introduced in the 1974 Second Constitutional Amendment which legally defines Ahmadis as non-Muslims. This was compounded in 1984 with Ordinance XX amending the criminal laws to target Ahmadi Muslims, preventing them from practicing their Islamic faith.

A disproportionate number of blasphemy cases are filed against Ahmadi Muslims. For example, three Ahmadi Muslim men, Mubasher Ahmad, Ghulam Ahmed and Ehsan Ahmed were sentenced to death in 2017 for blasphemy on the grounds that they tore down posters in Bhoiwal, a village near Lahore, which promoted hatred against Ahmadi Muslims. Khalil Ahmed, a fourth accused, was shot and killed in police custody just days after the incident took place.

Anyone self-identifying as a Muslim is legally required to take an oath declaring Ahmadis as Non-Muslim and denouncing the founder of the Ahmadiyya Muslim Community as an impostor. As a result, the Pakistani passport states the religion of Ahmadi Muslims as 'Ahmadi' rather than Muslim - thereby also denying Ahmadis the right to perform their religious pilgrimage (Hajj) in Makkah (Saudi Arabia).

Pakistan's Anti-Ahmadi Laws

1974: Prime Minister Bhutto amends the Pakistan Constitution to declare Ahmadis as non-Muslim for the purposes of law.

1984: Under General Zia, the Government of Pakistan enacts Ordinance XX¹, making it a criminal offence, punishable by 3 years imprisonment and a fine or death, for Ahmadis to:

- Call themselves Muslims
- Refer to their faith as Islam
- Call their place of worship a 'Mosque'
- Make the call for prayers (Adhan)
- Say the Islamic greeting 'Assalamo alaikum' (Peace be on you)
- Preach or propagate their faith
- "Pose" as Muslims

These laws and their application constitute a denial of the rights of Ahmadi Muslims to freely profess and practise their faith without interference from the state. The laws conflict with the constitutional right to freedom of religion enshrined in Pakistan's constitution and represents a violation of international human rights treaties to which Pakistan is signatory.

The laws are also contrary to the vision of the founder, Muhammad Ali Jinnah, that the state has no right to interfere in the religious belief of its citizens.

Cyber Laws - A Back door to Blasphemy Laws

- Completely unjustified extension of Prevention of Electronic Crimes Act 2016 (PECA) to target Ahmadis.
- In November 2020, Pakistan enacted a new regulation , which amends PECA. These new Cyber Laws:
 - empowers Pakistan Telecommunications Authority ("PTA") to block or remove online content (Section 34 of PECA) "*it considers [] necessary in the interest of the glory of Islam or the integrity, security or defence of Pakistan . . . public order, decency or morality[.]*"; and
 - have extraterritorial reach by applying to "*any act committed outside Pakistan by any person if the act constitutes an offence under [these laws] and affects a person, property, information system or data located in Pakistan.*" Section 1(4).

¹ Section 298C of Pakistan's Penal Code states:

"Any person of the group ... 'Ahmadis' ... 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."

- **This means that PTA – rather than a court - can make a call if online material (both inside and outside Pakistan) is blasphemous and order its removal.**
- One of the first use of these laws was against Ahmadis and Ahmadis are being arrested and charged with blasphemy through the backdoor via these cyberlaws – that are targeting their social media, whatsapp and websites in Pakistan and outside.
- Six Ahmadis have been arrested and 17 named in police reports (FIRs) under these laws.
- Ahmadis have nowhere to go to learn about their faith - even online. This is having a devastating impact on their children – depriving them of a fundamental right to learn about their beliefs.

The Impact

These laws have emboldened other state actors and extremists to harass, attack and kill Ahmadi Muslims in Pakistan.

Denied the right to life

Since 1984, hundreds of Ahmadi Muslims have been murdered on grounds of faith. The deadliest attack on the community occurred in May 2010, when the Pakistani Taliban attacked worshippers during Friday prayers at two Ahmadi mosques in Lahore, killing 86 people. The latest murder was of 60-year old Mr Naseer Ahmadi in August 2022. He was stabbed to death in Rabwah, Pakistan - home to the headquarters of the Ahmadiyya Muslim Community.

Denied the right to vote

As acknowledged by two EU Electoral Observer Missions, Ahmadis are denied the right to vote in local, provincial and national elections. The decisions of the Electoral Commission of Pakistan (ECP) in respect of Pakistan's local body elections have further institutionalised Pakistan's disenfranchisement of the Ahmadiyya Muslim Community with Ahmadi Muslims only permitted to vote under a separate register thereby having to deny their faith by the **requirement to self-identify as a non-Muslims**. Ahmadis are therefore the only section of the populace that are effectively deprived of the right to vote, in clear violation of Article 25 of the ICCPR.

Denied the right to worship

Ahmadi Muslim mosques have been sealed and minarets have been demolished by police under pressure from extremists.

Denied the right to dignity after death

Mobs and police have destroyed and defaced graves bearing Quranic inscriptions. Even the grave of Pakistan's only Nobel Laureate Prof Abdus Salam has been desecrated to remove the word 'Muslim'. Perpetrators attack with impunity; as action is seldom taken to bring them to justice. On 26 May the grave of Mr Ishfaq Ahmad was dug up and his remains scattered by anti-Ahmadi extremists.⁴⁷ graves were desecrated in 2022 (92 graves of Ahmadis were desecrated in 2021).

Denied the right to practise their faith

Ahmadi Muslims are restricted in building new mosques, holding public conferences or other gatherings, and travelling to Saudi Arabia for the Hajj – one of five sacred pillars of Islam. Ahmadi

Muslims are subject to book bans and targeting by the Pakistan Telecommunications Authority (PTA) also denied access to their religious texts in print and online.

Passport/ ID cards

NADRA/Ministry of Interior

The Pakistani government forces its citizens to discriminate against Ahmadis when applying for a Passport or ID card.

Anyone self-identifying as a Muslim is required to take an oath declaring Ahmadis as Non-Muslim and denouncing the founder of the Ahmadiyya Muslim Community. As a result, the Passport states the religion of Ahmadi Muslims as ‘Ahmadi’ rather than Muslim.

Nowhere else in the world are Muslims required to make such a declaration.

<p>I S/O..... Aged..... Years, adult Muslim, Resident of..... hereby solemnly declare that:-</p> <p>(i) I am Muslim and believe in the absolute and unqualified finality of the prophethood of Muhammad (peace be upon him) the last of the prophets.</p> <p>(ii) I do not recognise any person who claims to be a prophet in any sense of the word or of any description whatsoever after Muhammad (peace be upon him) or recognise such a claimant as prophet or a religious reformer as a Muslim.</p> <p>(iii) I consider Mirza Ghulam Ahmad Qadiani to be an imposter nabi and also consider his followers whether belonging to the Lahori or Qadiani group to be Non-Muslim.</p> <p style="text-align: right;">Signature & thumb impression (with name in block letters of applicant in indelible ink)</p> <p>Date.....</p>
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(Copy of passport declaration form)

Summary of Attacks on Ahmadi Muslims in Pakistan (1984-2021)

ISSUE	NUMBER
Ahmadi Muslims killed	274
Ahmadi Muslims assaulted for their faith	462
Ahmadiyya mosques demolished, sealed, burnt or forcibly occupied	131
Ahmadiyya mosques banned from construction	61
Ahmadi Muslim bodies exhumed after burial	39
Burial of Ahmadi Muslims denied in a common cemetery	79

Ahmadi Muslims, on a routine basis, are arbitrarily arrested on false charges of blasphemy, tortured in detention and subjected to vicious attacks in public.

The above issues are also resulting in the persecution of other religious groups within Pakistan, most notably Christians, Hindus and Shias. The terrible harassment and attacks on these communities must also be stopped and all faith groups be given full rights to live without fear and be free to practice their faith.

RECOMMENDATIONS:

We call on the international community to urge the Government of Pakistan to:

- 1. end the state-sponsored persecution of Ahmadi Muslims through the anti-Ahmadi laws and the blasphemy laws;**
- 2. ensure that Ahmadi Muslims have their democratic right to vote;**
- 3. ensure that those attacking Ahmadi Muslims and their property are arrested and held to account;**
- 4. end the publications ban of Ahmadi religious texts in Pakistan both in print and online; and**
- 5. Ensure all religious communities have equal rights and complete freedom of religion in Pakistan.**