

**Flygtningenævnets baggrundsmateriale**

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Land:	Pakistan
Kilde:	Immigration and Refugee Board of Canada (IRB)
Titel:	Pakistan: Ahmadis [Ahmadiyyas, Ahmadiyahs, Ahmadiyyahs, Ahmaddiyas], including the distinction between the Lahore group and others, their treatment by society and the authorities; state protection (2018-December 2020)
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## IRB – Immigration and Refugee Board of Canada

## Pakistan: Ahmadis [Ahmadiyyas, Ahmadiyas, Ahmadiyyahs, Ahmaddiyas], including the distinction between the Lahore group and others, their treatment by society and the authorities; state protection (2018–December 2020) [PAK200387.E]

Research Directorate, Immigration and Refugee Board of Canada

### 1. Overview

Sources indicate that the Ahmadiyya movement is an Islamic sect that was founded in 1889 (*Encyclopedia Britannica* 11 May 2015; AMJ Canada n.d.) by Mirza Ghulam Ahmad in the town of Qadian in Punjab, India (*Encyclopedia Britannica* 11 May 2015). The Ahmadiyya movement split when the original group based in Qadian recognized Ghulam Ahmad as a prophet [*nabi* (*Encyclopedia Britannica* 11 May 2015)] while the Lahore group saw him as a reformer (*mujaddid*) (*Encyclopedia Britannica* 11 May 2015; MRG June 2018). In 1947 [with the establishment of Pakistan (*Encyclopedia Britannica* 11 May 2015)], the Ahmadiyya movement shifted its headquarters from Qadian to Rabwah (Western Punjab), Pakistan (*Encyclopedia Britannica* 11 May 2015; MRG June 2018). For information on the treatment of Ahmadis in Rabwah, see Response to Information Request PAK105713 of January 2017. Media sources indicate that an estimated 4 million persons identify as Ahmadi in Pakistan (VOA 18 May 2020; *The Hindu* 9 Oct. 2018; BBC 12 Dec. 2019).

### 2. Distinction Between Lahore Ahmadis and Qadian Ahmadis

For information on the distinction between the Lahore [or Lahori] group and the Qadian [or Qadiani] group, including similarities and differences, see Response to Information Request ZZZ200425 of December 2020.

### 3. Legislation

#### 3.1 Constitution of Pakistan

Sources indicate that the Pakistani Constitution was amended in 1974 to declare Ahmadis as "non-Muslim" (HRW 28 June 2018; UN 25 July 2018).

Article 260 of the Pakistani Constitution provides the following:

(3) In the Constitution and all enactments and other legal instruments, unless there is anything repugnant in the subject or context, —

1. "Muslim" means a person who believes in the unity and oneness of Almighty Allah, in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the Prophets, and does not believe in, or recognize as a prophet or religious reformer, any person who claimed or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him); and
2. "non-Muslim" means a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Buddhist [*sic*] or Parsi community, a person of the Qadiani Group or the Lahori Group (who call themselves ["Ahmadis" or by any other name]), or a Bahai, and a person belonging to any of the scheduled castes. (Pakistan 1973)

#### 3.2 Anti-Blasphemy Provisions in the *Penal Code*

Sources indicate that Ahmadis can be charged for their religious beliefs under provisions in Pakistan's *Penal Code* (IHRC n.d.a) or under Pakistan's "Blasphemy Law," section 295-C of the *Penal Code* (HRW 28 June 2018). Section 295-C of the *Penal Code* provides the following:

**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. (Pakistan 1860, emphasis in original)

Regarding section 295-C of Pakistan's *Penal Code*, Human Rights Watch (HRW) indicates the following:

General Zia-ul-Haq and his military government institutionalized the persecution of Ahmadis as well as other minorities in Pakistan [in 1986] with section 295-C. The Ahmadi belief in the prophethood of Mirza Ghulam Ahmad was considered blasphemous because it "defiled the name of Prophet Muhammad," meaning that Ahmadis can be sentenced to death for simply professing their faith. Though the numbers vary from year to year, Ahmadis have been charged every year under the Blasphemy Law. (HRW 28 June 2018)

Sources indicate that the anti-blasphemy provisions are sometimes used to resolve personal disputes (VOA 14 Oct. 2017; IHRC n.d.a). The *Washington Post* reported in May 2019 that "Ahmadis are frequent targets of personally motivated blasphemy charges, and four are in prison under death sentences. But the mere accusation, Ahmadi leaders say, can be ruinous" (*The Washington Post* 18 May 2019).

Sources indicate that Pakistan's *Penal Code* was amended in 1984, making it illegal for members of the Ahmadi community to profess or publicly proclaim their faith as Muslims (HRW 8 May 2020; US 10 June 2020, 5).

Sections 298-B and 298-C of Pakistan's Penal Code provide the following:

**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, -
  1. refers to, or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (peace be upon him), as "*Ameer-ul-Mumineen*", "*Khalifa-tul-Mumineen*", "*Khalifa-tul-Muslimeen*", "*Sahaabi*" or "*Razi Allah Anho*";
  2. refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (peace be upon him), as "*Ummul-Mumineen*";
  3. refers to, or addresses, any person, other than a member of the family (*Ahle-bait*) of the Holy Prophet Muhammad (peace be upon him), as "*Ahle-bait*"; or
  4. refers to, or names, or calls, his place of worship a "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 a 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. (Pakistan 1860, emphasis in original)

A report by HRW indicates that:

Ordinance XX [which amended the Penal Code in order to include sections 298B and 298C] undercut the activities of religious minorities generally, but struck at Ahmadis in particular by prohibiting them from "indirectly or directly posing as a Muslim." Ahmadis thus could no longer profess their faith, either orally or in writing. Pakistani police destroyed Ahmadi translations of and commentaries on the Quran. They banned Ahmadi publications, as well as using any Islamic terminology on Ahmadi wedding invitations, offering Ahmadi funeral prayers, or displaying the Kalima – the statement that "there is no god but Allah, Muhammad is Allah's prophet," the principal creed of Muslims – on Ahmadi gravestones.

In addition, Ordinance XX prohibited Ahmadis from declaring their faith publicly, propagating their faith, building mosques, or making the call for Muslim prayer. In effect, virtually any public act of worship or devotion by an Ahmadi could be treated as a criminal offense. (HRW 28 June 2018)

### 3.3 Election Law

According to sources, Ahmadis in Pakistan are denied the right to vote unless they "renounce their faith" (HRW 28 June 2018) or accept being declared non-Muslim and placed on a separate electoral list from other Pakistani citizens (HRW 28 June 2018; IHRC n.d.a). Sources indicate that Pakistan's *Election Act, 2017* retains the provisions regarding the status of Ahmadis (HRW 28 June 2018; DRI 15 Feb. 2018). The *Election Act, 2017* was amended as follows:

**48A. Status of Ahmadis etc. to remain unchanged.—**

1. Notwithstanding anything contained in this Act or any other law for the time being in force including Rules or forms prescribed thereunder, the status of Qadiani Group or the Lahori Group (who call themselves 'Ahmadis' or by any other name) or a person who does not believe in the absolute and unqualified finality of

the prophethood of Muhammad (peace be upon him), the last of the prophets or claimed or claims to be a Prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him) or recognizes such a claimant as a Prophet or religious reformer shall remain the same as provided in the Constitution of the Islamic Republic of Pakistan, 1973. (Pakistan 2017, emphasis in original)

The International Human Rights Committee (IHRC) [1] notes that the separate electoral list is publicly available, which makes it "easier for extremists to target Ahmadis" (IHRC n.d.a). The US Department of State's *International Religious Freedom Report for 2019* similarly indicates that, according to Ahmadi leaders, members of the Ahmadi community are "more exposed to threats and physical intimidation" because of the separate electoral list, and "many Ahmadis continu[e] their longstanding practice of boycotting elections" (US 10 June 2020, 19).

#### 4. Treatment by the Authorities

According to sources, the Ahmadi community faces "persecution" from the authorities (US 28 Apr. 2020, 32; HRW 8 May 2020). HRW adds that the authorities "arrest, jail, and charge Ahmadis for blasphemy and other offenses because of their religious beliefs" (HRW 28 June 2018). The US *International Religious Freedom Report for 2019* notes that in 2019, 84 persons were imprisoned on blasphemy charges, including 16 Ahmadis, while 29 persons were on death row for the same charges; according to Ahmadi leaders, 11 Ahmadis were charged for practicing their faith (US 10 June 2020, 10, 13). According to the Human Rights Commission of Pakistan (HRCP), an independent human rights organization based in Lahore with several regional offices (HRCP n.d.), 8 Ahmadis were charged with blasphemy in 2018, while 10 were arrested for "allegedly" defiling the Quran and 1 was arrested for preaching (HRCP Mar. 2019, 115). On 2 October 2020, three members of the Ahmadiyya community were arrested on accusations of using Islamic symbols and practices at their place of worship, after the Lahore High Court (LHC) rejected their pre-arrest bail application (*The Express Tribune* 2 Oct. 2020; *Pakistan Today* 2 Oct. 2020).

##### 4.1 Obtaining Official Documents

Sources indicate that Ahmadis face barriers in obtaining identification and travel documents (HRW 28 June 2018; *ET* 19 June 2019) as they need to disclose their faith to do so (HRW 28 June 2018). According to sources, a 2018 ruling by the Islamabad High Court (IHC) requires that citizens take an oath of faith when joining the army, the civil service (US 10 June 2020, 18; AP 11 Mar. 2018; HRCP Mar. 2019, 114) or the judiciary (US 10 June 2020, 18; AP 11 Mar. 2018). The US *International Religious Freedom Report for 2019* adds that neither "the National Assembly nor the Senate had acted on the 2018 judgment by year's end, but Ahmadiyya community representatives said that NADRA [the National Database and Registration Authority] required Ahmadis to declare in an affidavit that they are non-Muslims to obtain a national identification card," which was another requirement established by the IHC judgment (US 10 June 2020, 18-19). Activists argue that the ruling affects Ahmadis in particular (US 28 Apr. 2020, 33; AP 11 Mar. 2018). On the issue of identification and travel documents, HRW states the following:

Pakistani law requires citizens to declare their religion when applying for a Computerized National Identity Card (CNIC) or passport. Every person who declares themselves a Muslim when applying for a passport has to sign a declaration titled "Declaration in the Case of Muslims" that states, "I consider Mirza Ghulam Ahmad Qadiani to be an imposter nabi and also consider his followers ... to be Non-Muslims." The identification card application process requires a similar declaration.

The requirement effectively mandates Ahmadis to renounce a tenet of their faith to obtain basic travel documents. One consequence of the passport declaration has been to bar Ahmadis from performing the Hajj, the Islamic pilgrimage that Ahmadis believe to be a religious duty. (HRW 28 June 2018)

##### 4.2 Employment, Inclusion in the Commission for Minorities, and Education

According to the US *International Religious Freedom Report for 2019*, representatives of religious minorities in Pakistan stated that "most" of these groups face discrimination when applying for jobs in the public service (US 10 June 2020, 24). The Pulitzer Center on Crisis Reporting (Pulitzer Center) [2] states that Ahmadis cannot hold governmental positions without "publicly denouncing Mirza Ghulam Ahmad" (Pulitzer Center 7 Apr. 2020). Sources report that an invitation to an Ahmadi man to join the Economic Advisory Council (EAC) in 2018 was withdrawn after criticism (US 21 June 2019, 13; HRCP Mar. 2019, 114) from the public (US 21 June 2019, 13) or political parties (HRCP Mar. 2019, 114). The US *International Religious Freedom Report for 2018* adds that "[c]lerics urged the government to take further steps to ensure no Ahmadis could serve in key government positions" (US 21 June 2019, 13).

Sources report that in May 2020, Pakistan's cabinet declined to include representatives from the Ahmadiyya community in its newly formed National Commission for Minorities (NCM) (HRW 8 May 2020; VOA 18 May 2020; Reuters 7 May 2020).

The US *International Religious Freedom Report for 2019* indicates that, according to Ahmadi representatives, Ahmadis wishing to study at university must sign a declaration saying that Ahmadis are not Muslims in order to be admitted (US 10 June 2020, 23-24). Further and corroborating information on the treatment of Ahmadis in the educational system could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

##### 4.3 Closures of Places of Worship

Sources report the following closures of Ahmadiyya places of worship by the authorities in 2019:

- In October, police partially demolished a 70-year-old Ahmadiyya mosque in the province of Punjab (AP 28 Oct. 2019).
- In September, Ahmadi community members were asked by the police to stop praying in a private home in Gujranwala, Punjab, and in a prayer center in Nankana, Punjab (US 10 June 2020, 17).
- In August, an Ahmadiyya prayer center was sealed by the district administration in Lahore after objections were voiced by local clerics with regards to allowing Ahmadis to pray openly (TPA Aug. 2019; HRW 14 Jan. 2020).
- In June, Ahmadi community members were asked by the police to stop praying in a mosque in Sheikhpura District, Punjab (US 10 June 2020, 17).

## 5. Treatment by Society

According to sources, members of the Ahmadi community in Pakistan face "harassment" from society (US 28 Apr. 2020, 32; HRW 28 June 2018). The Asian Human Rights Commission (AHRC), an NGO founded by jurists and human rights activists in Asia that aims to promote human rights in the region (AHRC n.d.), states that "the masses have been instigated to kill Ahmadis as a service to religion. These ... murderers are then celebrated as heroes" (AHRC 24 Oct. 2017). According to the AHRC, sections 295-C, 298-B and 298-C of the Penal Code are "the main sources instigating fundamentalists to take the law into their own hands and annihilate religious opponents" (AHRC 24 Oct. 2017). Similarly, Minority Rights Group International (MRG) reports that these sections expose members of the Ahmadiyya community to intimidation and victimization by society (MRG June 2018). The Pulitzer Center notes that the

anti-Ahmadi legislation influences societal attitudes, leaving Ahmadis shunned by many mainstream Muslims and vulnerable to extremist violence. Since 1984, over 260 Ahmadis have been killed, with the most recent attack burning down an Ahmadi mosque in Faisalabad, which left 30 injured. (Pulitzer Center 7 Apr. 2020)

The *Annual Report 2020* by the US Commission on International Religious Freedom (USCIRF) indicates that Ahmadi Muslims are also victims of mobs "targeting their houses of worship" (US 28 Apr. 2020, 32).

Sources report the following incidents of violence against Ahmadis in 2019–2020:

- On 20 November 2020, a 16-year-old opened fire and killed a member of the Ahmadi community in eastern Punjab province when a group of Ahmadis were gathered at a home for worship; the teenager was arrested (AP 20 Nov. 2020).
- On 8 November 2020, an 82-year-old Ahmadi man was killed in Peshawar, allegedly for his faith (Al Jazeera 9 Nov. 2020; VOA 8 Nov. 2020).
- On 6 October 2020, a professor who adhered to the Ahmadi faith was killed following a heated argument on religion (DPA 6 Oct. 2020; *Dawn* 6 Oct. 2020).
- On 29 July 2020, a man who was accused of blasphemy was killed while standing trial in Peshawar; the killer was arrested (AP 29 July 2020). Deutsche Welle (DW), a German media outlet, reports that the shooter informed the police that he had been "ordered to carry out the killing by Muhammad because the accused had belonged to the Ahmadiyya faith" (DW with DPA and AP 29 July 2020).

## 6. State Response

HRW reports that "[i]n several instances, the police have been complicit in harassment and filing of false charges against Ahmadis, or stood by in the face of anti-Ahmadi violence" (HRW 28 June 2018). The US *International Religious Freedom Report for 2019* indicates that, according to civil society members, the authorities did not take action against the people who damaged Ahmadi mosques (US 10 June 2020, 17).

According to the AHRC, three men from the Ahmadi faith were sentenced to death on blasphemy charges in the village of Bhoiwaal in October 2017 for allegedly tearing down a poster in 2014 which called on the people of the village to "ostracise" and kill Ahmadis (AHRC 24 Oct. 2017). The same source indicates that "[m]any Ahmadis accused of blasphemy have been killed in jail by police officers. Not a single person responsible [has] ever [been] caught or punished" (AHRC 24 Oct. 2017). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Voice of America (VOA), an American broadcaster funded by US Congress (VOA n.d.), indicates that in May 2020, Pakistan's Federal Minister for Religious and Inter-Faith Harmony Affairs declared during a televised interview that "[w]hoever shows sympathy or compassion towards [Ahmadis] is ... loyal to [neither] Islam nor the state of Pakistan" (VOA 18 May 2020). According to the US *International Religious Freedom Report for 2018*, the same Minister had previously stated that the "[g]overnment and the Prime Minister of Pakistan will always stand against Ahmadis" (US 21 June 2019, 2).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## Notes

[1] The International Human Rights Committee (IHRC) is a London-based NGO that promotes freedom of religion or belief, particularly in Asia and the Middle East, and whose members are human rights professionals, lawyers, politicians and academics from around the world (IHRC n.d.b).

[2] The Pulitzer Center on Crisis Reporting (Pulitzer Center) is an organization located in Washington, DC that "raises awareness of underreported global issues through direct support for quality journalism across all media platforms and a unique program of education and public outreach" (Pulitzer Center n.d.).

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### Additional Sources Consulted

**Oral sources:** Ahmadiyya Muslim Jama'at [Ahmadiyya Muslim Community] – offices in Canada, the UK, and the US; Asian Human Rights Commission; Center for Research and Security Studies; Ontario Ahmadiyya Anjuman Isha'at Islam (Lahore).

**Internet sites, including:** Amnesty International; ecoi.net; Freedom House; UN – Refworld, ReliefWeb.

#### ecoi.net summary:

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