

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	244
Land:	Pakistan
Kilde:	Immigration and Refugee Board of Canada
Titel:	The situation of Ahmadis including legal status and rights with regards to political participation, education, and employment; social and governmental attitudes towards Ahmadis (2009 - December 2012)
Udgivet:	11. januar 2013
Optaget på baggrundsmaterialet:	2. juli 2013



Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Pakistan: The situation of Ahmadis, including legal status and rights with regards to political participation, education, and employment; societal and governmental attitudes toward Ahmadis (2009-December 2012)

Publisher [Immigration and Refugee Board of Canada](#)

Publication Date 11 January 2013

Citation / Document Symbol PAK104254.E

Related Document [Pakistan : information sur la situation des Ahmadis, y compris leur statut juridique et leurs droits en matière de participation politique, d'éducation et d'emploi; les attitudes sociétales et gouvernementales envers les Ahmadis \(2009-décembre 2012\)](#)

Cite as Immigration and Refugee Board of Canada, *Pakistan: The situation of Ahmadis, including legal status and rights with regards to political participation, education, and employment; societal and governmental attitudes toward Ahmadis (2009-December 2012)*, 11 January 2013, PAK104254.E, available at: <http://www.refworld.org/docid/510f9ef32.html> [accessed 29 April 2013]

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1. Background

The Ahmadis [also known as Ahmedis, Ahmaddiyas or Ahmadiyyas] are a religious group founded by Mirza Ghulam Ahmad (Human Rights Watch 27 May 2012) in the city of Qadian, province of Punjab, India (MRG n.d.; Reuters 14 July 2011). The group was founded at the end of the 19th century (*The Guardian* 8 Oct. 2012; Human Rights Watch 27 May 2012). Ahmadis are also pejoratively referred to as "Qadianis" [or Qadinis, Quadianis] (Ahmadiyya Muslim Jama'at 21 Dec. 2012; US Mar. 2012, 130; *The Guardian* 8 Oct. 2012). Ahmad wanted to "revive" Islam (Reuters 14 July 2011; Human Rights Watch 27 May 2012) through the incorporation of both Sufi and orthodox Islamic and Christian teaching elements (ibid.). Sources indicate that the Ahmadis regard Ahmad as a prophet, while a splinter group, the Lahores [or Lahoris], regards him as a reformer (MRG n.d.; Pakistan 1984). In a telephone interview with the Research Directorate, the General Secretary of the Ahmadiyya Muslim Jama'at in Canada similarly indicated that the main

difference between them is that the Ahmadiyya Muslim Jama'at regards Ahmad as a prophet and messiah whereas the Lahores regard him as a messiah but not a prophet (21 Dec. 2012). According to Human Rights Watch, Orthodox Muslims contend that Ahmad declared himself a prophet and, by doing so, rejected a fundamental tenet of Islam, namely that Prophet Mohammed is the last of the prophets (Human Rights Watch 27 May 2012). Media sources report that Ahmadis are regarded as "traitors" by some Pakistanis (*Los Angeles Times* 20 Nov. 2012; *The Guardian* 8 Oct. 2012).

Sources report that Ahmadis reject the use of violence in promoting Islam (*Pittsburgh Post-Gazette* 15 July 2011; Press Association 6 Sept. 2012). Sources indicate that there are about ten million followers worldwide (MRG n.d.), with the majority of them concentrated in Pakistan (*Die Tageszeitung* 6 Sept. 2012) and India (Human Rights Watch 27 May 2012). According to the Pakistani census of 1998, Ahmadis represented 0.22 percent of the total population in Pakistan (Pakistan n.d.). The US Central Intelligence Agency *World Factbook* estimates the population of Pakistan, as of July 2012, at 190,291,129 inhabitants (US 14 Nov. 2012).

Sources note that the state does not secure the protection of religious minorities, including the Ahmadis (MRG n.d.; US Mar. 2012, 121).

2. Legislation

According to Human Rights Watch, the "persecution" of Ahmadis has been legalized and is "encouraged" by the Pakistani government (27 May 2012). The 2012 annual report of the US Commission on International Religious Freedom indicates that, among religious minorities in the country, "Ahmadis are subject to the most severe legal restrictions and officially-sanctioned discrimination" (Mar. 2012, 129). In 1985, a constitutional amendment specifically declared Ahmadis, among other religious groups, to be "non-Muslims" (Pakistan 1973, Art. 260 (3)). In 1984, Ordinance XX, which is commonly referred to as the "anti-Ahmadi" legislation, amended Article 298 of the Penal Code to include the following (US Mar. 2012, 129; MRG n.d.):

298-B. 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 "Ameer-ul-Mumineen", "Khalifatul-Mumineen", "Khalifa-tul-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 "Ahle-bait" of the Holy Prophet Muhammad (peace be upon him), as "Ahle-bait"; or
- d. 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 [sic] 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.

298-C. 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)

According to Minority Rights Group International (MRG), several legal actions have been launched to challenge the validity of these laws, but they have failed (n.d.). The US Department of State *International Religious Freedom Report for 2011* for Pakistan indicates that "[r]eligious parties oppose any amendments to the constitution affecting its Islamic clauses, especially the ones relating to Ahmadis" (US 30 July 2012, 3).

2.1 Law Enforcement

Sources indicate that Ahmadis are not allowed to build places of worship or hold any event openly (ibid., 13; *The Express Tribune* 7 May 2012). Ahmadis can be charged for calling for prayers, preaching their faith publicly, calling their place of worship a "mosque" (AI 2 Feb. 2012; US Mar. 2012, 129), using religious terminology, using the Islamic greeting publicly, publicly quoting the Quran, seeking converts, or producing, publishing, or disseminating religious material (ibid.). They are also banned from travelling to Saudi Arabia for pilgrimage (ibid. 30 July 2012, 13; AFP 29 July 2012; AHRC 3 Feb. 2012).

Human Rights Watch indicates that police officers have been complicit in "harassment and in framing false charges against Ahmadis, or have stood by in the face of anti-Ahmadi violence" (27 May 2012). The 2012 annual report of the US Commission on International Religious Freedom notes that the police have authorized the destruction of a place of worship of Ahmadis in Punjab after being pressured by religious militant organizations (US Mar. 2012, 125). *The Times of India* also reports that, in May 2012, a lower court in Lahore ordered the demolition of an Ahmadi mosque in that city (*The Times of India* 12 July 2012). In July 2012, several minarets of an Ahmadi mosque in Kharian, Punjab, were destroyed by the police to enforce the laws, without a court order (ibid.; Reuters 24 July 2012). Sources also report that Quranic scriptures are sometimes removed from walls on Ahmadi mosques on the order of the police (ibid.) or by Muslim extremists in the "very presence of the police" (AHRC 8 May 2012). The *Australian*, a Sydney-based newspaper, reports that, in August 2012, Quranic verses were removed from the graves of dozens of Ahmadis by the police "following threats of violence from Islamic extremists" (21 Aug. 2012). Under the Pakistan Penal Code "[i]njuring or defiling" a place of worship is punishable by up to two years in prison, or a fine, or both (Pakistan 1860, Art. 295).

Sources indicate that Ahmadis are a "major target" for blasphemy prosecutions (Human Rights Watch 2012; UN 13 Aug. 2012, para. 70). According to an article published in October 2012 by the *Express Tribune*, a Karachi-based newspaper, data compiled by the Ahmadiyya community show that 299 of its members have been accused of blasphemy since 1984 (9 Oct. 2012). The US *Country Reports on Human Rights Practices for 2011* for Pakistan notes that, of the 49 cases registered by the National Commission for Justice and Peace in 2011, 39 were against Muslims, 8 were against Christians, and 2 were against Ahmadis (US 30 July 2012, 11). The *Irish Times* reports that, out of around 100 people charged with blasphemy in 2009, 67 were Ahmadis (20 June 2011). Human Rights Watch similarly indicates that at least 50 Ahmadis were charged with blasphemy in 2009 (27 May 2012). The *Country Reports for 2011* indicates that "blasphemy and anti-Ahmadi laws restricted publication on certain topics" (US 24 May 2012, 25). According to Freedom House, "[a]uthorities occasionally confiscate or close Ahmadiyya publications and harass their staff" (2012). Reuters report the case of *Alfazl*, the newspaper of the Ahmadiyya

community in Pakistan, which is not allowed to use words such as "Muslim" and "Islam," and is constantly monitored by the government for this, according to a representative of that newspaper (Reuters 14 July 2011). Using such words could result in being charged with "blasphemy," a crime that carries the death penalty (ibid.). Even though there have been no executions on blasphemy charges, these charges have resulted in lengthy prison terms, vigilantism (US Mar. 2012, 127) and ill-treatment in custody (Freedom House 2012). For additional information on blasphemy laws in Pakistan, see Response to Information Request PAK104260.

In 2005, the federal government approved the re-instating of a law that includes the religious background of the applicant in passports (MRG n.d.; US Mar. 2012, 129-130). This law had been abolished in 2004 (ibid.). Ahmadis applying for a passport must sign a declaration stating that the founder of the Ahmadiyya movement is a "false prophet" (ibid.) or an "impostor, which is designed to prevent members of this movement from obtaining passports identifying them as Muslims" (UN 13 Aug. 2012, para. 41). The US Commission on International Religious Freedom report indicates that the above also applies when applying for the national identity card (US Mar. 2012, 129). According to the US report, however, in recent years, persons who refuse to sign the clause still receive a passport (ibid., 130). Corroborating information on the need to make a declaration in order to obtain a national identity card and on the possibility of obtaining a passport without signing the clause could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Political Rights

Sources report that, for electoral purposes, Ahmadis are registered in a separate voters' list (MRG n.d.; *Dawn* 4 Nov. 2012; AHRC 8 May 2012). The Asian Human Rights Commission (AHRC) notes that electoral lists are divided by religious groups in Pakistan (ibid.). To register as voters, Ahmadis have to sign a certificate "deny[ing] the veracity" of the founder of the Ahmadiyya community (*Dawn* 4 Nov. 2012; Freedom House 2012). They are also asked to register themselves as "non-Muslims" (US 24 May 2012, 37; AHRC 8 May 2012; *Dawn* 4 Nov. 2012). As a consequence, most Ahmadis boycotted the 2008 elections (ibid.; Freedom House 2012). The AHRC further indicates that "[t]hese devious and unacceptable procedures have usurped the fundamental civic rights of Ahmadis and for decades now they cannot stand as candidates for any assembly, national, provincial or even district" (AHRC 8 May 2012). The AHRC provides the example that even in Rabwah, Punjab Province, whose population is 95 percent Ahmadi, they do not have representation on the town council (ibid.). The *Express Tribune* similarly notes that Ahmadis do not vote and do not run for elections (23 Sept. 2012). Freedom House indicates in its *Freedom in the World Report 2012* that, out of the 342 seats of the National Assembly, 10 are reserved for "non-Muslim minorities," and, out of the 100 seats in the Senate, 4 are reserved for religious minorities (2012).

4. Education and Employment Rights

Freedom House indicates in its 2012 report that religious minorities "face unofficial economic and social discrimination" and Ahmadis must renounce their beliefs to gain admission to educational institutions (2012). The US *International Religious Freedom Report* similarly indicates that, even though the Constitution prohibits discriminations based on religion for admission to educational institutions of the government, students must indicate their religious affiliation for application, and those who declare themselves as "Muslims must declare in writing that they believe that Prophet Muhammad is the final prophet, another measure that singles out Ahmadis" (US 30 July 2012, 5). The report also indicates that rejections of Ahmadis' admission applications to higher education institutions "persisted" in 2011 (ibid., 15). Media sources report that, according to a report by the Jamaat Ahmadiyya in Pakistan, Ahmadi children may face expulsion from schools and are refused admittance by many educational institutions, and children in nurseries are subject to the "hate campaign against [them]" (*The Express Tribune* 7 May 2012; *Daily Times* 3 May 2012). Sources

report that, in October 2011, ten students were expelled from a school in Punjab Province for being Ahmadis (Human Rights Watch 2012; US Mar. 2012, 125).

The Human Rights Commission of Pakistan (HRCP), an "independent, voluntary, non-political, non-profit making, non-governmental organisation" that promotes human rights in the country (HRCP n.d.), indicates in its report for 2010 that elementary school textbooks "preached segregation and superiority of Muslims over non-Muslims" (ibid. Apr. 2011, 135). The US *International Religious Freedom Report* similarly indicates that derogatory remarks against minority religious groups, including Ahmadis, are present in public school textbooks (30 July 2012, 15).

The International Labour Organization indicated in a submission to the UN Universal Periodic Review for Pakistan that the federal government has assigned a five percent quota for "non-Muslim" government employment positions, including Ahmadis (UN 13 Aug. 2012, para. 70). However, the US *International Religious Freedom Report* indicates that "certain government departments refused to hire or retain qualified Ahmadis" and they often encounter a "glass ceiling" that prevents them from obtaining promotions (30 July 2012, 15). The *Express Tribune* reports the case of an Ahmadi who, in spite of being acquitted of blasphemy charges after refusing to convert back to Islam, has been working at menial jobs because a fatwa against him bars him from working elsewhere (9 Oct. 2012). Additional information on employment issues could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5. Societal Attitudes

The AHRC indicates in an 8 April 2012 statement that "[i]t is common knowledge that Ahmadis are mercilessly targeted in Pakistan." According to *Dawn*, an English-language newspaper in Pakistan, the US ambassador to Pakistan expressed that there is an "expansion in the space for religious and sectarian apartheid, which has led now to heinous acts of brutality, exclusion and 'otherisation' of many, particularly Ahmadis," and said that the "persecution" of the Ahmadiyya community is "unconscionable" (4 Nov. 2012). The HRCP indicates in its 2011 report that Ahmadis "remained the target of hate speech, violence, discrimination and social segregation," and notes the presence of posters, wall chalking, and stickers in public transportation with messages against Ahmadis and their faith (Mar. 2012, 84). In its 2010 report, the HRCP indicates that "[l]eaders of radical religious political parties kept calling for [the] social boycott of Ahmedis" and that television talk shows, newspaper articles, and mosque loudspeakers also promoted intolerance toward religious minorities, especially Ahmadis (Apr. 2011, 127, 135). Reuters reports that "few dare speak out to defend Ahmadis" (24 July 2012).

Human Rights Watch indicates that Ahmadi homes and businesses are burned down during anti-Ahmadi attacks (27 May 2012). Sources indicate that, in 2011, pamphlets calling for the assassination of Ahmadis and attacks on their businesses were distributed by the All Pakistan Student Khatm-e-Nabowat [or Kathme Nabuwat] Federation (ALRC 5 Sept. 2012, 2) and the Aalami Majlis Tahaffuz Khatme Nabuwat (US 30 July 2012, 20). Sources indicate that this project was being justified as "an act of 'jihad'" (AI 2012; HRCP Mar. 2012, 84). The pamphlets contained the names of 50 "prominent" Ahmadis, and in September 2011, one of the persons listed in the pamphlet was reportedly killed (Human Rights Watch 27 May 2012; US 30 July 2012, 20-21). Authorities did not take action against the authors of the pamphlet (ibid., 20; AI 2012; ALRC 5 Sept. 2012, 2). Sources report that the All Pakistan Student Khatm-e-Nabowat established itself in the UK and has handed out leaflets in 2012 declaring that Ahmadis "deserve capital punishment" (*The Guardian* 8 Oct. 2012), though it also indicates that "Ahmadis should not be killed within Britain itself" (Reuters 24 July 2012).

The *Express Tribune* cites the spokesperson for the Jamaat Ahmedi community in Pakistan as indicating that, since the promulgation of the laws of 1984, that community has registered the

assassination of 210 Ahmadis, 254 assassination attempts, 23 Ahmadi places of worship demolished, 28 Ahmadi places of worship sealed, 16 Ahmadi places of worship taken over, 29 graves desecrated, and 57 Ahmadis have been refused burial in common graveyards (7 May 2012). *Dawn* reports that, between January and November 2012, 13 Ahmadis have been assassinated and there have been three attacks on their places of worship (4 Nov. 2012). The HRCP indicates in its 2011 report that, during that year, 6 Ahmadis were killed "on account of their faith" (HRCP Mar. 2012, 5). For 2010, the Commission reported 99 assassinations of Ahmadis (ibid. Apr. 2011, 7). Sources report the killing of around 90 people in May 2010 in two Ahmadi places of worship in Lahore (ibid.; Human Rights Watch 27 May 2012; AI 2 Feb. 2012). According to Amnesty International, "authorities ignored repeated warnings and failed to prevent the attacks" of May 2010 (ibid.). Reuters reports that every month Ahmadis are killed "in ones or twos" (24 July 2012). Amnesty International reports that, in January 2012, around 5,000 people in Rawalpindi rallied in favour of the demolition of one of the largest Ahmadi places of worship in the city (2 Feb. 2012). Sources report that in the province of Punjab, around 20 Ahmadi graves were desecrated in December 2011 (HRCP Mar. 2012, 86), and that, in January 2012, "several" graves were desecrated in the province of Balochistan (AI 2 Feb. 2012).

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.

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Internet sites, including: Ahmadiyya Muslim Jama'at; Al Islam; Australia Refugee Review Tribunal; Austrian Centre for Country of Origin and Asylum Research and Documentation; Center for Strategic and International Studies; ecoi.net; International Crisis Group; International Dalit Solidarity Network; The Lahore Ahmadiyya Movement; *The Nation* [Pakistan]; Pakistan — Lahore High Court; Persecution of Ahmadiyya Muslim Community; Radio Free Europe; United Kingdom — Border Agency; United Nations — ReliefWeb, Refworld; World Council of Churches.

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