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## Responses to Information Requests

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13 January 2016

### PAK105369.E

Pakistan: Situation of Ahmadis, including treatment by society and authorities; legal status and rights with regards to political participation, education, and employment (2013-January 2016)  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Overview

Sources state that the Ahmadi [Ahmadiyya (Al Jazeera 7 Aug. 2014)] community consider themselves to be Muslim (*The Wall Street Journal* 28 July 2014; DW 23 Nov. 2015; AP 26 May 2014). The Ahmadis believe that their founder, Ghulam Ahmad, is a Messiah (DW 23 Nov. 2015; Al Jazeera 7 Aug 2014; PBS 14 Sept. 2015). According to sources, this is offensive to other Muslims, who believe that Muhammad was the final prophet (ibid.; AFP 28 Nov. 2015). Sources suggest that there are between two million and four million Ahmadis in Pakistan (PBS 14 Sept. 2015; US 14 Oct. 2014, 2). For further information on the history of the Ahmadis, see Section 1 of Response to Information Request PAK104254.

#### 2. Legislation

Sources state that in 1974, the Pakistani constitution was amended to declare Ahmadis "non-Muslim" (*The Wall Street Journal* 28 July 2014; *The Hindu* 1 Aug. 2014; Al Jazeera 7 Aug. 2014). Article 260 of the Pakistani Constitution states the following:

- a. "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
- b. "non-Muslim" means a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Buddhist 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)

According to sources, the penal code was amended in 1984 and made it illegal for the Ahmadis in Pakistan to call themselves Muslims and practice or propagate their faith as Muslims (AI 24 Jan. 2014; Reuters 21 Nov. 2015). The penal code amendment states the following:

AMENDMENT OF THE PAKISTAN PENAL CODE  
(Act XLV of 1860)

3. Addition of new sections 298B and 298C, Act XLV of 1860. In the Pakistan Penal Code (Act XLV of 1860), in Chapter XV, after section 298A, the following new sections shall be added, namely: 298B. Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places.

1. Any person of the Quadiani 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-Mumineenâ, 'Khalifa-tul-Mumineenâ, 'Khalifa-tul-Muslimeenâ, 'Sahabi' or 'Razi Allah Anho';
  - b. refers to, or addresses, any person, other than a wife of the Holy prophet (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 as 'Masjid' [Mosque]; 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 Quadiani group or Lahori group (who call themselves 'Ahmadis' or by any other name) who by words, either spoken or written, or by visible presentation, 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 Quadiani group, etc., calling himself a Muslim or preaching or propagating his faith.

Any person of the Quadiani 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, 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 1984)

### 3. Treatment by Authorities

#### 3.1 Discrimination

According to the US Department of State's *International Religious Freedom Report for 2014*, the Pakistani government includes "religious affiliation on passports" (US 14 Oct. 2015, 3). The Public Broadcasting Service (PBS), "a private, nonprofit corporation... whose members are America's public TV stations" (PBS n.d.), reports that when applying for an ID card or passport, all Pakistanis must sign an oath rejecting Ghulam Ahmad and affirm that "Ahmadis are non-Muslim" (ibid. 14 Sept. 2015). A 2013 report by the Asian Human Rights Commission (AHRC) states that Muslims in Pakistan must "make a mandatory declaration pronouncing the Founder of the Ahmadiyya Community as an imposter and a liar in order to get their ID cards" (AHRC 2013, 188). *International Religious Freedom Report for 2014* similarly states that in order to be "listed as Muslim," applicants "must swear they believe the Prophet Muhammad is the final prophet, and must denounce the Ahmadiyya...founder as a false prophet and his followers as non-Muslim" (US 14 Oct. 2015, 3).

In correspondence with the Research Directorate, an associate professor of Anthropology at Harvard University who has conducted research on South Asia and produced publications on Pakistan, stated that Ahmadis are required to "identify themselves as Ahmadis" on national ID cards, and because the card is "required for almost every contractual transaction their identity becomes known and this enables discrimination" (Associate Professor 20 Dec. 2015). The same source further explained that if an Ahmadi does not declare their religious affiliation as Ahmadi and instead identifies as Muslim, "they could be liable to prosecution for 'posing' or 'passing'...as Muslims" (ibid.).

According to a 2010 presentation by the Deputy Chairman of the Pakistani National Database and Registration Authority (NADRA) at an Identity Management conference in Washington D.C., the services available for holders of Pakistan's Smart National Identity Cards include: Savings and Financial Services, Life and Health Insurance, Hajj [the pilgrimage to Mecca, part of the five pillars of Islam, which are "obligatory for all Muslims" (Oxford Dictionary of Islam n.d.)], and Access Control and Loyalty Programs (Pakistan 27 Sept. 2010).

#### 3.2 Arrests and Prosecution

According to sources, Ahmadis have faced prosecution under Pakistan's blasphemy laws (Associate Professor 20 Dec. 2015; *The Wall Street Journal* 28 July 2014; Reuters 21 Nov. 2015), which carry the death

penalty (ibid.). *The Wall Street Journal* further reports that Pakistan has not executed anyone convicted of blasphemy, "but the mere accusation of it often results in mob attacks and lynchings" (*The Wall Street Journal* 28 July 2014). Sources similarly state that accusations of blasphemy can result in mob violence and targeted attacks (ibid.; AI 30 July 2014; Associate Professor 20 Dec. 2015). Sources further state that accusations of blasphemy are sometimes used to settle personal disputes (*The Wall Street Journal* 28 July 2014; DW 23 Nov. 2015; US 14 Oct. 2015, 7).

Without providing further detail, *Pakistan Today*, an English-language Pakistani newspaper, reports that Ahmadis have been arrested for reading the Quran, having religious celebrations and using Quranic verses on rings or wedding cards (*Pakistan Today* 28 July 2014). According to a report by the Human Rights Commission of Pakistan (HRPC), a human rights NGO that monitors the situation in Pakistan (HRCP n.d.), in 2013, 36 Ahmadis were "booked in police cases under anti-Ahmadi laws" (ibid. Mar. 2014, 89). According to the *International Religious Freedom Report for 2014*, citing Ahmadiyya leaders, in 2014, 24 Ahmadis were charged in eight separate cases "in connection with 'anti-Ahmadi laws'," and 13 were charged for "allegedly defiling the Quran" (US 14 Oct. 2015, 7). Further and corroborating information on charges against Ahmadis could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

#### 4. Treatment by Society

Sources state that the Ahmadis in Pakistan face discrimination (DW 23 Nov. 2015; Reuters 21 Nov. 2015), including "severe social discrimination" (PBS 15 Sept. 2015). According to the Associate Professor, "[s]ocietal attitudes towards Ahmadis have become increasingly hostile during the past decade" (20 Dec. 2015). Al Jazeera reports that some anti-Ahmadi groups have organized rallies, where they called the act of killing Ahmadis a "'religious obligation'" (Al Jazeera 7 Aug. 2014). The Associate Professor said that "[s]ome clerics assert that killing Ahmadis earns a Muslim a place in heaven" (Associate Professor 20 Dec. 2015). PBS reports that a mullah in Lahore distributed a document describing the killing of Ahmadis as a "'pious act'," and provided a list with the names, addresses and phone numbers of "hundreds" of Ahmadis (PBS 14 Sept. 2015).

##### 4.1 Violence

According to the HRCP report, seven Ahmadis were killed in 2013 and 16 were assaulted, some with "nearly fatal" injuries, "on account of their faith" (HRPC Mar. 2014, 88). Al Jazeera reports that from January to August 2014, 13 Ahmadis were killed and 12 assaulted "for practicing their faith," and "most" were the result of "targeted attacks on individuals" (Al Jazeera 7 Aug. 2014).

Sources report the following incidents of violence against Ahmadis in 2014-2015:

- In early May 2014, an Ahmadi accused of blasphemy was shot and killed by a gunman while in police custody (AP 26 May 2014; US 14 Oct. 2015, 12);
- In May 2014, a Pakistani-American Ahmadi doctor was shot and killed by an unknown gunman (*The Wall Street Journal* 28 July 2014; AP 26 May 2014) while visiting the gravesites of family members in the central town of Chanab Nagar (ibid.);
- In July 2014, a "mob" set fire to Ahmadi homes in Gujranwala in response to alleged blasphemy (Human Rights Watch 2015; *The Wall Street Journal* 28 July 2014). An elderly Ahmadi woman and two young Ahmadi girls were killed (ibid.; AI 2015, 284; *The Hindu* 1 Aug. 2014) and an Ahmadi woman, who was pregnant at the time, miscarried (*The Wall Street Journal* 28 July 2014; Al Jazeera 7 Aug. 2014; AI 30 July 2014);
- In October 2015, an Ahmadi man and his two nephews were shot in Karachi by unknown assailants (UCAN 14 Oct. 2015; *The Rabwah Times* [Oct. 2015]; *The Express Tribune* 13 Oct. 2015) while returning home from a place of worship (ibid.; UCAN 14 Oct. 2015);
- In late November 2015, a "mob" set fire to a factory owned by Ahmadis in Jhelum after one of the workers allegedly committed blasphemy (*The Express Tribune* 21 Nov. 2015; AFP 21 Nov. 2015; DW 23 Nov. 2015). After they attacked the factories, sources report that some of the protestors "attacked and occupied" (Reuters 21 Nov. 2015; DW 23 Nov. 2015) or "ransacked" an Ahmadi mosque (AFP 28 Nov. 2015).

According to sources, the police have "had a poor record" (AI 30 July 2014) or have been "ineffective" in protecting the Ahmadi community from, or investigating, violence against Ahmadis (Associate Professor 20 Dec. 2015). PBS reports that "few" of the perpetrators involved in violence against Ahmadis have been prosecuted (PBS 14 Sept. 2015). *The Wall Street Journal* reports that, in response to fires set in Gujranwala in July 2014, the police dispersed the crowd and put out the fire as "quickly as [they] could" and while no arrests had been made, an investigation had been started (28 July 2014). Agence France Presse (AFP) reports that, in regards to the November 2015 factory arson, police were "unable to control the...mob" and a spokesperson for the local Ahmadi community was quoted as stating that three Ahmadis were arrested under blasphemy

charges (AFP 21 Nov. 2015). For further information on police efficacy and corruption, see Response to Information Request PAK105368.

## 5. Political Rights

According to sources, Ahmadis are "marginalized" (PBS 14 Sept. 2015) or "excluded" from the electoral system (AHRC 2013, 188). The Associate Professor explained that in order to register as a voter, "one has to sign a declaration about the finality of the Prophet Muhammad. If one refuses to sign the declaration then one is removed from the joint electoral list and added to a supplementary list, which is titled the Ahmadi voter list" (Associate Professor 20 Dec. 2015). *Dawn*, an "internationally known newspaper" based in Karachi (CSIS 9 Dec. 2010, 1) cited Pakistan's Election Commission's Additional Director General as stating that although the legislation should be amended, inclusion on the supplementary electorate list does not affect an individual's right to vote (*Dawn* 12 Mar. 2013). The US Department of State *Country Reports on Human Rights Practices for 2014* states that, when registering to vote, voters must "indicate their religion...and requires Ahmadis to declare themselves non-Muslims. Since Ahmadis consider themselves Muslims, they were unable to vote if they did not comply" (US 25 June 2015, 35).

## 6. Employment and Education Rights

According to the 2013 AHRC report, the Pakistani government "proactively victimizes [the Ahmadis] socially, economically, and educationally" (AHRC 2013, 188). According to a 2015 report by La Fédération internationale des ligues des droits de l'Homme (FIDH), discrimination against Ahmadis is "enforced through public policies limiting their access to education, professional opportunities, and basic political and civil rights," such as "pledg[ing] that she or he is not an Ahmadi" if an applicant wishes to identify as Muslim on their passport application (FIDH Feb. 2015, 17). The HRCP report states that there is discrimination against the Ahmadis, "particularly in education and work, to the point where livelihoods became difficult" (HRCP Mar. 2014, 88). The *International Religious Freedom Report for 2014* states that "[m]ost religious minority groups complained of discrimination in government hiring" and while there is a 5 percent quota for hiring religious minorities "employers did not consistently enforce this requirement" (US 14 Oct. 2015, 9). The same source further states that promotions were "limited" for "all minority groups" within the civil service, and within the military, non-Muslims "rarely rose above the rank of colonel and were often not assigned to politically sensitive positions" (ibid.).

According to the *International Religious Freedom Report for 2014*, on their applications for public and private education, including universities, students "must declare their religious affiliation" and those who identify as Muslim "must declare in writing they believe the Prophet Muhammad is the final prophet, thereby excluding Ahmadis" (US 14 Oct. 2015, 5). The same source further states that "public school curricula included derogatory statements in textbooks about minority religious groups," including Ahmadis (ibid., 9). The 2015 FIDH report states that in "several academic institutions, teachers have allegedly been engaging in hate speech and inciting people to kill Ahmadis" and when the students complained, "they have reportedly been expelled from the institutions" (FIDH Feb. 2015, 15). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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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