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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Stichting Global Human Rights Defence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 August 2022]

* Issued as received, in the language of submission only.



Institutionalized discrimination against the Ahmadiyya community in Pakistan

Article 18 of the International Covenant on Civil and Political Rights (ICCPR) provides for the freedom of thought, conscience and religion. Specifically protected in this clause are the right to publicly or privately manifest one's religion or belief and the right to freedom from coercion in holding or stating one's faith. (1) Pakistan has signed and ratified the ICCPR and was part of the UN General Assembly's consensus requiring member states to take active measures to protect the freedoms and rights of religious minorities. (2) In light of these commitments, Pakistan's laws in respect to the Ahmadiyya religious minority are of grave concern.

The Ahmadiyya community consider themselves to be Muslims. Their belief systems are largely in alignment with the Sunni tradition of Islam. The major point of religious divergence between the two groups is the treatment of the founder of the Ahmadi group, Mirza Ghulam Ahmad. The Ahmadiyyas accept the claim of their founder to be the Mahdi, a divinely appointed messiah.

In Pakistan, Ahmadiyyas are not allowed to worship in mosques and attacks upon their person and property occur frequently, along with charges of blasphemy, which often result in harsh sentences handed down in proceedings where Courts are often biased against the defence due to intimidatory tactics, and the fear of violence resulting from a verdict of acquittal. (3)

While the attacks faced by Ahmadiyyas are reprehensible and constitute a state failure in their own right, they are largely the acts of private persons. Unfortunately however, the discrimination against Ahmadiyyas enshrined in Pakistan's Constitution and Penal Code are direct actions of the Pakistani State that violate freedoms enshrined in the ICCPR. The Pakistan Constitution as amended in 1974, declares that a person who does not believe in the finality of the prophethood of Muhammad, is not a Muslim for the purposes of the law or the Constitution. (4) When applying for a Pakistani passport or other national documentation, Muslims are forced to sign a declaration stating that they believe Ahmadiyyas to be non-Muslims. (5)

This requirement is an abuse of State Authority and it serves no legitimate purpose by forcing citizens seeking identification documents to affirm their belief on unrelated matters. This is obviously violative of the freedom of thought, conscience and opinion guaranteed in Article 19 of the ICCPR as well as the freedom from coercion in forming one's beliefs.

Section 298 (B) and (C) of the Pakistan Penal Code (6) contain a range of provisions that in effect, prohibits Ahmadiyyas from calling themselves Muslims, practicing their religion in public or even propagating their faith in any way, along with an overly broad clause which punishes the act of "outraging the religious feelings of Muslims". These provisions clearly violate the freedom of religious choice that the Ahmadiyya minority should enjoy. Furthermore, in prohibiting the Ahmadiyyas from exercising their religion and prioritizing the outraged feelings of Muslims, the State is clearly discriminating against the Ahmadiyya minority and treating them as second-class citizens who are not even permitted to publicly affirm their religious faith.

There is no room in civilized society for discrimination against religious minorities. This is a matter on which there has been a consensus at the UN General Assembly, which Pakistan was a part of. In spite of this, Pakistani law uproots the guarantee of religious freedom as well as the freedom of thought and conscience in order to deny rights to the Ahmadiyya minority. Even the majority Muslim population is not free from coercion, as any Muslim seeking a Pakistan passport is forced to denounce the Ahmadiyya faith as a condition for obtaining a basic document that is necessary for modern life.

The Pakistan government may argue that it cannot be held responsible for individual atrocities, but it is certainly within its authority to repeal the discriminatory laws in S.298 (B) and (C) of the Pakistan Penal Code, to amend its Constitution and to end its practice of requiring citizens to denounce the Ahmadiyya faith. If Pakistan truly respects the rights of religious minorities and takes seriously its obligations under the ICCPR, it must take these steps for truth, justice and make it conducive for this community to obtain reparations.

- (1)<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
- (2)https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=en
- (3)<https://www.aljazeera.com/news/2021/7/26/ahmadi-persecution-pakistan-blasphemy-islam>
- (4)<https://pakistani.org/pakistan/constitution/amendments/2amendment.html>
- (5)<https://www.dawn.com/news/1261622>
- (6)<https://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>