

**Mandates of the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on minority issues**

REFERENCE:  
AL PAK 6/2020

8 May 2020

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on freedom of religion or belief; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 40/10, 35/15, 34/18 and 34/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the risk of public incitement to violence and hatred based on tweets made by the Minister of State on Parliamentary Affairs**.

According to the information received:

On 19 June 2014, the Supreme Court recommended in its order no. 4 of paragraph 37 (SC SMC 1/2014) that "a national council for minorities rights be constituted. The function of the said council should, *inter alia*, monitor the practical realisation of the rights and safeguards provided to the minorities under the constitution and law. The council should also be mandated to frame policy recommendations for safeguarding and protecting minorities' rights by the provincial and federal government." However, this recommendation has not been implemented.

In April 2020, the discussion of the establishment of the National Commission for Minorities (NCM) in Pakistan has resumed and gained much attention, especially the proposal to include the Ahmadiyya minority in the NCM. However, this proposal has allegedly stirred strong reactions among some religious leaders and political figures, opposing such a move.

On 29 April 2020, the State Minister for Parliamentary Affairs, Mr. [REDACTED], posted a tweet stating that "the only punishment for blasphemers is beheading." Many have inferred that by "blasphemers", Minister Khan referred to the Ahmadiyya minority members, as his tweet was posted in the context of another tweet with a video in which he stressed that someone who does

not believe in the finality of the Prophet Muhammad cannot be a Muslim, and he mentioned that the inclusion of Ahmadis in the NCM was not logical. Furthermore, he said that Ahmadis can only be part of the NCM if they accept themselves as non-Muslims and accept the Constitution of Pakistan. [REDACTED]

On 5 May 2020, the Federal Cabinet of Pakistan confirmed the decision with consensus to establish the NCM. However, the Minister of Religious Affairs and Interfaith Harmony provided a summary that suggested the non-inclusion of any Ahmadi in the NCM because they do not fall in the definition of minorities. It was also reported that none of the cabinet members raised objection over non-inclusion of the Ahmadiyya minority in the NCM.

On 6 May 2020, the Minister for Religious Affairs and Interfaith Harmony, Mr. [REDACTED], allegedly commented that “Ahmadis cannot be treated as other non-Muslims and anyone who has a soft corner for them [Ahmadis] can never be loyal to Islam and Pakistan” during an interview in the television on the Government’s decision to exclude Ahmadis from the NCM. Subsequently, at least two Ministers of the Government who supported the inclusion of Ahmadi in NCM before the decision was announced have been threatened for their views after the interview of the Minister for Religious Affairs and Interfaith Harmony was aired and widely tweeted.

To date, there has not been any official statement from the Government condemning the inflammatory tweets of the State Minister for Parliamentary Affairs, Mr. [REDACTED].

In the past, Pakistan has seen quite a number of people who faced blasphemy charges, who expressed sympathy or support to anyone accused of “blasphemy” or who tried to propose the reform of the blasphemy law assassinated or threatened with death. At least 75 people were killed extrajudicially since 1990 following accusations of “blasphemy” or having affiliations with those persons accused of “blasphemy”, including lawyers and judges.

Without expressing at this stage an opinion on the facts of the case, we would like to express our concerns that the tweet by Minister of State for Parliamentary Affairs, Mr. [REDACTED], may incite to discrimination and violence against minorities based on their religion or belief and meet the threshold of prohibited speech under Article 20 of the International Covenant on Civil and Political Rights (ICCPR) that your Excellency’s Government ratified in 2010. Concerns are also expressed that the inciteful tweet of State Minister [REDACTED] may threaten other Ministers who are considered to be supportive of including the Ahmadis in the National Commission on Minorities. Furthermore, we are gravely concerned that such open and inflammatory

speech by a political figure against the Ahmadis could increase the discrimination and violent attacks against the Ahmadiyya and possibly other religious minorities.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide the details and, where available, the results of any investigation and judicial or other inquiries which may have been carried out, or which are foreseen, into the allegations of inciteful tweet of State Minister [REDACTED] and the actions taken to ensure the non-recurrence of such incident and the accountability as a political leader.
3. Please provide the measures and steps taken by your Excellency's Government in ensuring the security and safety of the Ahmadiyya minority and the two Ministers who allegedly face threats as well from other tweets.
4. Please provide the available legal tools in combating incitement to hatred or violence against minorities in Pakistan.
5. Please provide the measures taken by your Excellency's Government in monitoring and evaluating all speeches or acts of incitement to discrimination, hatred and violence against minorities as well as in holding the perpetrators accountable.
6. Please provide details of any investigation or prosecution of the 75 cases of extrajudicial killings of victims who were accused of "blasphemy" or affiliated with the "blasphemers".
7. Please provide information on the efforts taken by the Government to ensure the non-discrimination of any individual based on religion or belief and the protection the rights of everyone to freedom of thought, conscience and religion, as provided by the above-mentioned international human rights instruments.

While awaiting a reply, we urge that your Excellency's Government take all necessary measures to speak out against incitement to hatred or violence, and prevent the re-occurrence of such incitement; and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Ahmed Shaheed  
Special Rapporteur on freedom of religion or belief

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Fernand de Varennes  
Special Rapporteur on minority issues

## **Annex**

### **Reference to international human rights law**

Under Article 20 of the ICCPR, the State has an obligation to prohibit propaganda for war and advocacy of national, racial or religious hatred that constitutes incitement to discrimination, violence or hostility. General Comment 34 by the Human Rights Committee and the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (A/HRC/22/17/Add.4) provides further guidance on discharging state obligations with regard to ‘hate speech’. While only speech that reaches a very high threshold, based on a contextual assessment using the six-part threshold test identified by the Rabat Plan of Action, must be criminalised and all prohibitions on speech must meet the requirements for restrictions under Article 19 of the ICCPR, all hate speech requires a response from the authorities to reject the dissemination of hatred and hostility. In this regard, we are of the view that given the context of the tweet posted by State Minister [REDACTED], his status as a leading political figure, the intent, form and outreach of his tweet and the imminence of harm against the Ahmadiyya minority could incite hatred and violence that will lead to serious consequences if left unaddressed.

We would like to respectfully remind your Government Article 2 (1) of the ICCPR that encouraged each State Party to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as [...] religion [...]. Therefore, we would like to stress that no one, including the Ahmadi, should be discriminated based on the religious or belief identity and everyone has the right to freedom of thought, conscience and religion as provided in Article 18 (1) of the ICCPR. This right shall include freedom to have or to adopt a religion or belief of one’s choice.

Article 27 of ICCPR provides that “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.” The 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities also emphasised that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination (article 2.1), and persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life (article 2.2). Moreover, States are required to ensure that persons belonging to minorities may exercise their human rights without discrimination and in full equality before the law (article 4.1) and create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs (article 4.2).



In addition, Human Rights Council Resolution 16/18 on Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief, which noted the call on States to speak out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence; adopt measures to criminalize incitement to imminent violence based on religion or belief; and understand the need to combat denigration and negative religious stereotyping of persons, as well as incitement to religious hatred, by strategizing and harmonizing actions at the local, national, regional and international levels through inter alia, education and awareness-building.