

Mandates of the Special Rapporteur on minority issues; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on freedom of religion or belief

Ref.: AL PAK 2/2023

(Please use this reference in your reply)

31 March 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on minority issues; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 43/8, 43/4, 44/8 and 49/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning growing discrimination and rising incidents of hate speech and incitement to violence **against the Ahmadi religious minority in Pakistan, including attacks against places of worship and other acts of intimidation.**

According to the information received:

Between 2022 and early 2023, there has been an increased number of religiously motivated instances of hate speech and acts of intolerance against the Ahmadi religious minority in Pakistan.

In 2022, a senior cleric of Tehreek-e Labbaik Pakistan (TLP), Muhammad Naeem Chattha Qadri, incited physical violence against Ahmadi pregnant women to "make sure that no new Ahmadis are born.". During his speech at Mandi Bahaudin, Punjab, he also stated that decapitation was the punishment for blasphemers.

Furthermore, Syed Muhammad Sibtain Shah Naqvi, founder and principal of Markaz Imam Bukhari Sargodha, publicly declared that if an Ahmadi's house was on fire, "one should pour oil on it, rather than water." He also called for a boycott and denial of services to members of Ahmadi minority.

On 24 December 2022, a Khatme-Nabuwwat WhatsApp group was created, comprising hundreds of members. Similar calls for violence circulated via this WhatsApp Group, including a video calling upon Muslims to "cut the tongue", "strike down the hand" of Quran desecraters, and not rest until the last "Qadiani" [pejorative of Ahmadis] is unalive.

In addition, a series of attacks against Ahmadi places of worship were reported, from December 2022 to date.

During the night between 7 and 8 December 2022, police destroyed the minarets of Ahmadiyya Mosque in Baghanpura, Gujranwala.

On 10 January 2023, police knocked down the minarets of a century-old Ahmadiyya Mosque in Moti Bazaar, Wazirabad. These incidents took place after violent statements were made by anti Ahmadi activists.

On 18 January 2023, perpetrators vandalised two minarets of Ahmadiyya Muslim Mosque on Martin Road in Karachi, Pakistan. They climbed the minarets using a ladder and smashed to bits the upper part of a minaret by a sledgehammer.

On 22 January 2023, perpetrators desecrated Ahmadiyya graves at 89 GB Ratan in Faisalabad.

On 2 February 2023, a group of anti-Ahmadiyya destroyed the minarets of the Ahmadiyya Hall built in 1950 in Saddar, Karachi. Around 5 to 10 persons climbed up the wall and razed the minarets using a hammer, while shouting anti-Ahmadiyya slogans.

The following day, on 3 February 2023, a fire was set to the Ahmadi Mosque in Noor Nagar district of Umerkot in Sindh Pakistan. The fire destroyed mosque mats and chairs. Perpetrators also damaged the minarets of the Ahmadiyya Mosque in Goth Chaudary Javed Ahmed at Goth Ghazi Khan Mirani, in the district Mirpurkhas, also in Sindh Pakistan.

In addition to the incidents above, at the District Bar Council of Gujranwala, Punjab province issued a notice dated 7 March 2023 that lawyers who wish to be admitted to the Bar Council must provide an affidavit condemning Mirza Ghulam Ahmed Qadiani, Founder of the Ahmadiyya community, as a liar. This affidavit should also declare that Qadiani's followers are not Muslims despite their self-identification as Muslims. The text of this affidavit states: "I am Muslim and have unconditional belief in Khatm e Nabuwat and finality of Prophethood of Holy Prophet (P B U H). I do not accept anyone who claims to be a Prophet after the Holy Prophet (P B U H) by amending the known definition of the word, Prophet. I do not accept such claimant of Prophecy as Prophet or Religious Preacher. I do not consider such person Muslim. I consider Mirza Ghulam Ahmed Qadiani, liar (God forbid) and his Lahori and Qadiani followers, non-Muslims."

We are deeply concerned about this series of violent attacks against the Ahmadi minority, which we have previously addressed in several communications (AL PAK 5/2018¹; OL PAK 10/2020²; and AL PAK 6/2020³), that despite our requests for remedial actions from authorities, the safety of the Ahmadi minority continues to deteriorate. We are also gravely concerned about hate speech, including on social media, and incitement to violence from anti-Ahmadi activists and local authorities and institutions, such as the police and the Bar Council in Gujranwala.

We are further alarmed about the multiple incidents of vandalism of Ahmadi religious buildings. While the Supreme Court of Pakistan issued a decision (PLD 2014 SC 699) guaranteeing the protection of all places of worship, it notably requested the Government of Pakistan to establish a special task force for the

¹ [Internal Communication Clearance Form \(ohchr.org\)](#)

² [DownloadPublicCommunicationFile \(ohchr.org\)](#)

³ [DownloadPublicCommunicationFile \(ohchr.org\)](#)

protection of places of worship by minorities. We express our serious concern on the lack of effective protection by authorities of such places of worship as well as the situation of risk and lack of protection of individuals belonging to the Ahmadi religious minority in Pakistan.

Finally, we would like to express our concern regarding the required affidavit for lawyers to join the bar in Gujranwala. The obligation to provide an affidavit declaring oneself Muslim and not accepting other beliefs in order to be qualified to join the bar seems to be a violation of the freedom of religion or belief of those Ahmadis who seek this membership. Moreover, it appears to amount to interference in the independence of lawyers to practice their professions without interference from the state due to their religious affiliation.

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 detailed information on measures taken by your Excellency's Government, and where available the results, of any investigation or inquiries carried out in order to ensure that perpetrators of above-mentioned allegations are identified, investigated, persecuted and held accountable. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please provide information on steps taken by your Excellency's Government to prevent incidents of vandalization of minority places of worship buildings, as well as actions taken to maintain a safe environment for the Ahmadi community.
4. Please provide information on steps taken to implement the Supreme Court of Pakistan's judgement PLD 2014 SC 699 instructing the police to protect places of worship and requesting the Government of Pakistan to form a special task force for the protection of minority places of worship.
5. Please provide information on steps taken by your Excellency's Government, in accordance with international standards, towards combatting incitement to discrimination or violence, and acts of violence and intimidation against the Ahmadi community and individuals by non-State actors in Pakistan.
6. Please provide information on constitutional, legislative and policy safeguards put in place by your Excellency's Government to protect the Ahmadi community against any form of discrimination.

7. Please provide information about steps taken by your Excellency's Government to ensure that lawyers from minority religions are able to join the bar without discrimination based on religion or belief.

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

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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

Fernand de Varennes
Special Rapporteur on minority issues

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Nazila Ghanea
Special Rapporteur on freedom of religion or belief

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to its legal obligations under the international treaties it has ratified and to broader international human rights standards.

We recall that the Universal Declaration of Human Rights, adopted by the General Assembly on 10 December 1948, is a foundational standard-setting document of the United Nations system, and recognizes in Article 1 that "all human beings are born free and equal in dignity and rights." We also highlight article 2 that states that "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." We further recall article 18 which protects "the right to freedom of thought, conscience and religion." Understood within the context of minority rights, this means that States should refrain from practices which discriminate against or impede the religious freedoms of minority groups on their territory.⁴

We would also like to recall your Excellency's Government's obligation under International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010. Articles 2 (1) of the ICCPR provides that each State Party undertakes 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 race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 2 (2) of the ICCPR states "where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant." Under article 2 (3) of the ICCPR State Party are obliged to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; and to ensure that the competent authorities shall enforce such remedies when granted."

Moreover, article 6 (1) of the ICCPR stipulates that everyone "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." Additionally, article 7 of the ICCPR states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Furthermore, article 17 (1) of the ICCPR states that "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or

⁴ E/CN.4/Sub.2/AC.5/2005/2, para 4

correspondence, nor to unlawful attacks on his honour and reputation.” Article 17 (2) states “Everyone has the right to the protection of the law against such interference or attacks.”

In addition, article 18 (1) states “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” Article 18 (2) states “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.” Article 18 (3) provides the freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. Under article 18 (4) States Parties are obliged to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

We remind your Excellency's Government as per article 20 (2) of the ICCPR, States are under an obligation to prohibit any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

In relation to your Excellency's Government obligations pursuant to the ICCPR, we recall General Comment No. 22: Freedom of Thought, Conscience or Religion (art. 18), adopted by the Human Rights Committee on 30 July 1993. In particular, we bring attention to the conclusion that even when one religion is declared a State religion and is practiced by the “the majority of the population,” this does not justify “any discrimination against adherents to other religions or non-believers” (CCPR/C/21/Rev.1/Add.4, para 9).

In relation to the family, article 23 (2) provides the right of men and women of marriageable age to marry and to found a family. In relation to children, article 24 (1) of the ICCPR provides the “Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.”

In relation to universal equality free from discrimination, article 26 of the ICCPR provides that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. In the context of State obligations to protect such rights for minorities, article 27 provides that the State Parties where 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.

In relation to your Excellency's obligations pursuant to article 27 of the ICCPR, we further recall General Comment No. 23: Rights of Minorities (art. 27), adopted by the Human Rights Committee on 8 April 1994. In particular, we bring attention to the conclusion that, in protecting the rights of minorities covered under

article 27, “a State party is under an obligation to ensure that the existence and the exercise of this right are protected against their denial or violation” and thus “[p]ositive measures of protection are, therefore, required not only against the acts of the State party itself, whether through its legislative, judicial or administrative authorities, but also against the acts of other persons within the State party” (CCPR/C/21/Rev.1/Add.5, para 6.1).

We would further like to refer to your Excellency’s Government’s obligation under International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Pakistan on 17 April 2008. State Parties are obliged under article 2(2) to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

In relation to obligations pursuant to article 2(2) the ICESCR, we recall General Comment 20: Non-discrimination in economic, social and cultural rights, adopted by the Committee on Economic, Social and Cultural Rights in May 2009. This document enumerates prohibited grounds of discrimination, including religious discrimination, and elaborates that States have an obligation to “adopt measures, which should include legislation, to ensure that individuals and entities in the private sphere do not discriminate on prohibited grounds,” such as in the leasing and selling of private property (E/C.12/GC/20, paras 11, 22).

In relation to State obligations pursuant to article 15.1(a) of the ICESCR, we would like to refer your Excellency’s Government to General comment No. 21: Right of everyone to take part in cultural life (art. 15.1(a)), published by the UN Committee on Economic, Social and Cultural Rights on 21 December 2009. We highlight the conclusion that art. 15.1(a) protects the rights of minorities “to their cultural diversity, traditions, customs, religion, forms of education, languages, communication media (press, radio, television, Internet) and other manifestations of their cultural identity and membership” and that all efforts to integrate minorities into broader society must be done “based on inclusion, participation and non-discrimination, with a view to preserving the distinctive character of minority cultures” (E/C.12/GC/21, para 32-33).

We would further like to refer to your Excellency’s Government’s obligation under Convention on the Rights of the Child (CRC), acceded by Pakistan on 12 November 1990. Article 2 (2) of the CRC provides that “States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.” Moreover, article 3 (2) requires “States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.” Additionally, article 6 (1) of the CRC recognizes that every child has the inherent right to life”. Article 6 (2) provides that “States Parties shall ensure to the maximum extent possible the survival and development of the child.”

Article 16 (1) of the CRC provides “No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation,” Moreover, article 16 (2) notes

the child has the right to the protection of the law against such interference or attacks.

Article 30 of the CRC provides “in those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language”.

In addition to the above cited international law, we would like to bring your Excellency’s Government attention to other international standards, best practices and recommendations which are relevant to the issues raised.

We would like to draw your Excellency’s Government attention to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (hereinafter, “the Declaration”), adopted by consensus by the UN General Assembly (UNGA) on 18 December 1992 (A/RES/47/135). Article 1 of this declaration highlights “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.” Article 1.2 calls on States to “adopt appropriate legislative and other measures to achieve those ends.”

Article 2.1 states that all “persons belonging to national or ethnic, religious and linguistic minorities [...] have the right to [...] to profess and practice their own religion [...] in private and in public, freely and without interference or any form of discrimination.” Article 2.2 elaborates the right of minorities “to participate effectively in cultural, religious, social, economic and public life.” Moreover, article 4.1 declares that, where required, States take steps to ensure that “persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law”. As it pertains to the attitudes of the majority population towards minorities, article 4.4 states that “States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory”.

We further recall the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by consensus by the UNGA on 25 November 1981 (A/RES/36/55). In particular, we draw attention to article 2.1 which declares that “[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or belief.” We further highlight article 4.1 which calls on States to “take effective measures to prevent and eliminate discrimination on the grounds of religion or belief.” Article 4.2 stresses that: “All States make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or belief in this matter.”

We further highlight the Universal Declaration on Cultural Diversity, adopted by UNESCO’s General Conference on 2 November 2001. In particular, we call your Excellency’s Government attention to article 4, which states that the “defence of cultural diversity is an ethical imperative, inseparable from respect for human dignity [and] implies a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities and those of indigenous peoples.”

We remind your Excellency's Government of the the outcome of Pakistan's participation in the third cycle of the UN Human Rights Council's Universal Periodic Review (UPR) process in 2018. In particular, we highlight the recommendations to "take effective measures to protect persons belonging to minorities, including the Ahmadi community" and to "make greater efforts to investigate complaints and prosecute those that commit crimes against ethnic and religious minorities, such as [...] Ahmadis" (A/HRC/37/13, paras 152.168, 152.84). We further recall the recommendations to "adopt the necessary legislative or regulatory measures to combat all forms of discrimination, particularly against ethnic or religious minorities" and to "strengthen measures with regard to the elimination of violence and discrimination against persons belonging to religious minorities (A/HRC/37/13, paras 152.83, 152.165).

We further bring your Excellency's Government attention to the Recommendations of the Forum on Minority Issues at its sixth session: Guaranteeing the rights of religious minorities, held in November 2013. States "must act appropriately and rapidly to protect the rights and security of persons belonging to religious minorities under threat, and prosecute anyone who commits, supports or incites violence against them" (A/HRC/25/66, para 53). We further highlight the recommendation that "States should ensure that all cases of intimidation, harassment, persecution and other serious human rights violations against persons belonging to religious minorities, including through the use of Internet tools and platforms, are thoroughly and immediately investigated, and that the perpetrators are punished" (A/HRC/25/66, para 57). In particular, we bring attention to conclusion that "negative portrayal of religious minorities in the media or in official or political discourse has a significant influence on how they may be perceived by the population in general, and should be addressed" as well as the corresponding recommendations that in cases where "such discourse amounts to hate speech or incitement to religious hatred, appropriate legal penalties should be enforced, in conformity with international standards" (A/HRC/25/66, para 59). Finally, we recall the recommendation that "[i]n multi-faith societies, efforts to build a climate of trust, understanding, acceptance, and interfaith cooperation and exchange should be established" (A/HRC/25/66, para 65).

We also recall the Recommendations made by the Forum on Minority Issues at its thirteenth session: Hate speech, social media and minorities held in November 2020. We bring your Excellency's Government attention to the recommendation that "States should act decisively, quickly and effectively to address and counter hate speech against minorities in online communications, including by swiftly and effectively investigating and prosecuting those responsible, holding them accountable and ensuring that victims have effective access to justice and remedy" (A/HRC/46/58, para 10). Moreover, we call attention to recommendations for States to take "preventive measures against intolerance and hate speech against minorities, including by creating the conditions for social and economic stability, inclusion and cohesion" (A/HRC/46/58, para 14). To that end, the outcome document recommendations call on States to "adopt human rights education initiatives on minority rights, including in school curriculums; promote diversity and pluralism; and combat discrimination, stereotyping, xenophobia, racism and hate speech by disseminating positive, alternative and inclusive narratives that invite dialogue" (A/HRC/46/58, para 15).

We recall that the Basic Principles on the Role of Lawyers states in principle 10 that “professional associations of lawyers. . . shall ensure that there is no discrimination against a person with respect to entry into or continued practice within the legal profession on the grounds of race, colour, sex, ethnic origin, religion,” or other status.