

## Pakistan: Ensure Ahmadi Voting Rights

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### Repeal Discriminatory Laws Against Religious Community



(New York) – The Pakistani government should immediately act to allow the full and equal participation of members of the Ahmadiyya religious community in the general elections scheduled for July 25, 2018, Human Rights Watch said today. The government should drop discriminatory provisions in the electoral law that effectively exclude Ahmadis because of their religious beliefs.



The Ahmadiyya community regards Mirza Ghulam Ahmad, the founder of their sect, as a prophet, a claim that the dominant Muslim faiths and Pakistani law reject. To register as voters, Ahmadis must either renounce their faith or agree to be placed in a separate electoral list and accept their status as “non-Muslim.” Self-identification as Muslims, however, is the cornerstone of Ahmadiyya religious belief, and thus they end up not voting at all.

“The elections in Pakistan can’t be ‘free and fair’ if an entire community is effectively excluded from the electoral process,” said Brad Adams, Asia director. “Religious disagreements cannot justify denying people their right to vote.”

Anti-Ahmadiyya violence has intensified in the past year, exemplified by the government’s pandering to groups using inflammatory language against the Ahmadis and seeking to exclude them from the political process. Human Rights Watch interviewed 13 members of the Ahmadi community to discuss entrenched problems in their participation in elections.

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### **Omer, an Ahmadi activist in Rabwah**

Elections held in 1985 under the military dictatorship of President Gen. Muhammad Zia-ul-Haq reversed universal voting rights and introduced a system of separate electorates that required non-Muslims to register as a separate category and vote for non-Muslim candidates. To vote, the Ahmadis had to register as non-Muslims. Since then, Ahmadis have in practice been denied the right to vote in local, provincial, and national elections.

In 2002, President Gen. Pervez Musharraf abolished the separate electorate system and restored the original joint electorate scheme with one major amendment. Through an executive order, he created a separate category for Ahmadis. Executive Order No. 15 states that elections for the members of the National Assembly and the provincial assemblies shall be held on the basis of a joint electorate, but the “status of Ahmadis [was] to remain unchanged.” As a result, Pakistani citizens have been moved to a single electoral list, leaving only Ahmadis on a “non-Muslim” list. The new Election Act 2017 retains the provisions regarding the status of the Ahmadis. If anyone raises an objection against a particular voter identifying them as non-Muslim, the election commission can summon the person and ask that they declare they are not Ahmadi or be put on a supplementary special voter list.

“The choice is between practically renouncing our faith or vote,” said an Ahmadi activist. “This is not a real choice. It would have been better had the government outright banned Ahmadis from voting since then they would rightly receive international criticism for doing that.”

In addition to being denied suffrage, the Ahmadiyya community has faced deadly violence by militant Islamist groups. The separate list of all registered Ahmadi voters with contact information places them at greater risk of targeted attacks. In recent years, hundreds of Ahmadis have been injured and killed in bombings and other attacks by militants.



This is a vicious cycle – we are persecuted and discriminated by laws which ensure that we don't get a voice in the parliament, and since we don't have a voice there is nothing that we can do to have these laws changed.

### **Mansoor, a businessman in Lahore**

The government effectively legalizes and even encourages persecution of the Ahmadiyya community. The penal code explicitly discriminates against religious minorities and targets Ahmadis in particular by prohibiting them from “indirectly or directly posing as a Muslim.” Ahmadis are prohibited from declaring or propagating their faith publicly, building mosques, or making the call for Muslim prayer.

Pakistan's “Blasphemy Law,” as section 295-C of the Penal Code is known, makes the death penalty mandatory for blasphemy. Under this law, the Ahmadi belief in the prophethood of Mirza Ghulam Ahmad is considered blasphemous insofar as it “defiles the name of Prophet Muhammad.”

“This is a vicious cycle,” said an Ahmadi businessman. “We are persecuted and discriminated by laws which ensure that we don't get a voice in the parliament, and since we don't have a voice, there is nothing that we can do to have these laws changed.”

The authorities continue to arrest, jail, and charge Ahmadis for blasphemy and other offenses because of their religious beliefs. In several instances, the police have been complicit in harassment and filing of false charges against Ahmadis, or stood by in the face of anti-Ahmadi violence.

Pakistani laws against the Ahmadiyya community violate Pakistan's international legal obligations under the International Covenant on Civil and Political Rights (ICCPR), including the rights to freedom of conscience, religion, expression, and association; to profess and practice their own religion; and to vote and be elected at genuine periodic elections. Pakistan ratified the ICCPR in 2010.

The government of Pakistan should also investigate and prosecute as appropriate intimidation, threats, and violence against the Ahmadiyya community by militant Islamist groups.

“The Pakistani government's continued use of discriminatory laws against Ahmadis and other religious minorities is indefensible,” Adams said. “As long as such laws remain on the books, the Pakistani government will be seen as a persecutor of minorities and an enabler of abuses.”



### **Persecution of the Ahmadiyya Community in Pakistan**

The Ahmadiyya community has long been persecuted in Pakistan. Since 1953, when the first post-independence anti-Ahmadiyya riots broke out, the relatively small number of Ahmadis in Pakistan have lived under threat. The community boycotts the census but estimates that there are approximately four million Ahmadis in Pakistan out of a total population of 220 million.

Between 1953 and 1973, this persecution was sporadic, but in 1974 a new wave of anti-Ahmadi disturbances spread across Pakistan. In response, Pakistan's parliament, instead of acting to protect the community, introduced constitutional amendments that defined the term "Muslim" in the Pakistani context and listed groups that were deemed to be non-Muslim under Pakistani law. The amendment, which went into effect on September 6, 1974, explicitly deprived Ahmadis of their identity as Muslims.

In 1984, Pakistan amended its penal code, giving legal status to five ordinances that explicitly targeted religious minorities, including a law against blasphemy; a law punishing defiling the Quran; a prohibition against insulting the wives, family, or companions of the Prophet of Islam; and two laws specifically restricting the activities of Ahmadis. On April 26, 1984, General Zia-ul-Haq issued these last two laws as part of Martial Law Ordinance XX, which amended Pakistan's Penal Code, sections 298-B and 298-C.

Ordinance XX undercut the activities of religious minorities generally, but struck at Ahmadis in particular



by prohibiting them from “indirectly or directly posing as a Muslim.” Ahmadis thus could no longer profess their faith, either orally or in writing. Pakistani police destroyed Ahmadi translations of and commentaries on the Quran. They banned Ahmadi publications, as well as using any Islamic terminology on Ahmadi wedding invitations, offering Ahmadi funeral prayers, or displaying the Kalima – the statement that “there is no god but Allah, Muhammad is Allah’s prophet,” the principal creed of Muslims – on Ahmadi gravestones.

In addition, Ordinance XX prohibited Ahmadis from declaring their faith publicly, propagating their faith, building mosques, or making the call for Muslim prayer. In effect, virtually any public act of worship or devotion by an Ahmadi could be treated as a criminal offense.

My national identification card had ‘Islam’ as my religion for the past many years, and I attempted to rectify the error four years ago... [The official] shouted at me and told me that I will burn in hell for this, while I pleaded with him that it was a clerical error.

### **Asma, currently living in the United States**

With the passage of the Criminal Law Act of 1986, parliament added section 295-C to the Pakistan Penal Code. The “Blasphemy Law,” as it came to be known, made the death penalty mandatory for blasphemy. General Zia-ul-Haq and his military government institutionalized the persecution of Ahmadis as well as other minorities in Pakistan with section 295-C. The Ahmadi belief in the prophethood of Mirza Ghulam Ahmad was considered blasphemous because it “defiled the name of Prophet Muhammad,” meaning that Ahmadis can be sentenced to death for simply professing their faith. Though the numbers vary from year to year, Ahmadis have been charged every year under the Blasphemy Law.

In October 2017, after parliament changed the language of the oath for incoming members by replacing the words “I solemnly swear” with “I believe” in a proclamation of Muhammad as the religion’s last prophet, hardline Islamist groups held protests in the federal capital, Islamabad. They viewed the change to be “blasphemous” and to be extending a concession to Ahmadi beliefs. The government blamed a “clerical” error for the change and quickly restored the earlier wording.

Ahmadis also face legal barriers in obtaining government identification and travel documents. Pakistani law requires citizens to declare their religion when applying for a Computerized National Identity Card (CNIC) or passport. Every person who declares themselves a Muslim when applying for a passport has to sign a declaration titled “Declaration in the Case of Muslims” that states, “I consider Mirza Ghulam Ahmad Qadiani to be an imposter nabi and also consider his followers ... to be Non-Muslims.” The identification card application process requires a similar declaration.

The requirement effectively mandates Ahmadis to renounce a tenet of their faith to obtain basic travel documents. One consequence of the passport declaration has been to bar Ahmadis from performing the Hajj, the Islamic pilgrimage that Ahmadis believe to be a religious duty.

### **Selected Personal Accounts**

Human Rights Watch spoke to 13 members of the Ahmadiyya community from June 18 to 23, 2018,

regarding exclusion from the electoral process, obstacles to obtaining travel and identification, and other discrimination. All interviews were conducted in Lahore. Selected accounts are below. All names have been changed to protect the people quoted.

#### *Exclusion from the Electoral Process*

Raza, 35, an Ahmadi lawyer:

Since 2002 there is a patently unjust situation where there are two electoral lists, one for the Ahmadis and the other for everyone else living in Pakistan. An Ahmadi can only vote if he acknowledges that he is a non-Muslim, and that violates the very basic tenet of an Ahmadi's faith.

Omer, an activist working in the town of Rabwah, the largest residential settlement of Ahmadis in Pakistan:

The choice is between practically renouncing our faith or vote. This is not a real choice. It would have been better had the government outright banned Ahmadis from voting since then they would rightly receive international criticism for doing that. Whereas now, the government tries to represent at international forums as if the Ahmadiyya community "boycotts" elections, which is not true. We want to vote, just not at the cost of our freedom of conscience.

Ramiz, 70, community elder residing in Lahore:

The exclusion from the elections has a devastating effect since we are left without a voice in the parliament, leaving the field open for those who want to demonize the Ahmadiyya community. It is similar to what happens in Pakistani media, where no Ahmadi spokesperson is invited and a bunch of clerics first [wrongly] explain what our faith is and then demolish it.

Mansoor, a businessman based in Lahore:

There is not one election poster in the town of Rabwah [which has a 95 percent Ahmadi population]. Political parties do not even bother campaigning and asking for our vote. This is a vicious cycle – we are persecuted and discriminated by laws which ensure that we don't get a voice in the parliament, and since we don't have a voice there is nothing that we can do to have these laws changed.

#### *Passport and National Identification Card*

Mahmood, a 65-year-old retired teacher, on being barred from making the Islamic pilgrimage of Hajj to Saudi Arabia:

I cannot put down "Islam" as my religion on the passport since then I will have to sign a statement



which declares my faith as a fraud. I consider myself a devout Muslim. However, I have no choice but to admit that I am a non-Muslim. This is awful since I have always wanted to go for the Hajj pilgrimage but “non-Muslims” are not allowed.

Bashir, a banker based in Lahore:

The National Database and Registration Authority [NADRA] officials sometimes don't even ask the religion or sect and simply assume it to be Muslim and put that down. This happened to my daughter. She has not had it changed to “Ahmadi” since then somebody might make an accusation of apostasy on her.

Asma, currently living in the United States, spoke about the difficulty of having his religion changed from “Islam” to “Ahmadi” on the CNIC:

My national identification card had “Islam” as my religion for the past many years, and I attempted to rectify the error four years ago. The NADRA official refused and said that this will make him complicit in “apostasy.” He shouted at me and told me that I will burn in hell for this, while I pleaded with him that it was a clerical error. I finally had it changed after paying bribe money to an official.

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