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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 Human Rights Congress for Bangladesh Minorities (HRCBM), 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.

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* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Targeting the Ahmadiyya community through blasphemy laws in Pakistan

I. Introduction

A college teacher sentenced to jail for ten years for delivering a lecture; death sentence for a social media post; mob lynching on mere suspicion; fake accusations against a mentally ill child leading to a prolonged trial; and death sentence being handed out to woman principal of a private school. All of these have a common thread running through them - Pakistan's blasphemy laws. All of these are instances of misuse and abuse of these laws against minorities in Pakistan, in particular the Ahmadiyya Community.

II. Background

Pakistani blasphemy laws are regarded as one of the harshest in the world and have been often termed as "bloodthirsty laws." They propagate violence, discrimination, and are used as a malicious tool to target the vulnerable, especially women and children of minority groups.

Albeit originating as colonial-era legislation and long considered as controversial, their prescribed punishments, amended by former dictator General Muhammad Zia-ul-Haq, made them even more draconian. In 1972, General Zia added new clauses criminalizing those who "deliberately or maliciously practiced acts to outrage religious feeling or insult religious believers."

The blasphemy laws primarily target minority groups, especially the Ahmadiyya and Shia communities. Data provided by the National Commission for Justice and Peace in 2019 stated that 776 Muslims, 505 Ahmadiyyas, 229 Christians, and 30 Hindus were accused of blasphemy between 1987 to 2018.

The Ahmadiyya community is a sect deemed by the Pakistani Constitution to be non-Muslim, even though Ahmadiyyas self-identify as Muslims. Ahmadiyyas cannot attend or claim the mosque as their place of worship and are not allowed to state the Islamic greeting "assalamualaikum."

III. Targeting of Women and Children

According to the International Human Rights Commission (IHRC), 65 year old Kaneez Bibi was arrested on 2 February of this year under the blasphemy laws, in the wake of charges levelled against the sextagenarian by a violent organization whose primary object is to flare up hatred against Ahmadiyyas – the Tehrik-e-Labbaik Pakistan (TLP). She was accused of tearing up a poster which was explicitly abusive about the Ahmadiyya community and its founder. It was alleged that the poster contained verses from the Holy Koran printed and by shredding it, Kaneez Bibi committed an act of contempt against the Holy Book. In fact, the poster contained no such verses and the TLP was merely attempting to whip up sentiment against Ahmadiyyas.

Aneeqa Ateeq, a 26-year-old Muslim woman, was arrested in May 2020 and charged with posting "blasphemous material" as her WhatsApp status. A court in the city of Rawalpindi found Ateeq guilty this week, gave her a 20-year jail sentence and ordered her to be "hanged by her neck till she is dead."

On April 30th, 2020, Ramzan Bibi attempted to make a charitable donation for a ceremony to be held in one of Cheleki village's non-Ahmadiyya mosques; however, her money was returned to her. Bibi was confused about the reason why her donation could not be accepted, and when she asked one of her non-Ahmadiyya family members, the discussion "turned into a dispute resulting in a verbal and physical altercation." Soon after, multiple non-Ahmadiyya village leaders visited the District Police Office to accuse Bibi of committing blasphemy against the Prophet. She was officially charged under the problematic Section 295-C of

Pakistan's Penal Code (PPC), which states that "whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine." Bibi is currently detained at Central Jail in Lahore, Pakistan. The United States of America Commission on International Religious Freedom (USCIRF) has also condemned the arrest of Ramzan Bibi.

These laws lack a rational framework for implementation or enforcement. A mere accusation can prove fatal as was the case with Mashal Khan, a student at Abdul Wali Khan University in Mardan. On April 13, 2017, he was killed by a mob of students because a peer he knew had levelled allegations of blasphemy against him. Later on, it was noted by the Inspector General of Police, Khyber Pakhtunkhwa, that there had been no evidence of him committing blasphemy, but it was already too late.

According to Amnesty International, one case involved a fake accusation against a mentally ill child named R.M. An Islamic cleric accused R.M., a 14-year-old Christian girl, of burning the Koran. This mere accusation led to R.M. being detained and charged despite a lack of evidence.

Pakistan's blasphemy laws foster an environment of intolerance and impunity, and lead to violations of a broad range of human rights, including the obvious rights to freedom of expression and freedom of religion, as well as freedom from arbitrary arrest and detention; the right to due process and a fair trial; freedom from torture and cruel, inhuman, and degrading treatment; and the right to life and security of the person. The Government of Pakistan's inability to reform these laws is attributable to the popularity of religious right wing extremist groups. Politicians have only strengthened these laws for political gains. Imran Khan, the recently unseated Prime Minister of Pakistan himself stated during the general election in 2018, "We are standing with Article 295-C and will defend [it]." Most of the time, mobs take the law into their own hands, and lawyers will refuse to defend the accused for fear of being killed by these mobs.

Ahmadiyya Muslims are now routinely arrested and charged solely because they are caught possessing copies of books written by their community's founder. For instance, in May 2020, Rohan Ahmad, an Ahmadiyya missionary, was arrested on the accusation that he possessed Ahmadiyya literature. He was charged under Sections 298-C and 295-B, PPC & Section 11 of Electronic Crimes Act. Several other senior officials working at the Ahmadiyya Headquarters in Rabwah were named as accused. Rohan Ahmad remains in jail in Lahore.

The rights of these minorities are now being infringed even in the digital domain. On December 25, 2020, the Pakistan Telecommunication Authority ("PTA") issued takedown notices to Google and Wikipedia to remove content associated with the Ahmadiyya Muslim Community. More specifically, citing the controversial Removal and Blocking of Unlawful Online Content Rules 2020 ("Unlawful Online Content Rules"), the PTA directed Wikipedia to remove articles portraying the head of the Ahmadiyya Muslim community, Mirza Masroor Ahmad, as a Muslim. The PTA also required Google to remove an app developed by the Ahmadiyya community, which provides Arabic and English translations of the Koran. Unfortunately, Google succumbed and has removed all apps owned by the Ahmadiyya Muslim community from its Google play store. This is a clear overreach by the PTA and yet another means to oppress and censor Ahmadiyyas, this denial of access to digital content being a violation of their right to freedom of opinion and expression. Further, on December 24, 2020 the PTA sent a legal notice to Amjad Mahmood Khan and Harris Zafar, two United States of America citizens who allegedly operated the trueislam website. The notice required the two Americans to remove all content from the trueislam website within a mere 24 hours of receipt of the notice as it violated Pakistan's blasphemy laws. The PTA also threatened penalties under Pakistan's Prevention of Electronic Crimes Act 2016 and the Unlawful Online Content Rules, which include harsh criminal sanctions and fines of up to 500 million Pakistani rupees (USD \$3.1 million). The targeting of digital content by the Government of Pakistan and threatening of United States of America Citizens violates Articles 18, 19, and 27 of the International Covenant on Civil and Political Rights (ICCPR). Furthermore, these blasphemy and censorship laws have been roundly condemned by human rights experts and nations around the world including the UN Human Rights Council.

Request

The council should take swift action calling upon Pakistan to repeal the blasphemy laws and ensure that minorities, particularly women, are not targeted. Pakistan should be held responsible for these laws and the violation of human rights that they legitimise and normalize.

South Asian Minority Collective, NGO(s) without consultative status, also share the views expressed in this statement.

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