



Country Information and Guidance

Pakistan: Religious freedom

Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of Pakistan as well as country of origin information (COI) about Pakistan. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether - in the event of a claim being refused - it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Within this instruction, links to specific guidance are those on the Home Office's internal system. Public versions of these documents are available at <https://www.gov.uk/immigration-operational-guidance/asylum-policy>.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office's research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email: CPI@homeoffice.gsi.gov.uk.

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The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Annex B: Letters from Foreign and Commonwealth Office

December 2013
March 2011
January 2011

Annex C: Caselaw

AB (Ahmadiyya Association UK: letters) Pakistan [2013] UKUT 511(IAC) (18 September 2013)

MN and others (Ahmadis – Country Conditions – Risk) Pakistan CG [2012] UKUT 00389(IAC) (14 November 2012)

AW (sufficiency of protection) Pakistan [2011] UKUT 31(IAC) (26 January 2011)

1. Guidance

Updated 14 July 2014

1.1. Basis of claim

1.1.1 Fear of persecution by the Pakistani authorities or by non state actors due to the person's minority religious faith. Within this module, 'minority religious faith' includes Ahmadis, Christians and Christian converts.

See Asylum Instructions on [Considering the asylum claim and assessing credibility](#)

1.2. Summary of issues

- Is it accepted that the person is a member of a minority religious group?
- Is the person at real risk from the Pakistan authorities or non state actors due to their religious faith/as a member of a minority religious group?
- Is there effective protection?
- Is the person able to internally relocate within Pakistan to escape that risk?

See country information on [Religious freedom](#)

1.3. Consideration of issues:

Ahmadis (Ahmadiyya)

Is it accepted that the person is an Ahmadi?

1.3.1 Decision makers must consider whether the person's account of their religious background and of their experiences as an Ahmadi is both internally consistent and credible as well as being externally credible (i.e. consistent with the objective country information).

See country information on [Ahmadis](#)

1.3.2 Based on the guidance contained in [MN and others](#), decision makers must reach a conclusion on the risk to a person based on all the evidence as a whole giving such weight to aspects of that evidence as appropriate. This is likely to include enquiring whether the person was registered with an Ahmadi community in Pakistan and worshipped and engaged there on a regular basis.

See [Caselaw](#)

See [Actors of Protection](#)

1.3.3 Post-arrival activity will also be relevant. Evidence of this likely to be relevant includes:

See [Internal relocation](#)

- confirmation from the UK Ahmadi headquarters regarding the activities relied on in Pakistan; and
- confirmation from the local community in the UK where the person is worshipping ([MN and others](#) paragraph 122).

See Asylum Instruction - [Considering the](#)

1.3.4 A claim by an Ahmadi based on post-arrival conversion or revival in belief and practice (a 'sur place' claim) will require careful evidential analysis. This includes consideration of evidence of the head of the person's local UK Ahmadi Community and from the UK headquarters, the latter particularly in cases where there has been a conversion. Any adverse findings in the person's account as a whole may be relevant to the assessment of likely behaviour on return ([MN and others](#) paragraph 126).

[asylum claim and assessing credibility.](#)

1.3.5 In the reported case of [AB](#) (September 2013) (paragraph 44), the Upper Tribunal concluded that in deciding a claim for international protection based on a person's Ahmadi faith where credibility is in issue, the more that a letter from the Ahmadiyya Association UK contains specific information as to the person's activities in the United Kingdom, the more likely the letter is to be given weight.

See [Caselaw](#)

Is an Ahmadi at real risk from the Pakistan authorities or non state actors due to their religious faith/as a member of a minority religious group?

1.3.6 As confirmed in the country guidance case of [MN and others](#) (November 2012) (para 119ii), it is, and has long been, possible in general for Ahmadis to practise their faith on a restricted basis either in private or in community with other Ahmadis, without infringing domestic Pakistan law.

See country information on [Ahmadis and Blasphemy laws](#)

1.3.7 However, the legislation that restricts the way in which Ahmadis are able to openly practise their faith not only prohibits preaching and other forms of proselytising but also in practice restricts other elements of manifesting one's religious beliefs, such as holding open discourse about religion with non-Ahmadis, even where this does not amount to proselytising ([MN and others](#) paragraph 119).

See [Caselaw](#)

1.3.8 The prohibitions include:

- openly referring to one's place of worship as a mosque;
- referring to one's religious leader as an Imam;
- referring to the call to prayer as azan;
- calling themselves Muslims; and
- referring to their faith as Islam ([MN and others](#) paragraph 119i).

An Ahmadi for whom it is of particular importance to their religious identity to practise and manifest their faith openly in Pakistan should not be expected to avoid engaging in such behaviour to avoid a risk of prosecution ([MN and others](#) paragraph 120ii).

1.3.9 Sanctions include a fine and imprisonment and – if blasphemy is

found – there is a risk of the death penalty. To date, this has not been carried out. However, there is a risk of lengthy incarceration if the penalty is imposed ([MN and others](#) paragraph 119i).

See [Caselaw](#)

1.3.10 Ahmadis who are able to demonstrate that it is of particular importance to their religious identity to practise and manifest their faith openly in Pakistan in defiance of the restrictions in the Pakistan Penal Code are likely to be in need of protection. The need for protection applies equally to men and women. ([MN and others](#) paragraphs 119i, 121).

See country information on [Blasphemy laws](#)

1.3.11 There is clear evidence that the legislation is used by non-state actors to threaten and harass Ahmadis. This includes the filing of First Information Reports (FIRs) (the first step in any criminal proceedings), which can result in detention whilst prosecution is being pursued. Ahmadis are also subject to attacks by non-state actors from sectors of the majority Sunni Muslim population ([MN and others](#) paragraph 119i).

See [Prison conditions](#)

1.3.12 Decision makers must consider the person's intentions or wishes as to their faith, if returned to Pakistan. This is relevant because of the need to establish whether it is of particular importance to the religious identity of an Ahmadi concerned to engage in practise and manifest their faith openly in Pakistan in defiance of the restrictions in the Pakistan Penal Code. The burden is on the person to demonstrate that any intention or wish to practise and manifest aspects of the faith openly that are not permitted by the Pakistan Penal Code (PPC) is genuinely held and of particular importance to the person to preserve their religious identity. Decision makers must evaluate all the evidence. Behaviour since arrival in the UK may also be relevant ([MN and others](#) paragraph 123).

See country information on internal relocation – [First Information Reports](#)

See [Internal relocation and country information Ahmadis in Rabah](#)

See country information on [Religious freedom](#)

1.3.13 An Ahmadi who is not able to show that they practised their faith at all in Pakistan or that they did so on anything other than the restricted basis are, in general, unlikely to be able to show that their genuine intentions or wishes are to practise and manifest their faith openly on return in defiance of the restrictions in the Pakistan Penal Code

See [Actors of Protection](#)

See [Caselaw](#)

1.3.14 Whilst an Ahmadi who has been found to be not reasonably likely to engage or wish to engage in behaviour described above in 1.1.9 and 1.1.10 is, in general, not at real risk on return to Pakistan, decision makers may in certain cases need to consider whether that person would nevertheless be reasonably likely to be targeted by non-state actors on return for religious persecution by reason of his/her prominent social and/or business profile ([MN and others](#) paragraph 127).

See [Actors of Protection](#)

1.3.15 Blasphemy charges, which are often false, are commonly used to intimidate members of religious minorities or others with whom the accusers disagree or have business or other conflicts.

1.3.16 If an Ahmadi is able to demonstrate that it is of **particular importance** to their religious identity to practise and manifest their faith openly in Pakistan in defiance of the restrictions in the Pakistan Penal Code (set out at 1.3.8), they are likely to be in need of protection. This is based on the findings of the country guidance case of [MN and others](#) (November 2012) (paras 118-127). Members of religious minorities, including Ahmadis, accused of blasphemy are likely to be in need of protection.

See country information on [Ahmadis and Blasphemy laws](#)

Is there effective protection for an Ahmadi?

1.3.17 Due to legislation, commonly known as the ‘anti-Ahmadi laws’, restricting the way in which Ahmadis can openly practise their faith, seeking protection from the Pakistani authorities is not a viable option.

See [Actors of Protection](#)

Is an Ahmadi able to internally relocate within Pakistan to escape that risk?

1.3.18 In light of the nationwide effect in Pakistan of the anti-Ahmadi legislation, the option of internal relocation – previously considered to be available in Rabwah – is not, in general, reasonably open to a person who genuinely wishes to practise and manifest their faith openly in Pakistan in defiance of the restrictions in the Pakistan Penal Code [MN and others](#) (para 7).

See [Internal relocation and country information Ahmadis in Rabah](#)

Policy summary

Legislation in Pakistan restricts the way in which Ahmadis can openly practise their faith; subsequently, Ahmadis are subject to prosecution under the blasphemy laws and thus an Ahmadi who wishes to practise and manifest their faith openly in Pakistan is at risk of persecution. This manifestation of their faith will need to be above the restricted basis upon which Ahmadis can currently practise their faith without infringing domestic law. Some Ahmadis in Pakistan face discrimination and attacks by extremists and are unable to seek effective protection from the authorities. Internal relocation is not generally available to an Ahmadi who wishes to practise and manifest their faith openly in Pakistan.

Where a claim falls to be refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Caselaw

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Christians

Is it accepted that the person is a Christian?

- 1.3.19 Decision makers must consider whether the person's account of their religious background and of their experiences as a Christian is both internally consistent and credible as well as being externally credible (i.e. consistent with the objective country information).
- 1.3.20 Decision makers should research the issues raised in a claim and ask relevant questions. Supporting documentation and correspondence must also be taken into account if submitted.

Is a Christian at real risk from the Pakistan authorities or non state actors due to their religious faith/as a member of a minority religious group?

- 1.3.21 There are incidents of Christians being subject to harassment, discrimination, violence and murder in Pakistan, as well as allegations of blasphemy. However, the number of Christians as a whole in the country does not indicate that those concerned are generally subject to treatment which would be persecutory or otherwise inhuman or degrading treatment.
- 1.3.22 State and societal attitudes towards Christians may result in ill-treatment. which in individual cases may reach the level of persecution, torture or inhuman and degrading treatment. Each case will need to be considered on its facts.

Is a Christian able to seek effective protection?

- 1.3.23 The reported case of [AW](#) (26 January 2011) found that there is 'systemic sufficiency of state protection' in Pakistan. Decision makers must, however, assess whether effective protection is available in relation to the particular circumstances and profile of the person. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future. In many instances, the authorities are unable or unwilling to protect the lives and properties of Christians or to bring perpetrators of such violence to justice.
- 1.3.24 Decision makers must take particular account of past persecution (if any) and consider whether there are good reasons to consider that such persecution (and past lack of sufficient protection) is likely to be repeated.

Is a Christian able to internally relocate within Pakistan to escape that risk?

- 1.3.25 There is not in general any obstacle to relocation where substantial Christian communities reside. There are Christian

See country information on [Christians](#)

See Asylum Instructions on [Considering the asylum claim and assessing credibility](#) and also the process guidance on [interviewing/assessing the claim](#)

See country information on [Violence and discrimination against Christians](#)

See [Actors of Protection](#)

See [Caselaw](#)

communities in many urban areas such as Rawalpindi, and across Punjab and Sindh provinces.

Policy summary

Some Christians in Pakistan face discrimination and attacks targeted against them by societal actors. In general, the government is willing and able to provide protection against such attacks and internal relocation is a viable option.

Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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Christian converts

Is the person accepted as being a Christian convert?

- 1.3.26 Decision makers must consider whether the person's account of their religious background - in particular the conversion to Christianity - and of their experiences as a Christian is both internally consistent and credible as well as being externally credible (i.e. consistent with the objective country information).
- 1.3.27 Decision makers should research the issues raised in a claim and to ask relevant questions. Supporting documentation and correspondence must also be taken into account if submitted.

Is a Christian convert at real risk from the Pakistan authorities or non state actors due to their religious faith/as a member of a minority religious group?

- 1.3.28 The situation is far more difficult for a person who is known to have converted from Islam to Christianity, than for a person who was born Christian. However, it is rare for a person to convert to Christianity, especially openly. It is therefore something of note for the community, with potential repercussions. It would be difficult for Christian converts to live freely and openly in Pakistan, because of their conversion. People who are known to have converted to Christianity suffer acts of violence, intimidation and serious discrimination which can in individual cases amount to persecution. Such treatment is prevalent throughout Pakistan.
- 1.3.29 As such, decision makers must no longer follow the guidance given in the country guidance case of [AJ](#) (August 2003) which found that converts to Christianity in general do not face a real risk of treatment which can be described as persecutory or

See [Internal relocation](#)

See country information on [Christian converts](#)

See Asylum Instructions on [Considering the asylum claim and assessing credibility](#) and also the process guidance on [interviewing/assessing the claim](#)

See [Actors of Protection](#)

otherwise inhuman or degrading treatment (para 36). The situation for Christian converts in Pakistan has changed since 2003 and caseowners should base their decisions on the current situation, not that which pertained over ten years ago and was reflected in [AJ](#).

Is there effective protection for a Christian convert?

1.3.30 People who are known to have converted to Christianity suffer serious societal discrimination and acts of violence, as well as discrimination by the authorities. Christian converts would not generally be able to seek and obtain effective protection from the state against acts perpetrated against them by non-state actors.

See [Actors of Protection](#)

Is a Christian convert able to internally relocate within Pakistan to escape that risk?

1.3.31 Given the treatment towards Christian converts is prevalent throughout Pakistan, internal relocation to escape such treatment is unlikely to be a viable option.

See [Internal relocation](#)

Policy summary

Christian converts in Pakistan are likely to face discrimination from society, and from the authorities. They may be subject to attacks by non-state actors. Effective protection and internal relocation will generally not be available. Christian converts, depending on their particular circumstances, are likely to be at real risk of persecution on return.

Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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Shia Muslims

Is the person accepted as being a Shia Muslim?

1.3.32 Decision makers must consider whether the person's account of their religious background and of their experiences as a Shia Muslim is both internally consistent and credible as well as being externally credible (i.e. consistent with the objective country information).

See country information: [Shia Muslims](#)

See Asylum Instructions on [Considering the asylum claim and assessing credibility](#) and also the process guidance on [interviewing/assessing the claim](#)

Is a Shia Muslim at real risk from the Pakistan authorities or non state actors due to their religious faith/as a member of a minority religious group?

1.3.33 There are no discriminatory laws or government policies against Shias in Pakistan; neither are there any legal restrictions on freedom of religion for Shias. There is little societal discrimination that would restrict Shias in their daily life. The greatest threat for Shias in Pakistan is sectarian violence and targeting by militants, although the intensity and frequency may vary from region to region.

See country information: [Shia Muslims](#) and [Actors of protection](#)

1.3.34 The reported case of [AW](#) (26 January 2011) found that there is 'systemic sufficiency of state protection' in Pakistan. Decision makers must, however, assess whether effective protection is available in relation to the particular circumstances and profile of the person. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future.

See [Caselaw](#)

Is a Shia Muslim able to seek effective protection?

1.3.35 There is a general willingness by Pakistani authorities to protect Shias. During Moharram, law enforcement authorities are known to provide security for participants. Armed forces have provided security for Shia pilgrims travelling to and from Iran. However, a lack of resources limits security forces to protect the Shia community at all times.

See Pakistan: [Actors of protection](#)

1.3.36 Decision makers must take particular account of past persecution (if any) and consider whether there are good reasons to consider that such persecution (and past lack of sufficient protection) is likely to be repeated.

Is a Shia Muslim able to internally relocate within Pakistan to escape that risk?

See Pakistan: [Internal relocation](#)

1.3.37 There are a significant number of Shia communities across Pakistan. Shia mosques and places of worship are located in most major cities and towns. In most cases there are options for Shia Muslims to relocate to areas of relative safety in Pakistan.

1.3.38 Decision makers must determine whether the person could relocate internally to a place where they would not face a real risk of serious harm and where they can reasonably be expected to stay. This assessment will need to be based on the facts of the individual case.

Policy summary

Shia Muslims may be subject to attacks by anti-Shia and militant groups. However, there are many towns across Pakistan with no inter-communal sectarian tensions. Those in fear of ill-treatment by extremists will in general be able to seek effective protection from the authorities, or internally relocate within Pakistan.

Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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2. Information

Updated 8 May 2014

2.1. Overview

2.1.1 Religious freedom is restricted by the constitution and other laws and policies, many of which were enforced by the government of Pakistan. Islam is the state religion, requiring laws to be consistent with Islam. Freedom of religion was limited, particularly for minorities. Abuses under the blasphemy law and other discriminatory laws continued and few effective measures were taken by the government to prevent these incidents or reform the laws to prevent abuse. There were also inadequate measures to investigate or prosecute the perpetrators of attacks against religious minorities, or those promoting tolerance.¹

See [Blasphemy laws](#)

2.1.2 Approximately 95 per cent of Pakistan's population identify as Muslim. Sunnis represent around 75 per cent of the population and Shias 20 per cent.² A 2010 estimate put figures at 85-90 per cent Sunni and 10-15 per cent Shia.³ Other minorities constitute the remaining five per cent of the population, which includes Christians, Hindus and Ahmadis.⁴ While Ahmadis consider themselves Muslim, the law prohibits them from identifying as such.⁵ Hindus and Christians are the largest non-Muslim minority in Pakistan. Pakistan is also home to smaller populations of Sikhs, Bahais, Parsis, Parsis/Zoroastrians and Buddhists.⁶ Other religious groups include Kalasha, Kihals, and Jains.⁷

See [Ahmadis](#) and [Christians](#)

2.1.3 The Austrian Federal Asylum Agency conducted a fact finding mission to Pakistan from 8 to 16 March 2013, focusing on, amongst other issues, religious minorities. The contents of the report were based on interviews and conversations undertaken during the mission. The executive summary stated:

¹ US Department of State <http://www.state.gov/>, International Religious Freedom Report for 2012 (USSD IRF Report 2012), 20 May 2013, Executive summary, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dclid=208438#wrapper>, date accessed 24 January 2014

² Australian Government, Department of Foreign Affairs and Trade (DFAT) reports, Country Information Report: Pakistan, 29 November 2013, Page 11, <https://www.immi.gov.au/media/publications/pdf/dfat-cir-pakistan.pdf>, date accessed 22 January 2014

³ CIA <https://www.cia.gov/index.html>, World Factbook, Pakistan, People and society, last updated 14 January 2014, <https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html>, date accessed 27 January 2014

⁴ Australian Government, Department of Foreign Affairs and Trade (DFAT) reports, Country Information Report: Pakistan, 29 November 2013, Page 11, <https://www.immi.gov.au/media/publications/pdf/dfat-cir-pakistan.pdf>, date accessed 22 January 2014

⁵ US Department of State <http://www.state.gov/>, International Religious Freedom Report for 2012 (USSD IRF Report 2012), 20 May 2013, section I, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dclid=208438#wrapper>, date accessed 24 January 2014

⁶ Australian Government, Department of Foreign Affairs and Trade (DFAT) reports, Country Information Report: Pakistan, 29 November 2013, Page 11, <https://www.immi.gov.au/media/publications/pdf/dfat-cir-pakistan.pdf>, date accessed 22 January 2014

⁷ US Department of State, International Religious Freedom Report for 2012, 20 May 2013, Executive summary

'In short the results of the interviews show that coexistence in everyday life is described as relatively peaceful, however tensions do exist. If the Muslim majority see themselves insulted in their religious feelings, the atmosphere can nevertheless become agitated. Since the 1990s, three instances of wide-ranging looting of Christian settlements due to accusations of blasphemy have occurred, all of them in the otherwise liberal-minded Punjab. Aside these infrequent extreme forms of outbreak of interreligious violence, more frequent "minor" acts of violence, such as vandalising the graves or places of worship of minorities, occur. The police investigate cases of violence only poorly and rarely intervene. However there is police protection on special occasions, such as processions.'

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See Pakistan: Country Information and Guidance [Actors of protection](#)

2.1.4 Discrimination and inequality – sometimes due to poverty and entrenched prejudice – is common in daily life for religious minorities, both economically and socially, in education, health and in government. Mixed-faith marriages are common; unions between Muslim men and Christian women are usually accepted without difficulty;⁹ however the reverse situation is against the law.¹⁰ The Secretary in the National Ministry for Harmony stated that the law and constitution do not discriminate, citing the five per cent quota stipulated for minorities in all state departments, whilst admitting this remained unfulfilled.¹¹

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2.2. Blasphemy laws

2.2.1 Tabulated summary of the blasphemy laws and the penalties for breaching them:¹²

Pakistan Penal Code	Description	Penalty
298a	Use of derogatory remarks etc., in respect of holy personages	Three years' imprisonment, or fine, or both
298b	Misuse of epithets, descriptions and titles etc., reserved for certain holy personages or places, by Ahmadis	Three years' imprisonment and fine
298c	An Ahmadi, calling himself a Muslim, or preaching or propagating his faith, or outraging the religious feelings of Muslims, or posing himself as a Muslim	Three years' imprisonment and fine
295	Injuring or defiling places of worship, with intent to insult the religion of any class	Up to two years' imprisonment or fine, or both
295a	Deliberate and malicious acts intended to outrage religious feelings of any class by	Up to 10 years' imprisonment, or fine, or

⁸ Austrian Federal Asylum Agency, Report on Fact Finding Mission – Pakistan, June 2013, Religious minorities, page 36, accessed via http://www.ecoi.net/file_upload/1729_1374674206_ffm-bericht-pakistan-2013-06.pdf, accessed 27 January 2014, English translation available on request

⁹ Austrian Federal Asylum Agency, Report on Fact Finding Mission – Pakistan, June 2013, Religious minorities, page 52, accessed via http://www.ecoi.net/file_upload/1729_1374674206_ffm-bericht-pakistan-2013-06.pdf, accessed 27 January 2014, English translation available on request

¹⁰ FCO, Letter, Christians in Pakistan, 16 December 2013

¹¹ Austrian Federal Asylum Agency, Report on Fact Finding Mission – Pakistan, June 2013, Religious minorities, page 51, accessed via http://www.ecoi.net/file_upload/1729_1374674206_ffm-bericht-pakistan-2013-06.pdf, accessed 27 January 2014, English translation available on request

¹² Parliamentary Human Rights Group (PHRG), 'Rabwah: A Place for Martyrs?', January 2007, page 10, section 2.3, accessed via <http://www.thepersecution.org/archive/phrg/index.html>, date accessed 24 January 2014

	insulting its religion or religious beliefs	both
295b	Defiling, etc., of Holy Quran	Imprisonment for life
295c	Use of derogatory remarks, etc; in respect of the Holy Prophet	Death and fine

2.2.2 Human Rights Watch (HRW) reported ‘Abuses are rife under the country’s abusive blasphemy law, which is used against religious minorities, often to settle personal disputes. Dozens of people were charged with the offense in 2013. At least 16 people remained on death row for blasphemy, while another 20 were serving life sentences at time of writing (January 2014).’¹³

2.2.3 According to the Pakistan news source, Dawn, an estimated 1,274 people were charged under the blasphemy laws between 1986 and 2010. Sources noted that 51 people accused of blasphemy were murdered before their respective trials were over.¹⁴ The US Commission on International Religious Freedom (USCIRF) Annual Report 2014 also noted that blasphemy laws:

‘target members of religious minority communities and dissenting Muslims and frequently result in imprisonment. During the reporting period, Muhammad Asghar was sentenced to death and Sajjad Masih was sentenced to life in prison. After the reporting period, in March 2014, a Pakistani court sentenced Sawah Masih to death for blasphemy. In April 2013, Younis Masih’s blasphemy conviction was overturned by the Lahore high court; he was released from prison after nine years in jail. Overall, USCIRF is aware of at least 17 individuals on death row and 19 more serving life sentences. Many others have been charged and await trial.’¹⁵

2.2.4 On 4 December 2013, Pakistan’s Federal Shariat Court (FSC) issued an order to the Pakistan government to reform the blasphemy laws and make the death penalty the only lawful punishment for blasphemy. At the time of writing this report no action had been taken by the government to implement the FSC’s order.¹⁶

2.2.5 The US Commission on International Religious Freedom Annual Report 2013 stated that:

‘Blasphemy allegations, which are often false, have resulted in the lengthy detention of, and occasional violence against, Christians, Ahmadis, Hindus, other religious minorities, and members of the Muslim majority community. Reportedly, more cases are brought under these provisions against Muslims than any other faith group, although the law has a greater impact per capita on minority religious faiths. While no one has been executed

¹³ Human Rights Watch (HRW) <http://www.hrw.org/>, World Report 2014 – Pakistan, 21 January 2014, Religious minorities, <http://www.hrw.org/world-report/2014/country-chapters/pakistan>, date accessed 21 January 2014

¹⁴ Dawn <http://www.dawn.com/>, Timeline: Accused under the Blasphemy Law, 18 August 2013, <http://www.dawn.com/news/750512/timeline-accused-under-the-blasphemy-law>, date accessed 27 January 2014

¹⁵ US Commission on International Religious Freedom <http://www.uscirf.gov/>, Annual Report 2014, April 2014, page 76, <http://www.uscirf.gov/sites/default/files/USCIRF%202014%20Annual%20Report%20PDF.pdf>, date accessed 6 May 2014

¹⁶ International Christian Concern, Pakistan’s deadly “reform” to controversial blasphemy laws, 6 January 2014, <http://www.persecution.org/2014/01/06/pakistans-deadly-reform-to-controversial-blasphemy-laws/>, date accessed 27 January 2014

under the blasphemy law, the law has created a climate of vigilantism that has resulted in societal actors killing accused individuals.’¹⁷

2.2.6 The U.S Department of State reports that:

‘Police reportedly tortured and abused persons in custody on religious charges. According to the local NGO Center for Legal Aid Assistance and Settlement (CLAAS), in October, guards at the Central Jail in Mianwali allegedly tortured Younis Masih, who has been imprisoned since his 2005 death sentence for blasphemy. Masih claimed that prison authorities beat him, deprived him of proper food and medical attention, and subsequently charged him with inciting a riot in the prison. Masih’s appeal of his death sentence remained pending at year’s end [2012]. Non-Muslim prisoners generally were accorded poorer facilities than Muslim inmates. According to an October 2011 study by the NGO Life for All, prisoners accused of violating the blasphemy laws often were treated differently than those accused of other crimes. Many of them were kept in solitary confinement due to threats from other inmates and, in some instances, prison guards.’¹⁸

See Pakistan: Country Information and Guidance [Actors of protection](#)

2.2.7 Despite the majority of blasphemy cases being brought against Muslims, Christians make up a high proportion of those accused. Most cases of blasphemy come from Punjab, which has a high Christian population.¹⁹

2.2.8 The US Commission on International Religious Freedom (USCIRF) explains that Pakistan’s blasphemy law:

‘...does not require proof of intent or evidence to be presented after allegations are made, and does not include penalties for false allegations. Further, the laws do not provide clear guidance on what constitutes a violation, empowering accusers to apply their personal religious interpretations. In September 2013, the Council of Islamic Ideology recommended against amending the blasphemy laws to add procedural safeguards, noting situations of misuse or fraud could be penalized through other sections of the Penal Code.’²⁰

2.2.9 The USCIRF added:

‘In addition, blasphemy offenses are considered cognizable, so that the police file charges and can arrest without a warrant. And blasphemy is a non-compoundable crime, a category that does not allow for out-of-court settlements. Consequently, once a charge is filed, it is difficult for the case to be quashed, and the accuser cannot simply drop the charges. Once a case is registered and a court hearing is scheduled, militants often pack courtrooms and publicly threaten violence if there is an acquittal. Lawyers who have refused to prosecute cases of alleged blasphemy or who defend those accused, as well

¹⁷ US Commission on International Religious Freedom <http://www.uscirf.gov/>, Annual Report 2013, April 2013, page 125, <http://www.uscirf.gov/sites/default/files/resources/Pakistan%202013%281%29.pdf>, date accessed 27 January 2014

¹⁸ US Department of State, International Religious Freedom Report for 2012, 20 May 2013,

¹⁹ FCO, Letter, Christians in Pakistan, 16 December 2013

²⁰ US Commission on International Religious Freedom <http://www.uscirf.gov/>, Annual Report 2014, April 2014, page 77, <http://www.uscirf.gov/sites/default/files/USCIRF%202014%20Annual%20Report%20PDF.pdf>, date accessed 6 May 2014

as judges who issue acquittals, have been harassed, threatened, and even subjected to violence”²¹.

See Christians

2.2.10 According to the Human Rights Commission of Pakistan (HRCP) and the National Commission for Justice and Peace Commission (NCJP):

‘In the cases under 295b and 295a bail until the trial is normally granted. In case of charges under 295c – insulting the Prophet – it is regularly not granted. Bail is also frequently granted in cases under the “anti-Ahmadi” act 298. In the trial a conviction in such cases frequently follows, which is usually overturned by the higher court. In total, more cases result in acquittal or are dropped than result in conviction. Only a few are in prison due to the blasphemy or anti-Ahmadiyya laws. One reason is that these accusations mostly are not based on facts, but result from disputes.’²²

2.2.11 The U.S Department of State reported that ‘Trial courts usually denied bail in blasphemy cases, claiming that because defendants could face the death penalty, they were likely to flee. Judges and magistrates, seeking to avoid confrontation with or violence from extremists, often continued trials indefinitely. Lower courts conducted proceedings in an atmosphere of intimidation by violent extremists and refused bail due to fear of reprisal.’²³

2.2.12 Two prominent Pakistani officials – Punjab Governor Salman Taseer and Federal Minister for Minorities Affairs Shahbaz Bhatti – were assassinated in early 2011 because of their opposition to Pakistan's blasphemy law.²⁴ Christian Solidarity Worldwide reports that it ‘received deeply concerning reports that several key people involved in the case against four militants accused of assassinating Shahbaz Bhatti, Pakistan’s Federal Minister for Minorities Affairs, have received death threats from militant Islamist groups [the Tehreek-e-Taliban Pakistan (TTP) and Lashkar-e-Jhangvi (LeJ)].’²⁵

2.2.13 The NCJP stated that in cases of blasphemy, it ‘... prefers that the accused remain in custody during trial, since the danger of lynch justice by incited mobs exists. Even in case of acquittal the victims also need re-settling and rehabilitation on safety grounds following the release. The NCJP organises and assists with the re-settlement. This causes high costs. State restrictions with the re-settlement do not exist. With unknown cases re-settlement in Pakistan is possible, with prominent cases however not.’²⁶

See Pakistan: Country Information and Guidance Internal relocation

²¹ US Commission on International Religious Freedom, Annual Report 2013, April 2013

²² Austrian Federal Asylum Agency, Report on Fact Finding Mission – Pakistan, June 2013, Religious minorities, page 49, accessed via http://www.ecoi.net/file_upload/1729_1374674206_ffm-bericht-pakistan-2013-06.pdf, accessed 27 January 2014, English translation available on request

²³ US Department of State, International Religious Freedom Report for 2012, 20 May 2013,

²⁴ US Commission on International Religious Freedom, Annual Report 2013, April 2013

²⁵ Christian Solidarity Worldwide, Pakistan: militants issue death threats to key people in Shahbaz Bhatti murder case, 11 February 2014

²⁶ Austrian Federal Asylum Agency, Report on Fact Finding Mission – Pakistan, June 2013, Religious minorities, page 50, accessed via http://www.ecoi.net/file_upload/1729_1374674206_ffm-bericht-pakistan-2013-06.pdf, accessed 27 January 2014, English translation available on request

2.2.14 Aid organisations for people accused of blasphemy do exist. The NCJP works as a legal aid organisation and offers assistance in eight regional offices, to all faiths, although most clients of the NCJP are Christians.²⁷

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2.3. Ahmadis (Ahmadiyya)

2.3.1 The website of the Ahmadiyya Muslim Community, Al Islam, provided an [overview of the Ahmadi religion](#).²⁸ The [Lahore Ahmadiyya Movement in Islam](#) provided information on its group²⁹, and also a [comparative study of the beliefs between the two sections of the Ahmadiyya movement \(the Lahore group and the Qadian branch\)](#).³⁰

2.3.2 Figures estimating the number of Ahmadis in Pakistan varied greatly, ranging from 500,000³¹ to three to four million.³² The Ahmadi headquarters in Pakistan is based in Rabwah (renamed Chenab Nagar) and more than 95 per cent of its population was Ahmadi, according to a 2010 report.³³ Based on official government figures provided in a 2007 report Rabwah had a population of about 70,000 Ahmadis.³⁴

See Pakistan: Country Information and Guidance [Internal relocation](#)

2.3.3 The headquarters for the Ahmadi Muslim Community is based in the UK.³⁵ See the website for the [Ahmadi Muslim Community in the UK](#) for news and events, and Ahmadi Mosques, in the UK.³⁶

2.3.4 According to an Australian Department of Foreign Affairs and Trade (DFAT) report on Pakistan, it is generally not possible to identify Ahmadis by name alone.³⁷

²⁷ Austrian Federal Asylum Agency, Report on Fact Finding Mission – Pakistan, June 2013, Religious minorities, page 49, accessed via http://www.ecoi.net/file_upload/1729_1374674206_ffm-bericht-pakistan-2013-06.pdf, accessed 27 January 2014, English translation available on request

²⁸ Al Islam <http://www.alislam.org/>, Ahmadiyya Muslim Community – An overview, undated, <http://www.alislam.org/introduction/index.html>, date accessed 27 January 2014

²⁹ The Lahore Ahmadiyya Movement in Islam <http://aaiil.org/index.shtml>, Ahmadiyyat, undated, <http://aaiil.org/ahmadiyyat.shtml>, date accessed 27 January 2014

³⁰ The Lahore Ahmadiyya Movement in Islam, A Comparative Study of the Beliefs of the Two Sections of the Ahmadiyya Movement (Lahore vs. Qadiani Groups), undated, <http://aaiil.org/text/qadi/intro/cmprsn.shtml>, date accessed 27 January 2014

³¹ Australian Government, Department of Foreign Affairs and Trade (DFAT) reports, Country Information Report: Pakistan, 29 November 2013, Page 12, <https://www.immi.gov.au/media/publications/pdf/dfat-cir-pakistan.pdf>, date accessed 22 January 2014

³² US Commission on International Religious Freedom <http://www.uscirf.gov/>, Annual Report 2013, April 2013, page 119, <http://www.uscirf.gov/sites/default/files/resources/Pakistan%202013%281%29.pdf>, date accessed 27 January 2014

³³ Persecution of the Ahmadiyya Muslim Community <http://www.persecutionofahmadis.org/>, Persecution of Ahmadis in Pakistan during the year 2010 – A Summary, 31 December 2010, page 4 and page 65, <http://www.persecutionofahmadis.org/wp-content/uploads/2010/03/Annual-News-Report-2010.pdf>, date accessed 27 January 2014

³⁴ Parliamentary Human Rights Group (PHRG), ‘Rabwah: A Place for Martyrs?’, January 2007, page 2, section 1, accessed via <http://www.thepersecution.org/archive/phrg/index.html>, date accessed 24 January 2014

³⁵ Al Islam <http://www.alislam.org/>, Ahmadiyya Muslim Community – An Overview, undated <http://www.alislam.org/introduction/index.html>, date accessed 3 March 2014

³⁶ Ahmadiyya Muslim Community UK, <http://www.ahmadiyya.org.uk/>, date accessed 3 March 2014

³⁷ Australian Government, Department of Foreign Affairs and Trade (DFAT) reports, Country Information Report: Pakistan, 29 November 2013, Page 12, <https://www.immi.gov.au/media/publications/pdf/dfat-cir-pakistan.pdf>, date accessed 22 January 2014

Legislation discriminating against Ahmadis

- 2.3.5 Ahmadis are prevented by law from calling themselves Muslims, or referring to their faith as Islam, preaching or propagating their religious beliefs, inviting others to accept Ahmadiyya teachings, or insulting the religious feelings of Muslims, calling their places of worship “mosques,” worshipping in non-Ahmadi mosques or public prayer rooms, performing the Muslim call to prayer, using the traditional Islamic greeting in public, publicly quoting from the Qur'an, or displaying the basic affirmation of the Muslim faith. It is also a crime for Ahmadis to preach in public, seek converts, or produce, publish, or disseminate their religious materials. Ahmadis are restricted in building new houses of worship, holding public conferences or other gatherings, and travelling to Saudi Arabia for religious purposes, including the hajj according to 298b and 298c of the Pakistan Penal Code, commonly referred to as the “anti-Ahmadi laws”.³⁸ The punishment for violation of these provisions is imprisonment for up to three years and a fine.³⁹
- 2.3.6 Concern was expressed by Ahmadi leaders over the government’s use of the penal code to pursue Ahmadis on the basis of their faith. Leaders alleged that “anti-Ahmadi laws” were used to ‘...target and harass Ahmadis, frequently accusing converts to the Ahmadiyya Muslim community of blasphemy, violations of “anti-Ahmadi laws,” or other crimes. The vague wording of the provision that forbids Ahmadis from directly or indirectly identifying themselves as Muslims enabled officials to bring charges against Ahmadi Muslims for using the standard Muslim greeting and for naming their children Muhammad.’⁴⁰

See [Blasphemy laws](#)

Passports and ID documents

- 2.3.7 A person’s religious affiliation is recorded in passports, and required for national identity cards. ID cards are required to vote. When applying for either document those wishing to be listed as Muslims must sign a declaration denouncing the Ahmadiyya Muslim prophet. This effectively prevents Ahmadi Muslims from obtaining legal documents and puts pressure on them to deny their beliefs in order to enjoy citizenship rights, including the right to vote.⁴¹ However, it has been reported that individuals who refused to sign the declaration when applying for a passport still received the document.⁴² The term ‘Ahmadiyya’ is printed on page two of a passport.⁴³ Changing your recorded religion from Islam to another is forbidden.⁴⁴ This requirement has a particularly negative impact

³⁸ US Department of State, [International Religious Freedom Report for 2012](#), 20 May 2013, [Legal/Policy Framework](#)

³⁹ US Department of State, [International Religious Freedom Report for 2012](#), 20 May 2013, [Legal/Policy Framework](#)

⁴⁰ US Department of State <http://www.state.gov/>, [International Religious Freedom Report for 2012 \(USSD IRF Report 2012\)](#), 20 May 2013, section II, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dclid=208438#wrapper>, date accessed 24 January 2014

⁴¹ US Department of State <http://www.state.gov/>, [International Religious Freedom Report for 2012 \(USSD IRF Report 2012\)](#), 20 May 2013, section II, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dclid=208438#wrapper>, date accessed 24 January 2014

⁴² US Commission on International Religious Freedom <http://www.uscirf.gov/>, [Annual Report 2013](#), April 2013, page 127, <http://www.uscirf.gov/sites/default/files/resources/Pakistan%202013%281%29.pdf>, date accessed 27 January 2014

⁴³ Foreign and Commonwealth Office (FCO), [Letter from British High Commission, Islamabad](#), 20 January 2011

⁴⁴ FCO, [Letter, Christians in Pakistan](#), 16 December 2013

on Ahmadis and effectively prevents them from participating in the hajj or other Islamic pilgrimages. It also affects the distribution of cash assistance for internally displaced Ahmadis.⁴⁵

See Pakistan: Country Information and Guidance [Internal relocation](#)

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Violence and discrimination against Ahmadis

2.3.8 The U.S. Commission on International Religious Freedom reports that “Pakistan's repressive blasphemy laws and other religiously discriminatory legislation, such as the anti-Ahmadi laws, have fostered an atmosphere of violent extremism and vigilantism. Pakistani authorities have not consistently brought perpetrators to justice or taken action against societal actors who incite violence”.⁴⁶ In its November 2013 report, DFAT assessed that there was a high level of official discrimination, as well as practical discrimination against the Ahmadi community in Pakistan. The DFAT Pakistan report added that the Ahmadi community reported:

‘... Pakistani authorities have demolished 24 Ahmadi places of worship, sealed 29 others and prevented the construction of new Ahmadi places of worship. In addition, 13 Ahmadi places of worship have been set on fire by mobs and 16 others occupied by force. Ahmadi graves have also reportedly been desecrated and their dead disinterred from graveyards. There have been further reports of harassment of the Ahmadi community, including closure of Ahmadi publications, removal of Ahmadi students from schools and universities and reporting of Ahmadi communities en masse to local police forces for unspecified crimes.’⁴⁷ It was also reported that as many as 20 Ahmadis were killed in 2012 on account of their religion.⁴⁸

2.3.9 HRW stated:

‘Members of the Ahmadiyya religious community continue to be a major target of blasphemy prosecutions and are subjected to longstanding anti-Ahmadi laws across Pakistan. In 2013, they (Ahmadis) faced increasing social discrimination as militant groups accused them of illegally “posing as Muslims,” barred them from using their mosques in Lahore, vandalized their graves across Punjab province, and freely engaged in hate speech, inciting violence against them as authorities looked the other way or facilitated extremists.’⁴⁹

2.3.10 As of the end of 2012, the authorities made no arrests in any of the 20 cases of Ahmadis killed because of their faith in 2012, which represented a significant increase over the previous year.⁵⁰ The USCIRF received reports of 44 different attacks targeting Ahmadis which occurred between January 2012 and January 2013 across the country, including

⁴⁵ [UNHCR, Eligibility guidelines for assessing the international protection needs of members of religious minorities from Pakistan, 14 May 2012, A. Potential Risk Profiles 1. Ahmadis](#)

⁴⁶ [US Commission on International Religious Freedom, Annual Report 2013, April 2013](#)

⁴⁷ Australian Government, Department of Foreign Affairs and Trade (DFAT) reports, Country Information Report: Pakistan, 29 November 2013, Page 13, <https://www.immi.gov.au/media/publications/pdf/dfat-cir-pakistan.pdf>, date accessed 22 January 2014

⁴⁸ Human Rights Commission of Pakistan, State of Human Rights in 2012, March 2013, page 103, <http://hrcp-web.org/hrcpweb/wp-content/pdf/AR2012.pdf>, date accessed 29 January 2014

⁴⁹ Human Rights Watch (HRW) <http://www.hrw.org/>, World Report 2014 – Pakistan, 21 January 2014, Religious minorities, <http://www.hrw.org/world-report/2014/country-chapters/pakistan>, date accessed 21 January 2014

⁵⁰ [US Department of State, International Religious Freedom Report for 2012, 20 May 2013, Executive summary](#)

major cities such as Lahore, Quetta, and Karachi. The poor legal standing of Ahmadis under Pakistan's constitution and criminal code fosters a climate of impunity, where perpetrators feel empowered to attack them with little or no fear of arrest or prosecution.⁵¹

2.3.11 The website Persecution of Ahmadiyya Muslim Community, which reports on the religious persecution of Ahmadi Muslims, provided details on religiously motivated murders of Ahmadis in Pakistan.⁵² The same source provided Monthly Reports of incidents against the Ahmadi community in Pakistan, dating back from the year 2000.⁵³

2.3.12 An official at the German Embassy in Islamabad reported that 'Even within the Pakistani middle and educated class, it is apparent that only little acceptance for this minority [Ahmadis] exists. For example even within this more "open minded" classes, it is denied that Ahmadis are Muslims. If they describe themselves as Muslims... it can result in charges based on legislation specifically aimed against Ahmadis, or even a violent attack.'⁵⁴

2.3.13 The May 2012 UNHCR Eligibility Guidelines noted that 'Little or no protection is reportedly afforded by the State authorities. It appears that crimes and acts of violence against Ahmadis are not consistently investigated, allegedly due to intimidation tactics and pressure from Islamic fundamentalist groups, and perpetrators of such crimes are reportedly rarely brought to justice.'⁵⁵ It further stated that 'On 28 May 2010, Taliban militants carried out coordinated attacks during Friday prayers on two Ahmadi congregations in Lahore, which left over 80 dead and injured hundreds. Although the attacks received global and national attention, and were condemned by both the United Nations and the National Assembly of Pakistan, as of March 2011 no official investigation had reportedly been conducted.'⁵⁶

2.3.14 The HRCP added 'The situation therefore is more difficult for Ahmadis than for other groups. They have no political representation, as they refuse to be specified as non-Muslims and take advantage of the minorities regulations, therefore they also cannot exercise their political rights.'⁵⁷

2.3.15 In 2013, the U.S. Department of State reported that 'The government's limited capacity and will to investigate or prosecute the perpetrators of increasing extremist attacks against religious minorities and on members of the Muslim majority promoting tolerance, allowed the climate of impunity to continue.'⁵⁸ It also noted 'instances in which law enforcement personnel reportedly abused religious minorities in custody', including an

⁵¹ US Commission on International Religious Freedom, Annual Report 2013, April 2013

⁵² Persecution of the Ahmadiyya Muslim Community <https://www.persecutionofahmadis.org/>, Religiously motivated murders, 1998-2012, <https://www.persecutionofahmadis.org/persecution-activities/social-boycott/>, date accessed 29 January 2014

⁵³ Persecution of the Ahmadiyya Muslim Community, Monthly Reports, 2000-2014, <https://www.persecutionofahmadis.org/monthly-reports/>, date accessed 29 January 2014

⁵⁴ Austrian Federal Asylum Agency, Report on Fact Finding Mission – Pakistan, June 2013, Religious minorities, page 53, accessed via http://www.ecoi.net/file_upload/1729_1374674206_ffm-bericht-pakistan-2013-06.pdf, accessed 27 January 2014, English translation available on request

⁵⁵ UNHCR, Eligibility guidelines for assessing the international protection needs of members of religious minorities from Pakistan, 14 May 2012, A. Potential Risk Profiles 1. Ahmadis

⁵⁶ UNHCR, Eligibility guidelines for assessing the international protection needs of members of religious minorities from Pakistan, 14 May 2012, A. Potential Risk Profiles 1. Ahmadis

⁵⁷ Austrian Federal Asylum Agency, Report on Fact Finding Mission – Pakistan, June 2013, Religious minorities, page 53, accessed via http://www.ecoi.net/file_upload/1729_1374674206_ffm-bericht-pakistan-2013-06.pdf, accessed 27 January 2014, English translation available on request

⁵⁸ US Department of State, International Religious Freedom Report for 2012, 20 May 2013,

Ahmadi schoolteacher, Abdul Quddoos, who was tortured in police custody in Chenab Nagar [Rabwah], Punjab and later died in a local hospital due to injuries.⁵⁹

2.3.16 According to the Asian Human Rights Commission:

‘Banned religious groups continue to operate freely. Banned religious groups under the supervision of Punjab provincial government launched a public hate campaign calling for citizens to kill members of the Ahmadiyya community and attack their businesses. The authorities took no action against the group. The law enforcing agencies, the local court system and above all the government institutions are failing to protect the lives and properties of religious minorities all around the country.’⁶⁰

Ahmadis in Rabwah

2.3.17 On the subject of internal relocation within Rabwah, the Parliamentary Human Rights Group (PHRG) spoke with Amnesty International President, Faiz ur Rehman, who noted:

‘...that it is only Rabwah where the Ahmadi are in the majority and as a result an Ahmadi may feel a little safe in Rabwah compared to a town or village where they are in a small minority. Those from outside Rabwah may therefore flee there if they are in fear in their home area. However, Mr Rehman pointed out that Khatme Nabuwwat have an office in Rabwah. Thus, whilst those who flee to Rabwah might gain safety for a period of time, fear of Khatme Nabuwwat is ever present... Broadly agreeing with Mr Rehman, the HRCP [Human Rights Commission of Pakistan] explained that whilst Rabwah is safer than most other places in Pakistan for Ahmadi’s, there are instances of violence here as well. When asked about whether Rabwah can offer a refuge for those targeted elsewhere in Pakistan, the HRCP explained that if an Ahmadi was pursued across Pakistan, they would be caught by their persecutor in Rabwah. Clarifying this point, the HRCP stated that safety in Rabwah depends on the nature of the persecution and/or the influence of the persecutor... The HRCP explained that the best way for an Ahmadi to protect her or himself is to hide their religion: living in Rabwah has the opposite effect as it is the focus of Khatme Nabuwwat and living in the town marks a person as an Ahmadi. The HRCP stated that a newcomer fleeing to Rabwah would have to be very rich and not pursued by their persecutor to survive. If they have a normal income (and are not pursued), then they would face many difficulties, first amongst which is that there are no jobs in Rabwah. It is very unusual for someone to commute for work even to Chiniot or Faisalabad. Even if an Ahmadi were to do this it would create new problems: they would be a “sitting duck” for anti-Ahmadi activists whilst they travelled. Moreover, an address in Rabwah is practically a bar to getting a job as a potential employer would suspect that a person is Ahmadi if they have a Rabwah address. They would only be able to get work from a fellow Ahmadi.’⁶¹

2.3.18 The PHRG were informed by the Ahmadi Community Representatives that they could not look to the police or the Courts for protection in Rabwah and were unable to give an example, to the PHRG mission, of the police having provided protection to an Ahmadi in Rabwah. Other sources consulted expressed similar views:

⁵⁹ US Department of State, International Religious Freedom Report for 2012, 20 May 2013, Executive summary

⁶⁰ Asian Human Rights Commission, The State of Human Rights in Pakistan in 2012, 10 December 2012 I. Status of Religious Minorities in Pakistan

⁶¹ Parliamentary Human Rights Group (PHRG), ‘Rabwah: A Place for Martyrs?’, January 2007, page 20, section 4.1, via <http://www.thepersecution.org/archive/phrg/index.html>, date accessed 21 February 2014

'Faizur Rehman, President, Amnesty International Pakistan stated that nowhere, including Rabwah, is safe for Ahmadis as the police would refuse to give protection to an Ahmadi. When asked if the police might react differently in Rabwah to elsewhere in Pakistan, Mr Rehman explained that whilst it is not impossible, it has not happened. He explained that... even relatively senior and educated local police officers find that their hands are tied by their superiors when dealing with Ahmadi cases.'⁶²

2.3.19 The UNHCR stated that there was a scarcity of housing and employment opportunities in Rabwah, as well as the city administration being predominantly non-Ahmadi.⁶³

2.3.20 According to the 2012 Human Rights Commission of Pakistan annual report, 'the Ahmadis complained that while the authorities banned their conferences, rallies and major sporting events in Rabwa[h], the centre of the Ahmadi community in Pakistan, anti-Ahmadi clerics were given a free hand to hold a number of provocative rallies in and around Rabwah.'⁶⁴ Qamar Suleman, a spokesman for the Ahmadi community in the town of Rabwah in the Punjab told IRIN news in October 2013 that 'Pamphlets are distributed, saying Ahmadis should be killed as infidels,'⁶⁵

See Pakistan: Country Information and Guidance [Actors of protection](#) and [Internal relocation](#)

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2.4. Christians

2.4.1 The number of Christians living in Pakistan was estimated to be between nearly three⁶⁶ and six million, the majority of whom live in Punjab, but also with large populations in Sindh, Islamabad and Khyber Pakhtunkhwa.⁶⁷ The FCO estimated that around two million Christians, out of a total estimate of 2.8 million, lived in Lahore, and 0.5 million in Punjab. A large number of Christians reside in Karachi, including the Goan Christian community.⁶⁸

2.4.2 The Christian population is split equally between Catholics and Protestants.⁶⁹ The 'Church of Pakistan' is the largest Protestant community, uniting four churches: the Anglican Church, the Methodist Church, the Presbyterian Church and the Lutheran Church. Other Protestant churches include the United Presbyterian Church and the Salvation Army. Other Evangelical churches, such as Baptist, Seventh-Day Adventists,

⁶² Parliamentary Human Rights Group (PHRG), 'Rabwah: A Place for Martyrs?', January 2007, page 21, section 4.2, via <http://www.thepersecution.org/archive/phrg/index.html>, date accessed 21 February 2014

⁶³ UN High Commissioner for Refugees, www.unhcr.org, Eligibility guidelines for assessing the international protection needs of members of religious minorities from Pakistan', 14 May 2012, page 43, <http://www.unhcr.org/refworld/pdfid/4fb0ec662.pdf>, date accessed 21 February 2014

⁶⁴ Human Rights Commission of Pakistan, State of Human Rights in 2012, March 2013, page 104

⁶⁵ [Integrated Regional Information Network: Minorities under pressure in Pakistan](#), 17 October 2013

⁶⁶ Writenet, Pakistan: The Situation of Religious Minorities, by Shaun R. Gregory and Simon R. Valentine, May 2009, page 17, accessed via <http://www.unhcr.org/refworld/pdfid/4b01856e2.pdf>, date accessed 29 January 2014

⁶⁷ Australian Government, Department of Foreign Affairs and Trade (DFAT) reports, Country Information Report: Pakistan, 29 November 2013, Page 12, <https://www.immi.gov.au/media/publications/pdf/dfat-cir-pakistan.pdf>, date accessed 22 January 2014

⁶⁸ FCO, [Letter, Christians in Pakistan](#), 16 December 2013

⁶⁹ Writenet, Pakistan: The Situation of Religious Minorities, by Shaun R. Gregory and Simon R. Valentine, May 2009, page 17, accessed via <http://www.unhcr.org/refworld/pdfid/4b01856e2.pdf>, date accessed 29 January 2014

Full Gospel Assemblies Church and the Pentecostal Church, exist in Pakistan. There are also a number of smaller churches and off-shoots.⁷⁰

2.4.3 There are 54 villages in Punjab, and four in Sindh, that are run directly by Christian communities. According to data provided by the Ministry for National Harmony, there are 500 churches in Pakistan, 65 of which are in Lahore.⁷¹

2.4.4 The British Pakistani Christian Association indicated that Christians generally had good relations with other religious minorities and more “liberal” Muslims, but that, because of strong influence of Islamism over Pakistani society, overall attitudes are overwhelmingly negative.⁷²

See Pakistan: Country Information and Guidance [Internal relocation](#)

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Violence and discrimination against Christians

2.4.5 The May 2012 UNHCR Eligibility Guidelines states that ‘The Christian minority in Pakistan is subject to recurrent discrimination and harassment, as well as acts of religiously motivated violence, at the hands of militant groups and fundamentalist elements. [...] In many instances, the authorities are reportedly unable or unwilling to protect the lives and properties of Christians, or to bring the perpetrators of such violence to justice.’⁷³

2.4.6 According to the 2013 US Commission on International Religious Freedom (USCIRF) report, ‘Violence against Christians continued, usually perpetrated by banned militant groups or other societal actors, but also at times at the hands of government officials.’ USCIRF received reports of 16 different incidents of violent attacks against Christians between January 2012 and January 2013, with 11 individuals killed. Five churches were attacked by mobs, as were one Catholic hospital and one Christian village. The USCIRF considers that the government continues to fail to protect Christians.⁷⁴ According to sources consulted by the Immigration and Refugee Board of Canada for a January 2013 report, police officers are reported to have committed the following crimes against Christians: gang rape, murder, fabricating cases or falsifying charges, beatings and torture.⁷⁵

2.4.7 The NGO Movement for Solidarity and Peace (MSP) reported estimates of 100 to 700 forced conversions of Christian girls and women each year.⁷⁶ The USCIRF reported that

⁷⁰ Austrian Federal Asylum Agency, Report on Fact Finding Mission – Pakistan, June 2013, Religious minorities, page 39-40, accessed via http://www.ecoi.net/file_upload/1729_1374674206_ffm-bericht-pakistan-2013-06.pdf, accessed 27 January 2014, English translation available on request

⁷¹ Austrian Federal Asylum Agency, Report on Fact Finding Mission – Pakistan, June 2013, Religious minorities, page 38-39, accessed via http://www.ecoi.net/file_upload/1729_1374674206_ffm-bericht-pakistan-2013-06.pdf, accessed 27 January 2014, English translation available on request

⁷² Immigration and Refugee Board of Canada, Pakistan: Situation of Christians in Pakistan, including social and government attitudes, treatment and rights (2010-2012), 14 January 2013, PAK104259.E, via: <http://www.refworld.org/docid/510f8dbd2.html>, date accessed 6 March 2014

⁷³ UNHCR, [Eligibility guidelines for assessing the international protection needs of members of religious minorities from Pakistan](#), 14 May 2012, A. Potential Risk Profiles 2. Christians

⁷⁴ US Commission on International Religious Freedom, Annual Report 2013, April 2013

⁷⁵ Immigration and Refugee Board of Canada, [Pakistan: Situation of Christians in Pakistan, including social and government attitudes, treatment and rights \(2010-2012\)](#), 14 January 2013

⁷⁶ Movement for Solidarity and Peace, Forced Marriages & Forced Conversions in the Christian Community of Pakistan, April 2014, page 2,

'Marginalization and poverty make the Christian community in Pakistan vulnerable, and sexual assaults against underage Christian girls by Muslim men continue to be reported. Catholic NGOs estimate at least 700 Christian girls are kidnapped and forced to convert to Islam every year.'⁷⁷ The Asian Human Rights Commission also estimated that 700 Christian girls are forcibly converted to Islam each year in Pakistan, notably in Punjab, Khyber Pakhtun Kha and Sindh provinces and reports that 'Typically, girls are abducted, raped, and kept in Madrassas, where they are forced to sign marriage certificates and state that they have converted to Islam.'⁷⁸ The UNHCR Eligibility Guidelines consider that 'Law enforcement authorities are reportedly unable or unwilling to protect victims of forced marriage and other forms of sexual and gender based violence.'⁷⁹

See Pakistan Country Information and Guidance: [Women](#)

2.4.8 Human Rights Watch (HRW) reported:

'In March [2013], several thousand Christians were forced to flee their homes in Lahore after allegations of blasphemy against a local resident, Sawan Masih. A mob of thousands then looted and burned some 150 homes and two churches as police looked on.'⁸⁰ Amnesty International reports that 'Police were warned of the impending attack but failed to take adequate measures to protect the community. Although dozens of suspected perpetrators have been charged, nobody has yet been convicted.'⁸¹ In March 2014, Sawan Masih, was sentenced to death for blasphemy.⁸² HRW added 'In September, a suicide bombing during Sunday Mass at a church in Peshawar killed 81 worshippers and wounded more than 130, the deadliest attack in Pakistan's history on the beleaguered Christian minority.'⁸³

2.4.9 With regards to the incident in Lahore, in March 2013, which occurred during the Austrian fact finding mission (FFM), it was reported that the police urged the Christian community to leave their homes for their own safety, though did not provide protection during the evacuation. Following the riots, a large contingent of police was deployed to the area. Reports on the number of arrests made varied from 24 to 150 alleged rioters. Some NGOs were sceptical on whether penalties would follow these arrests although media reports suggested 50 rioters were charged under anti-terrorism laws.⁸⁴

http://d3n8a8pro7vhmx.cloudfront.net/msp/pages/162/attachments/original/1396724215/MSP_Report_-_Forced_Marriages_and_Conversions_of_Christian_Women_in_Pakistan.pdf?1396724215, date accessed 3 June 2014

⁷⁷ US Commission on International Religious Freedom, Annual Report 2013, April 2013

⁷⁸ Asian Human Rights Commission, [The State of Human Rights in Pakistan in 2012](#), 10 December 2012 A.6 Religious Discrimination

⁷⁹ UNHCR, [Eligibility guidelines for assessing the international protection needs of members of religious minorities from Pakistan](#), 14 May 2012, A. Potential Risk Profiles 2. Christians

⁸⁰ Human Rights Watch (HRW) <http://www.hrw.org/>, World Report 2014 – Pakistan, 21 January 2014, Religious minorities, <http://www.hrw.org/world-report/2014/country-chapters/pakistan>, date accessed 21 January 2014

⁸¹ Amnesty International, [Pakistan: Christian man sentenced to death under blasphemy law](#), 27 March 2014

⁸² BBC, [Sawan Masih: Pakistani Christian gets death penalty for blasphemy](#), 28 March 2014

⁸³ Human Rights Watch (HRW) <http://www.hrw.org/>, World Report 2014 – Pakistan, 21 January 2014, Religious minorities, <http://www.hrw.org/world-report/2014/country-chapters/pakistan>, date accessed 21 January 2014

⁸⁴ Austrian Federal Asylum Agency, Report on Fact Finding Mission – Pakistan, June 2013, Religious minorities, page 43, accessed via http://www.ecoi.net/file_upload/1729_1374674206_ffm-bericht-pakistan-2013-06.pdf, accessed 27 January 2014, English translation available on request

2.4.10 The Supreme Court Chief Justice strongly criticised the police for failing to protect the rights and property of Christians during the riots, condemning the fact that only low-ranking police officers, and not their superiors, were suspended.⁸⁵

See Pakistan: Country Information and Guidance Actors of protection and Internal relocation

2.4.11 Following the riots, the National Commission for Justice and Peace (NCJP) confirmed that compensation promised by the government to those affected by the attacks was paid to victims and their homes re-built. Prosecution for the violence however was not clear. Only 11 out of 37 people arrested were charged, and eight of those were released on bail.⁸⁶

See Pakistan: Country Information and Guidance Actors of protection – Rule of law and the judiciary

2.4.12 The FCO reported that in September 2013 'more than 80 Christians were killed and over 130 wounded by two suicide bombers at All Saints Church, Peshawar. The National Assembly unanimously condemned this act and there was a public outcry across all sections of Pakistani society.'⁸⁷ Following this incident, civil society groups formed human shields outside churches in Lahore and Islamabad in mid-October, expressing solidarity with the victims of the bombing and giving the message that the majority of Pakistani's opposed militant attacks on the Christian community.⁸⁸

2.4.13 The Austrian FFM cited two other major incidents involving rioting against Christians, in Punjab province, that occurred before 2013. Widespread riots took place in Shantinagar, in 1997, following accusations of blasphemy against a Christian, in which a Christian village and 14 churches were burned down. In 2009, six people died in Gojra in a fire during riots, which also arose after accusations of blasphemy. Despite naming 70 suspects, 68 of those were granted bail before arrest. Verdicts were still outstanding against the two were arrested, and witnesses have been threatened.⁸⁹

2.4.14 More recent high profile blasphemy cases against Christians concerned that of a minor girl believed to have learning difficulties, Rimsha Masih, who was detained in a maximum security prison for several weeks in August 2012 and who later fled to Canada with her family after receiving death threats, despite the case against her being dropped.⁹⁰ In the wake of her arrest, several hundred Christian families fled their homes fearing violence.⁹¹

⁸⁵ Austrian Federal Asylum Agency, Report on Fact Finding Mission – Pakistan, June 2013, Religious minorities, page 44, accessed via http://www.ecoi.net/file_upload/1729_1374674206_ffm-bericht-pakistan-2013-06.pdf, accessed 27 January 2014, English translation available on request

⁸⁶ Austrian Federal Asylum Agency, Report on Fact Finding Mission – Pakistan, June 2013, Religious minorities, page 45, accessed via http://www.ecoi.net/file_upload/1729_1374674206_ffm-bericht-pakistan-2013-06.pdf, accessed 27 January 2014, English translation available on request

⁸⁷ Foreign and Commonwealth Office, Human Rights and Democracy 2012, Countries of Concern updates: Pakistan, Update 30 September 2013, <https://www.gov.uk/government/news/human-rights-and-democracy-report-2012-pakistan--2>, date accessed 16 January 2014

⁸⁸ Foreign and Commonwealth Office (FCO), Human Rights and Democracy 2012, Countries of Concern updates: Pakistan, Update 31 December 2013, <https://www.gov.uk/government/news/human-rights-and-democracy-report-2012-pakistan--2>, date accessed 16 January 2014

⁸⁹ Austrian Federal Asylum Agency, Report on Fact Finding Mission – Pakistan, June 2013, Religious minorities, page 45, accessed via http://www.ecoi.net/file_upload/1729_1374674206_ffm-bericht-pakistan-2013-06.pdf, accessed 27 January 2014, English translation available on request

⁹⁰ BBC News <http://www.bbc.co.uk>, Pakistani girl falsely accused of blasphemy 'in Canada', 29 June 2013 <http://www.bbc.co.uk/news/world-asia-23112180>, date accessed 30 January 2014

⁹¹ [US Department of State, International Religious Freedom Report for 2012, 20 May 2013](https://www.state.gov/j/drl/rlr/irf/2012/20120520/pakistan.htm).

Aasia Bibi, who was sentenced to death in 2010, remained in prison.⁹² The Governor of Punjab and the Minorities Minister were both killed when they spoke out about the Aasia Bibi case.⁹³ According to data provided by the National Commission for Justice and Peace (NCJP), between January and November [2012], a total of 30 cases were registered under the blasphemy laws. Of these, 11 were against Christians.⁹⁴ According to sources consulted by the Immigration and Refugee Board of Canada, Christians accused of blasphemy have been subject to various forms of extrajudicial violence, including mob attacks, killings and torching of homes and/or settlements.⁹⁵

See [Blasphemy laws](#)

2.4.15 The children of a Muslim man and a Muslim woman who both convert to another religious group are considered illegitimate, and the government can take custody of the children.⁹⁶ The Immigration and Refugee Board of Canada cites the British Pakistani Christian Association (BPCA) as noting that 'In all mainstreams of Islamic jurisprudence abandoning Islam is considered a capital crime, particularly for men. Thus in general, families think and society thinks very poorly of converts to Christianity, and many deem it their duty to kill them. ... Pakistani society in general is extremely hostile to converts, and attacks on those who have converted can re-occur years or even decades after they have changed religion.'⁹⁷ The IRBC report provides examples of such attacks.⁹⁸ According to the Jubilee Campaign, 'Converts to Christianity are often extremely vulnerable, finding police and local authorities on the side of those perpetrating violence against them.'⁹⁹

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Christian converts

2.4.16 Anecdotal evidence from the FCO's external contacts in Pakistan reported that:

'... it would be difficult for Christian converts to live freely and openly in Pakistan, as converts over and above being Christian. It is our view that people who are known to have converted to Christianity suffer serious discrimination, for example in the workplace or by the authorities. It is far more difficult for people in Pakistan who are known to have converted to Christianity, than it is for people who were born Christian. We understand that it would be rare for someone to convert to Christianity, or at least to do so openly, in Pakistan. It is therefore something of note for the community, with potential repercussions.'¹⁰⁰

⁹² U.S. Department of State, Country Report on Human Rights Practices for 2013: Pakistan, 27 February 2014, section 1e, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220402>, date accessed 28 February 2014

⁹³ FCO, Letter, Christians in Pakistan, 16 December 2013

⁹⁴ US Department of State, International Religious Freedom Report for 2012, 20 May 2013,

⁹⁵ Immigration and Refugee Board of Canada, Pakistan: Situation of Christians in Pakistan, including social and government attitudes, treatment and rights (2010-2012), 14 January 2013

⁹⁶ US Department of State, International Religious Freedom Report for 2012, 20 May 2013,

⁹⁷ Immigration and Refugee Board of Canada: Pakistan: Religious conversion, including treatment of converts and forced conversions (2009-2012) [PAK104258.E], 14 January 2013

⁹⁸ Immigration and Refugee Board of Canada: Pakistan: Religious conversion, including treatment of converts and forced conversions (2009-2012) [PAK104258.E], 14 January 2013

⁹⁹ Jubilee Campaign, Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status to the UN Human Rights Council, 7 June 2012

¹⁰⁰ FCO, letter from British High Commission, 2 March 2011

2.4.17 The FCO added:

‘Our Political Section considered that internal relocation may be possible, in theory, as there were Christian communities in many urban areas such as Rawalpindi, and across Punjab and Sindh provinces. Due to the anonymity afforded by moving to an urban area, it may be feasible to relocate and not reveal the fact of the conversion. However, our view was also that the Christian communities were themselves becoming increasingly isolated from other communities. Therefore whilst it may be more difficult to socially exclude and harass a Christian who lives in a larger Christian community, it does not necessary preclude that harassment.’¹⁰¹

See Pakistan: Country Information and Guidance [Internal relocation](#)

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2.5. Shia Muslims

2.5.1 Over 95 per cent of Pakistan’s population are Muslim¹⁰²; the Shia Muslim population is estimated to be between five and 20 per cent.¹⁰³ The majority of Pakistan’s Shia community adhere to the Twelver (athna ashariya) school of thought; other sub-sects, include Nizari Ismailis, Daudi Bohras and Sulemani Bohras. Nizari Ismailis are the second largest branch of Shia Islam in Pakistan after the Twelvers.¹⁰⁴ The [BBC](#) and [Immigration and Refugee Board of Canada](#) described the differences between Sunni and Shia Muslims.

2.5.2 The Australian Department of Foreign Affairs and Trade (DFAT) December 2013 report, on Shias in Pakistan, stated that:

‘The Shia population is spread throughout Pakistan but there are no provinces where Shias constitute a majority. The semi-autonomous region of Gilgit–Baltistan is one of the few areas where Shias form a majority of the population. Across the country, Sunni and Shia communities are generally integrated and live side-by-side in their daily lives. Significant numbers of Shias can be found in Peshawar, Kohat, Hangu and Dera Ismail Khan in Khyber Pakhtunkhwa; Kurram and Orakzai Agencies in FATA; in and around Quetta and the Makran coastline in Balochistan; areas of southern and central Punjab; and throughout Sindh. Many urban centres in Pakistan, including Karachi, Lahore, Rawalpindi, Islamabad, Peshawar, Multan, Jhang and Sargodha, are home to large Shia communities. DFAT has observed that some Shias live in enclaves in major cities.’¹⁰⁵

2.5.3 The same source added:

¹⁰¹ FCO, [letter from British High Commission, 2 March 2011](#)

¹⁰² CIA World Factbook, Pakistan, updated 27 March 2014, People and society, <https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html>, date accessed 7 April 2014

¹⁰³ Immigration and Refugee Board of Canada, Pakistan: How Shia Muslims differ from Sunnis; treatment of Shias, particularly in Lahore and Multan; government response to violence against Shia Muslims (2010-December 2013), 9 January 2014, PAK104713.E , available at: <http://www.refworld.org/docid/52eba0284.html>, date accessed 7 April 2014

¹⁰⁴ Australian Government, Department of Foreign Affairs and Trade (DFAT) reports, Thematic Report: Shias in Pakistan, 18 December 2013, Page 3, <https://www.immi.gov.au/media/publications/pdf/dfat-tir-pakistan.pdf>, date accessed 9 April 2014

¹⁰⁵ Australian Government, Department of Foreign Affairs and Trade (DFAT) reports, Thematic Report: Shias in Pakistan, 18 December 2013, Page 5, <https://www.immi.gov.au/media/publications/pdf/dfat-tir-pakistan.pdf>, date accessed 9 April 2014

'Shias are represented across most of Pakistan's ethnic, linguistic and tribal groups. However, Hazaras are a predominantly Shia ethnic community and there are a range of other Shia communities that have tribal/ethnic identities such as the Turis, Bohris, Baltis and some clans within the Bangash Pashtun tribes... Shia mosques and sites of worship (imambargahs) are located across Pakistan, including in most major cities and towns. Shias can (although rarely do) pray in Sunni mosques and vice versa. There are also a number of famous religious sites that are attended by both sects. Many of these are Sufi shrines.'¹⁰⁶

2.5.4 DFAT further noted that

'Shias in Pakistan are often employed in Government and hold high offices. Notable examples include former Presidents and Prime Ministers. Shias are well represented in Parliament, the police, judiciary and other institutions. Shias are represented on Pakistan's Council of Islamic Ideology, the Constitutional body that provides advice to the Government of Pakistan on issues of Islamic jurisprudence and practice. Shias also have representation in the Shariat Courts.'¹⁰⁷

2.5.5 Sources reported that common Shia names include Abbas, Ali, Hasan, Hussain, Jafery, Jaffer, Naqvi, Raza, Rizvi, Sayyed and Zaidi.^{108 109} Apart from Hazaras, Shias are not physically, linguistically or legally distinguishable from Sunni Pakistanis. Computerised national identity cards do not identify the card holder's sect.¹¹⁰

Violence and discrimination against Shia Muslims

See also Pakistan: Country Information and Guidance: [Fear of Taliban and other militant groups – Sectarian violence](#)

2.5.6 In 2013, the South Asia Terrorism Portal (SATP) recorded more Shia deaths in Pakistan than since their records began in 2001. The SATP listed 81 incidents in which 504 people died, and 965 were injured.¹¹¹ Types of violence included sectarian clashes, militant attacks and targeted assassinations.¹¹² Prominent anti-Shia groups, which are banned by the Pakistani government, include the Lashkar-e-Jhangvi (LeJ), the Ahl-e-Sunnat Wal Jama'at (ASWJ), previously known as Sipah-e-Sahaba Pakistan (SSP), and

¹⁰⁶ Australian Government, Department of Foreign Affairs and Trade (DFAT) reports, Thematic Report: Shias in Pakistan, 18 December 2013, Page 5 and 6, <https://www.immi.gov.au/media/publications/pdf/dfat-tir-pakistan.pdf>, date accessed 9 April 2014

¹⁰⁷ Australian Government, Department of Foreign Affairs and Trade (DFAT) reports, Thematic Report: Shias in Pakistan, 18 December 2013, Page 6, <https://www.immi.gov.au/media/publications/pdf/dfat-tir-pakistan.pdf>, date accessed 9 April 2014

¹⁰⁸ Australian Government, Department of Foreign Affairs and Trade (DFAT) reports, Thematic Report: Shias in Pakistan, 18 December 2013, Page 6, <https://www.immi.gov.au/media/publications/pdf/dfat-tir-pakistan.pdf>, date accessed 9 April 2014

¹⁰⁹ Immigration and Refugee Board of Canada, Pakistan: How Shia Muslims differ from Sunnis; treatment of Shias, particularly in Lahore and Multan; government response to violence against Shia Muslims (2010-December 2013), 9 January 2014, PAK104713.E, available at: <http://www.refworld.org/docid/52eba0284.html>, date accessed 7 April 2014

¹¹⁰ Australian Government, Department of Foreign Affairs and Trade (DFAT) reports, Thematic Report: Shias in Pakistan, 18 December 2013, Page 6, <https://www.immi.gov.au/media/publications/pdf/dfat-tir-pakistan.pdf>, date accessed 9 April 2014

¹¹¹ South Asia Terrorism Portal, Shias killed in Pakistan since 2001, http://www.satp.org/satporqtp/countries/pakistan/database/Shias_killed_Pakistan.htm, date accessed 7 April 2014

¹¹² Australian Government, Department of Foreign Affairs and Trade (DFAT) reports, Thematic Report: Shias in Pakistan, 18 December 2013, Page 6, <https://www.immi.gov.au/media/publications/pdf/dfat-tir-pakistan.pdf>, date accessed 9 April 2014

the Tehrik-e-Taliban Pakistan (TTP).¹¹³ The LeJ is reported to have historical links to the Pakistani military and intelligence agencies although the military denies any ongoing links.¹¹⁴ The SATP recorded attacks against Shias resulting in death or injury from 2001 to the present (last updated 2 March 2014).¹¹⁵

2.5.7 Human Rights Watch reported in its World Report 2014, which recorded 2013 events, that:

‘In Balochistan province, at least 200 Shias, mostly from the Hazara community, were killed in and around the provincial capital, Quetta. In January, a suicide bomb killed 96 Hazaras and injured at least 150. In February, at least 84 were killed and over 160 injured when a bomb exploded in a vegetable market in Quetta’s Hazara town. The LEJ claimed responsibility for both attacks. In March, at least 47 Shias were killed and 135 injured in the port city of Karachi when a Shia-majority neighborhood was targeted in a bomb attack. Some 50 apartments and 10 shops were destroyed. Throughout the year, dozens of other Shia across Pakistan were targeted and killed.’¹¹⁶

2.5.8 The US Commission on International Religious Freedom Annual Report 2013 reported grossly inadequate state protection for Shia Muslims and that ‘the government has proven unwilling or unable to crack down on groups that repeatedly plan, conduct, and claim credit for attacks, or prevent future violence.’¹¹⁷ Some media sources reported police protection during times of sectarian tension.¹¹⁸

2.5.9 Attacks against Shias escalate during the Muslim holy month of Moharram, particularly on Shia processions marking Ashura, the 10th day of Moharram. In 2012 the TTP claimed responsibility for a number of attacks during Moharram that killed more than 30 Shias and wounded around 200.¹¹⁹ At least eight people were killed and 30 injured when a Shia procession was attacked in Rawalpindi on 15 November 2013.¹²⁰ Aside from the incident in Rawalpindi, Ashura passed peacefully in most of the country on account of the security measures put in place by Pakistan’s law enforcement authorities. Several suspected militants were arrested in Karachi, and security cameras helped prevent terrorist activity in Lahore.¹²¹

¹¹³ South Asia Terrorism Portal, South Asia Intelligence Review, Weekly Assessments & Briefings, Volume 12, No. 4, July 29, 2013, Pakistan – Shia: Sectarian targets,

http://www.satp.org/satporqtp/sair/Archives/sair12/12_4.htm#assessment2, date accessed 10 April 2014

¹¹⁴ Human Rights Watch, Pakistan: Deter Escalating Attacks on Shia Muslims, 12 November 2013,

<http://www.hrw.org/news/2013/11/11/pakistan-deter-escalating-attacks-shia-muslims>, date accessed 14 April 2014

¹¹⁵ South Asia Terrorism Portal, Shias killed in Pakistan since 2001,

http://www.satp.org/satporqtp/countries/pakistan/database/Shias_killed_Pakistan.htm, date accessed 14 April 2014

¹¹⁶ Human Rights Watch, World Report 2014 – Pakistan, 21 January 2014, Sectarian attacks,

<http://www.hrw.org/world-report/2014/country-chapters/pakistan>, date accessed 7 April 2014

¹¹⁷ US Commission on International Religious Freedom <http://www.uscirf.gov/>, Annual Report 2013, April 2013, page 125, <http://www.uscirf.gov/sites/default/files/resources/Pakistan%202013%281%29.pdf>, date accessed 27 January 2014

¹¹⁸ Immigration and Refugee Board of Canada, Pakistan: How Shia Muslims differ from Sunnis; treatment of Shias, particularly in Lahore and Multan; government response to violence against Shia Muslims (2010-December 2013), 9 January 2014, PAK104713.E, available at: <http://www.refworld.org/docid/52eba0284.html>, date accessed 7 April 2014

¹¹⁹ Human Rights Watch, Pakistan: Deter Escalating Attacks on Shia Muslims, 12 November 2013,

<http://www.hrw.org/news/2013/11/11/pakistan-deter-escalating-attacks-shia-muslims>, date accessed 14 April 2014

¹²⁰ Al Jazeera, Deadly attack on Shia procession in Pakistan, 16 November 2013,

<http://www.aljazeera.com/news/asia/2013/11/deadly-attack-shia-procession-pakistan-2013111602136312926.html>, date accessed 14 April 2014

¹²¹ The Express Tribune, Rawalpindi tragedy mars otherwise peaceful Ashura, 15 November 2013,

<http://tribune.com.pk/story/632311/muharram-10-live-updates-2/>, date accessed 15 April 2014

2.5.10 According to sources, attacks against Shia Muslims occur in all regions across Pakistan but are particularly prominent in Quetta, Balochistan. Other areas with notable levels of violence include Karachi, Gilgit Baltistan, and some cities in Pakistan's north west tribal areas.¹²² Shia pilgrimage routes between Pakistan and Iran, travelling through Balochistan, were subject to attack. In January 2014, Dawn reported that, following a suicide bomb attack against Hazara Shia pilgrims travelling to Iran, security forces escorted the pilgrims' coaches on their return journey.¹²³ When the road between Quetta and the Iranian border was closed due to the attack, the Pakistan Air Force airlifted 215 pilgrims back to Quetta.¹²⁴

See Pakistan: Country Information and Guidance [Actors of protection](#)

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¹²² Immigration and Refugee Board of Canada, Pakistan: How Shia Muslims differ from Sunnis; treatment of Shias, particularly in Lahore and Multan; government response to violence against Shia Muslims (2010-December 2013), 9 January 2014, PAK104713.E , available at: <http://www.refworld.org/docid/52eba0284.html>, date accessed 7 April 2014

¹²³ Dawn, Pakistan's Shia pilgrimage route to Iran suspended, 25 January 2014, <http://www.dawn.com/news/1082419/pakistans-shia-pilgrimage-route-to-iran-suspended>, date accessed 14 April 2014

¹²⁴ FCO, Pakistan - country of Concern: latest update, 31 March 2013, published 10 April 2014, <https://www.gov.uk/government/publications/pakistan-country-of-concern/pakistan-country-of-concern-latest-update-31-march-2013>, date accessed 14 April 2014

Annex A: Map of Pakistan

Map of Pakistan, dated 2010, extracted from the University of Texas at Austin, Perry-Castañeda Library Map Collection (click on map for full access).¹²⁵



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¹²⁵ University of Texas at Austin, Perry-Castañeda Library Map Collection <http://www.lib.utexas.edu/maps/>, Pakistan, 2010, http://www.lib.utexas.edu/maps/middle_east_and_asia/pakistan_pol_2010.jpg, date accessed 21 February 2014

Annex B: Letters from Foreign and Commonwealth Office

Foreign & Commonwealth Office (letterhead)

www.fco.gov.uk

16 December 2013

Country of Origin Information Report – Christians in Pakistan

Information on living conditions in Pakistan for Christians from locally engaged staff working at the British High Commission Islamabad:

Locally engaged staff working at the Consular team at the British High Commission who have contact with the Christian community in Pakistan have spoken to us about the questions sent by the Home Office regarding the condition of Christians. We have been informed (as suspected) that the data requested by the vast majority of questions simply does not exist. Census and population data for Pakistan is not readily available or regularly updated. However, our colleagues are able to give an outline of the condition in which Christians in Pakistan live, recorded below. Other information is available from open sources including the Pakistani media and human rights organisations.

Demographics

The official estimates for the minority religious populations within Pakistan are as follows:

- 96.4% Muslim
- 1.5% Christian (unofficially it is approximately 3 %)
- 1.5% Hindu
- 0.6% other

On this basis, there would be around 2.8m Christians in Pakistan. However, some in the Christian community believe this number is too low and that there are higher numbers of Christians in Pakistan, around 5-10% of the population. It is likely to be at the lower end of that range if they are right.

The vast majority of Christians are based in the Punjab, where Christians are the largest religious minority. A significant number of them live in and around Lahore and Faisalabad – estimated at 2m in Lahore, and 0.5m in the rest of Punjab. The other large centre of Christians in Pakistan is in Karachi which includes a Goan Catholic community.

The majority of Christians in Pakistan belong to either the Roman Catholic Church or, slightly fewer, the Church of Pakistan (Anglican) with increasing numbers belonging to other protestant or evangelical churches sometimes called 'charismatic' churches.

The Constitutional position of non-Muslims in Pakistan

The Pakistan constitution states that both the President (article 41) and Prime Minister shall be a Muslim (article 91). Article 33 discourages prejudice, Article 36 entrusts the state with protection of minorities. (Pakistan Constitution : http://www.na.gov.pk/uploads/documents/1333523681_951.pdf)

Blasphemy law

The lot of Christians in Pakistan has got worse since the 1970s, partly attributable to the blasphemy laws issued by President Zia which are still in force. While the majority of those charged under the blasphemy laws are Muslim, Christians do make a high proportion of those accused. The majority of blasphemy cases come from the Punjab, which has a high Christian population.

During the Zia regime amendments to the Penal Code prohibited women and minorities from initiating blasphemy cases. Under the 'law of evidence' (Qanoon-i-Shihadah) the evidence of two women or two non-Muslims equates to that of a single male Muslim where a woman is accused of adultery under the Hudood ordinance. (http://en.wikipedia.org/wiki/Hudood_Ordinance)

There have been some high profile blasphemy cases against Christians recently, including against a young girl called Rimsha who has since fled to Canada and before that Aasia Bibi who is still in prison. The Governor of Punjab and then the Minorities Minister were both killed when they spoke out about the Aasia Bibi case.

There is a growing trend of Pakistani Christians leaving the country, in particular to live in countries such as Bangladesh and Sri Lanka. According to some media reports (Pakistani and Indian) families of Hindus/Sikhs living in southern Punjab/Sindh have migrated to India. Others (including Christians) have migrated to Canada and other western countries where there are small communities and some have come as asylum seekers.

Violence

Violent extremism against Christians in Pakistan is not as commonplace as against some minorities (such as Shia and Hazara), but does exist. There have been two prominent cases this year. In March Joseph Colony in Lahore (a major Christian colony) was attacked by a mob following unfounded allegations of blasphemy against a resident. In September more than 85 people were killed and more than a 100 injured during a double suicide bombing at a church in Peshawar. It is currently unclear whether this represents a growing trend of violence against Christians in the country.

Institutions

There are many churches in Pakistan, which are mostly safe but as mentioned above they can be targets for extremist actions. Christian schools also exist – some of these have been nationalised recently and therefore are no longer run on a Christian basis. Christian colleges were nationalised in the 1970's by the government of Zulfikar Ali Bhutto. Some have more recently been de-nationalised and returned to their former owners. There is not much protection of religious minorities from the Government – there is a ministry of minorities, but it is felt that it engages in "fire fighting" rather than taking any proactive steps to protect the community.

Your religion must be registered with the state and included in your passport, and it is not allowed to change your recorded religion from Islam to another. There were attempts during General Musharraf's rule to remove the religion column from Pakistani passports but this was quickly reversed under pressure. In the 1990s the Pakistani government attempted to include a religion column on Pakistani ID cards but this was dropped after protests by non-Muslim groups.

Marriage
A Christian woman marrying a Muslim man is permissible, on the basis that the woman will convert to Islam. It is not permissible for a Christian man to marry a Muslim woman. A child's religion is held to be the same of that of its mother.

Marriages are registered with the state according to which faith those getting married follow. As such, two Christians getting married do not have to register according to Muslim family laws. In church weddings Christians are usually married under the Indian Christian Marriage Act of 1872 and unlike Hindus their marriages are recognised by the authorities.

CLAAS

CLAAS is a partner NGO for the British High Commission, in particular for its work on forced marriages. We pay an annual retainer to them for the assistance they provide us. This has been the case since 2000.

The main focus of CLAAS is religious intolerance, which they are a trustworthy source on. They have campaigned extensively against the blasphemy laws. Joseph Francis from CLAAS has been given an MBE for his services in the role.

- This letter has been compiled by staff of the British High Commission in Islamabad and Foreign and Commonwealth Office in London entirely from information obtained from the sources indicated. The letter does not reflect the opinions of the author(s) nor any policy of the Foreign and Commonwealth Office. The author(s) have compiled this letter in response to a request from the Home Office and any further enquiries regarding its contents should be directed to the Home Office.

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British High Commission (letterhead)

2 March 2011

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Can converts to Christianity could live freely and openly in Pakistan? Are they at risk of an 'honour' killing owing to their conversion? Is internal relocation an option, i.e. would any areas be deemed 'safer' for Christians than others?

We consulted internally with our Political Section, who deal with humanitarian and human rights issues. In short, it is difficult to corroborate the real situation, as this is a frequently hidden problem; our view is that converts would probably not want to draw additional attention to themselves. However, we have ascertained the following anecdotal evidence from our dealings with external contacts in Pakistan:-

- Firstly, in our opinion it would be difficult for Christian converts to live freely and openly in Pakistan, as converts over and above being Christian. It is our view that people who are known to have converted to Christianity suffer serious discrimination, for example in the workplace or by the authorities. It is far more difficult for people in Pakistan who are known to have converted to Christianity, than it is for people who were born Christian.
- We understand that it would be rare for someone to convert to Christianity, or at least to do so openly, in Pakistan. It is therefore something of note for the community, with potential repercussions.
- Our Political Section considered that internal relocation may be possible, in theory, as there were Christian communities in many urban areas such as Rawalpindi, and across Punjab and Sindh provinces. Due to the anonymity afforded by moving to an urban area, it may be feasible to relocate and not reveal the fact of the conversion. However, our view was also that the Christian communities were themselves becoming increasingly isolated from other communities. Therefore whilst it may be more difficult to socially exclude and harass a Christian who lives in a larger Christian community, it does not necessary preclude that harassment.
- Finally, it was our view that Christian converts were not at risk of an honour killing, despite these difficulties, as these are normally related to property disputes or perceived dishonourable behaviour rather than matters of faith or principle.

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British High Commission (letterhead)

20 January 2011

The UK Border Agency requested the following information:-

- What is the process to record your faith in a Pakistani passport?
- Is a stamp issued to confirm the individuals Ahmadiyya faith?
- Who applies the stamp in the Pakistani passport?
- Can the stamp be applied at any stage?
- Could a bribe be paid for an Ahmadiyya stamp to be issued?
- Do those with the Ahmadiyya faith declared in their passport have problems with immigration when departing from Pakistan?

In relation to the first four questions only, the British High Commission consulted with an official working within the Passport Circle within the Government of Pakistan's Federal Investigation Agency. He responded as follows:-

'There is no stamp of 'Ahmadiyya'. Its printed on second page of the passport...it's one time process and it can be printed only at once when passport is printed'.

The British High Commission also consulted with a locally employed member of staff within the British High Commission, whose opinion was as follows:-

'The old PAK ppt had religion column on the biodata page. The new PAK machine readable ppts were introduced in Oct 2004 when religion was not being mentioned. In 2006 the authorities started putting religion on annotation page. The passport database is interconnected with the NADRA's system, where the things are being tallied. During the database recording for a new PAK ppt, religion question is asked. If there is any discrepancy the applicants are asked to submit affidavit on this to remove doubts.

1. At the time of data recording for a new passport questions are asked verbally including religion.
2. There has never been any stamp impression (Rubber Stamp) for religion/faith on the manual (old) PAK ppt. However the faith/religion is printed on the annotation page of the new PAK ppt. The term Ahmadiyya is printed on page two of the passport. We are not aware of there being a wet ink stamp.
3. The passport and Immigration authorities are responsible for printing the biodata and additional info of the applicant (faith/religion) on the passports both on manual and machine readable.
4. Yes, but in such cases applicants needs to reapply for modifications and new passport will be issued.
5. The system can be abused by culprits by different ways. It is possible that a bribe could be paid at the time the passport is issued, but we do not have any direct evidence of this.

6. There isn't any problem in departing from Pakistan for Ahmadis holding Pakistani ppt. As long as the visa and passport is genuine.'

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Annex C: Caselaw

AB (Ahmadiyya Association UK: letters) Pakistan [2013] UKUT 511(IAC) (18 September 2013)

In this reported case the Upper Tribunal concluded that in deciding a claim to international protection based on a person's Ahmadi faith where credibility is in issue, the more that a letter from the Ahmadiyya Association UK contains specific information as to the claimant's activities in the United Kingdom, the more likely the letter is to be given weight.

MN and others (Ahmadis – Country Conditions – Risk) Pakistan CG [2012] UKUT 00389(IAC) (14 November 2012)

1. This country guidance replaced previous guidance in MJ & ZM (Ahmadis – risk) Pakistan CG [2008] UKAIT 00033, and IA and Others (Ahmadis: Rabwah) Pakistan CG [2007] UKAIT 00088. The guidance the Upper Tribunal gave is based in part on the developments in the law including the decisions of the Supreme Court in HJ (Iran) [2010] UKSC 31, RT (Zimbabwe) [2012] UKSC 38 and the CJEU decision in Germany v. Y (C-71/11) & Z (C-99/11). The guidance relates principally to Qadiani Ahmadis; but as the legislation which is the background to the issues raised in these appeals affects Lahori Ahmadis also, they too are included in the country guidance stated below.
2.
 - (i) The background to the risk faced by Ahmadis is legislation that restricts the way in which they are able openly to practise their faith. The legislation not only prohibits preaching and other forms of proselytising but also in practice restricts other elements of manifesting one's religious beliefs, such as holding open discourse about religion with non-Ahmadis, although not amounting to proselytising. The prohibitions include openly referring to one's place of worship as a mosque and to one's religious leader as an Imam. In addition, Ahmadis are not permitted to refer to the call to prayer as azan nor to call themselves Muslims or refer to their faith as Islam. Sanctions include a fine and imprisonment and if blasphemy is found, there is a risk of the death penalty which to date has not been carried out although there is a risk of lengthy incarceration if the penalty is imposed. There is clear evidence that this legislation is used by non-state actors to threaten and harass Ahmadis. This includes the filing of First Information Reports (FIRs) (the first step in any criminal proceedings) which can result in detentions whilst prosecutions are being pursued. Ahmadis are also subject to attacks by non-state actors from sectors of the majority Sunni Muslim population.
 - (ii) It is, and has long been, possible in general for Ahmadis to practise their faith on a restricted basis either in private or in community with other Ahmadis, without infringing domestic Pakistan law.
3.
 - (i) If an Ahmadi is able to demonstrate that it is of particular importance to his religious identity to practise and manifest his faith openly in Pakistan in defiance of the restrictions in the Pakistan Penal Code (PPC) under sections 298B and 298C, by engaging in behaviour described in paragraph 2(i) above, he or she is likely to be in need of protection, in the light of the serious nature of the sanctions that potentially apply as well as the risk of prosecution under section 295C for blasphemy.

(ii) It is no answer to expect an Ahmadi who fits the description just given to avoid engaging in behaviour described in paragraph 2(i) above (“paragraph 2(i) behaviour”) to avoid a risk of prosecution.

4. The need for protection applies equally to men and women. There is no basis for considering that Ahmadi women as a whole are at a particular or additional risk; the decision that they should not attend mosques in Pakistan was made by the Ahmadi Community following attacks on the mosques in Lahore in 2010. There is no evidence that women in particular were the target of those attacks.
5. In light of the above, the first question the decision-maker must ask is (1) whether the claimant genuinely is an Ahmadi. As with all judicial fact-finding the judge will need to reach conclusions on all the evidence as a whole giving such weight to aspects of that evidence as appropriate in accordance with Article 4 of the Qualification Directive. This is likely to include an enquiry whether the claimant was registered with an Ahmadi community in Pakistan and worshipped and engaged there on a regular basis. Post-arrival activity will also be relevant. Evidence likely to be relevant includes confirmation from the UK Ahmadi headquarters regarding the activities relied on in Pakistan and confirmation from the local community in the UK where the claimant is worshipping.
6. The next step (2) involves an enquiry into the claimant’s intentions or wishes as to his or her faith, if returned to Pakistan. This is relevant because of the need to establish whether it is of particular importance to the religious identity of the Ahmadi concerned to engage in paragraph 2(i) behaviour. The burden is on the claimant to demonstrate that any intention or wish to practise and manifest aspects of the faith openly that are not permitted by the Pakistan Penal Code (PPC) is genuinely held and of particular importance to the claimant to preserve his or her religious identity. The decision maker needs to evaluate all the evidence. Behaviour since arrival in the UK may also be relevant. If the claimant discharges this burden he is likely to be in need of protection.
7. The option of internal relocation, previously considered to be available in Rabwah, is not in general reasonably open to a claimant who genuinely wishes to engage in paragraph 2(i) behaviour, in the light of the nationwide effect in Pakistan of the anti-Ahmadi legislation.
8. Ahmadi who are not able to show that they practised their faith at all in Pakistan or that they did so on anything other than the restricted basis described in paragraph 2(ii) above are in general unlikely to be able to show that their genuine intentions or wishes are to practise and manifest their faith openly on return, as described in paragraph 2(i) above.
9. A sur place claim by an Ahmadi based on post-arrival conversion or revival in belief and practice will require careful evidential analysis. This will probably include consideration of evidence of the head of the claimant’s local United Kingdom Ahmadi Community and from the UK headquarters, the latter particularly in cases where there has been a conversion. Any adverse findings in the claimant’s account as a whole may be relevant to the assessment of likely behaviour on return.
10. Whilst an Ahmadi who has been found to be not reasonably likely to engage or wish to engage in paragraph 2(i) behaviour is, in general, not at real risk on return to Pakistan, judicial fact-finders may in certain cases need to consider whether that person would nevertheless be reasonably likely to be targeted by non-state actors on return for religious persecution by reason of his/her prominent social and/or business profile.

Germany v Y & Z [2012] EUJ C-71/11 (05 September 2012)

In this case concerning two Ahmadis from Pakistan the European Court of Justice (ECJ) rejected the notion of core and peripheral aspects of religion, dismissing the argument that only an interference with a core right might constitute persecution:

63. Such a distinction is incompatible with the broad definition of 'religion' given by Article 10(1)(b) of the [Qualification] Directive, which encompasses all its constituent components, be they public or private, collective or individual. Acts which may constitute a 'severe violation' within the meaning of Article 9(1)(a) of the Directive include serious acts which interfere with the applicant's freedom not only to practice his faith in private circles but also to live that faith publicly.

The ECJ went on to find that the determining factor as to whether an interference with religious freedom will constitute persecution is 'the severity of the measures and sanctions adopted or liable to be adopted against the person concerned' (para 66). Where a person who exercises their freedom of religion runs a genuine risk of being prosecuted or being subjected to inhuman or degrading treatment or punishment then that is likely to constitute persecution (para 67). Specifically, the prohibition of participation in worship in public either alone or in community with others may constitute persecution where there is a genuine risk of prosecution or being subjected to inhuman or degrading treatment or punishment (para 69).

The ECJ held that desire to preserve one's religious identity even where the prohibited religious practice is not a core element of the religion, is a relevant risk factor:

70. In assessing such a risk, the competent authorities must take account of a number of factors, both objective and subjective. The subjective circumstance that the observance of a certain religious practice in public, which is subject to the restrictions at issue, is of particular importance to the person concerned in order to preserve his religious identity is a relevant factor to be taken into account in determining the level of risk to which the applicant will be exposed in his country of origin on account of his religion, even if the observance of such a religious practice does not constitute a core element of faith for the religious community concerned.

The ECJ also rejected the argument that a person can be expected to be discreet in order to avoid persecution:

79. It follows that, where it is established that, upon his return to his country of origin, the person concerned will follow a religious practice which will expose him to a real risk of persecution, he should be granted refugee status, in accordance with Article 13 of the Directive. The fact that he could avoid that risk by abstaining from certain religious practices is, in principle, irrelevant.

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AW (sufficiency of protection) Pakistan [2011] UKUT 31(IAC) (26 January 2011)

The Upper Tribunal of the Immigration and Asylum Chamber found that:

1. At paragraph 55 of Auld LJ's summary in Bagdanavicius [2005] EWCA Civ.1605 it is made clear that the test set out in Horvath [2001] 1 AC 489 was intended to deal with the ability of a state to afford protection to the generality of its citizens.

2. Notwithstanding systemic sufficiency of state protection, a claimant may still have a well founded fear of persecution if authorities know or ought to know of circumstances particular to his/her case giving rise to the fear, but are unlikely to provide the additional protection the particular circumstances reasonably require (per Auld LJ at paragraph 55(vi)).

3. In considering whether an appellant's particular circumstances give rise to a need for additional protection, particular account must be taken of past persecution (if any) so as to ensure the question posed is whether there are good reasons to consider that such persecution (and past lack of sufficient protection) will not be repeated.

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