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Anatomy of the Persecution of Ahmadi Muslims in Pakistan: The Weaponization of Law and the Making of Religio-Political Apartheid

By Amjad Mahmood Khan and Jaleece Ahmad
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In the death threat, which I felt for the first time in full clarity while reading the laws of Nuremberg, there also lay what is commonly referred to as the methodical 'degradation' of the Jews by the Nazis.
Put differently: the denial of human dignity itself sounded the death threat.
Jean Améry[1]

The case of Ahmadi Muslims in Pakistan presents one of the most dramatic contemporary examples of how constitutional and statutory discrimination can metastasize into systematic persecution and repression of a religious community. Over the course of more than five decades, Pakistan has constructed and enforced a legal framework that not only excludes Ahmadi Muslims from equal citizenship but also criminalizes their religious identity and practice. This framework has, in turn, engendered conditions in which state authorities, extremist organizations and private actors target and brutalize Ahmadi Muslims with widespread impunity.

The legal exclusion of Ahmadi Muslims did not emerge solely through social hostility or episodic sectarian violence. Rather, it developed through deliberate constitutional amendment, penal legislation, judicial affirmation, and legitimization and administrative enforcement. The result is a system, unprecedented in the world, in which Ahmadi Muslims face criminal prosecution for publicly identifying as Muslims, using Islámic terminology, practicing their faith openly or engaging in ordinary forms of religious expression. Pakistan's weaponization of law thereby transforms theological disagreement into state-enforced exclusion that strips any ability of Ahmadi Muslims to self-identify as Muslim or practice Islám publicly or privately without grave risk of criminal prosecution, arrest, detention, jail, torture or death.

This policy brief examines the principal components of Pakistan's exclusionary apparatus against Ahmadi Muslims. Section 1 briefly describes a few historic markers that led to systematic rights deprivation of Ahmadi Muslims. Section 2 analyses the constitutional and statutory architecture of exclusion. Section 3 examines how this architecture enables systematic persecution and facilitates violence by non-state actors. Section 4 assesses whether the treatment of Ahmadi Muslims may amount to persecution under international law, including as a potential crime against humanity. Section 5 critiques the asserted religious and legal justifications for these measures. Finally, Section 6 proposes several essential reforms aimed at reducing or ending the persecution.

This brief's central argument is that Pakistan's anti-Ahmadi legal structures of discrimination do not merely discriminate against a religious community; they institutionalize persecution, with the full imprimatur of the government, by denying Ahmadi Muslims the fundamental rights associated with religious freedom, equal citizenship and human dignity. The consequences have proven to be catastrophic, not just for Ahmadi Muslims – for whom a five-decades-long, state-enabled religious repression has led to over 300 deaths and the prosecution and imprisonment of hundreds more – but to Pakistan writ large, which must grapple with the shocking reality of having long enabled one of the most morally and legally repugnant examples of persecution against another community in the world.

1. Historical Development of Anti-Ahmadi Legislation

The Ahmadiyya Muslim Community was founded in 1889 in British India by Mirza Ghulam Ahmad of Qadian. Ahmadi Muslims consider themselves Muslims and adhere to the core tenets of Islám while differing from mainstream Sunní and Shí'ah interpretations regarding the status of Mirza Ghulam Ahmad, whom Ahmadi Muslims claim to be a subordinate prophet to Prophet Muhammad and a messiah and reformer. Since Pakistan's inception, religious extremists have sought to exclude Ahmadi Muslims from the Muslim community and public life.[2]

The first major episode of organized anti-Ahmadi violence occurred in 1953, when sectarian riots in Punjab resulted in widespread killings and destruction of Ahmadi property. A national judicial inquiry conducted by Chief Justice Muhammad Munir subsequently warned against allowing the state to define religious orthodoxy. The Munir Report observed that clerics themselves could not agree on a universal definition of who qualified as a "Muslim". Nevertheless, political pressure from religious parties, led by Majlis-e-Ahrar and Jama'at-e-Islami, continued to intensify in the decades that followed.[3]

The decisive legal turning point came in 1974, when Pakistan adopted the Second Amendment to its Constitution. The Amendment redefined the definition of "Muslim" in Article 260 to formally label Ahmadi Muslims to be "non-Muslims". This represented a significant transformation in the relationship between religion and the Pakistani state. Rather than protecting freedom of belief, the Constitution empowered the state to determine religious identity itself – an unprecedented constitutional moment in modern history that incubated and enabled religious persecution. Indeed, Pakistan is the only Islámic state in the world to define who is or is not a 'Muslim' in its Constitution.[4]

A second major transformation occurred when President General Zia-ul-Haq, in 1984, promulgated Ordinance XX, which added Sections 298-B and 298-C to Pakistan's Penal Code. Ordinance XX prohibits Ahmadi Muslims from "indulging in anti-Islamic activities". They are barred from using any honorific titles or epithets specific to Islám, building mosques, displaying the Kalima (the creed of Islám), or reciting the Azan (call to Muslim prayer). Ahmadi Muslims also cannot "pose" as Muslims, call or refer to their faith as Islám, or preach or propagate their faith. These provisions are routinely used to prosecute Ahmadi Muslims, including, at present, eight prisoners of conscience.[5]

[1] The original version reads: "In der Todesdrohung, die ich zum ersten-mal in voller Deutlichkeit beim Lesen der Nürnbergergesetze verspürte, lag auch das, was man gemeinhin die methodische 'Entwürdigung' der Juden durch die Nazis nennt. Anders formuliert: der Würdeentzug drückte die Morddrohung aus", Jean Améry, *Jenseits von Schuld und Sühne: Bewältigungsversuche eines Überwältigten*, Szczesny, Munich, 1966, p. 137.

[2] Amjad Mahmood Khan, "Persecution of the Ahmadiyya Community in Pakistan: An Analysis Under International Law and International Relations", in *Harvard Human Rights Journal*, 2003, vol. 16, pp. 220–229.

[3] *Ibid.*

[4] *Ibid.*; see Pakistan, The Constitution of the Islamic Republic of Pakistan, 12 April 1973, Article 260 (https://www.legal-tools.org/doc/a33b9a/).

[5] Ahmadiyya Muslim Community, International Human Rights Desk, "Persecution of Ahmadis: Annual Report 2025", 2026, p. 20 (https://www.legal-tools.org/doc/dj9tokya/). In 2025 alone, 8 Ahmadi Muslims remain prisoners of conscience, 21 Ahmadi mosques were attacked and 13 were sealed, 381 Ahmadi graves were desecrated or

2. Constitutional and Legal Architecture of Exclusion

2.1. Constitutional Definition of Religious Identity

As noted, Article 260(3) of Pakistan's Constitution is unprecedented in comparative constitutional practice because it authorizes the state to determine theological identity rather than protecting individual self-identification in matters of religion.

2.2. Ordinance XX and Criminalization of Religious Practice

Sections 298-B and 298-C of the Penal Code provide the penal arsenal that criminalizes numerous forms of ordinary religious conduct by Ahmadi Muslims.[6] Section 298-B prohibits Ahmadi Muslims from using Islámic epithets, descriptions and titles. Section 298-C broadly prohibits Ahmadi Muslims from "posing as Muslims", preaching or propagating their faith, or outraging the religious feelings of Muslims. The language of these provisions is expansive and vague. In practice, Ahmadi Muslims have faced criminal charges for using Islámic greetings, displaying Qur'ánic verses, reciting the call to prayer, publishing religious literature, identifying their places of worship as mosques, and publicly describing themselves as Muslims.[7] In short, virtually any public or private act of worship, devotion or propagation by an Ahmadi can be treated as the criminal offence for "directly or indirectly posing as a Muslim", punishable by fine, imprisonment or death.[8]

The Supreme Court of Pakistan upheld these provisions in *Zaheeruddin v. State* (1993), reasoning that Ahmadi Muslims could lawfully be prohibited from using Islámic terminology associated with the Muslim majority. Relying in large part on United States ('US') legal precedents, but out of context and without proper application, the Supreme Court analogized Ahmadi religious expression to trademark infringement.[9] The decision remains among the most restrictive judicial interpretations of religious freedom in contemporary constitutional jurisprudence.[10]

2.3. Blasphemy Laws and Expanded Vulnerability

Pakistan's anti-blasphemy laws further intensify Ahmadi Muslim vulnerability. Sections 295-B and 295-C impose severe criminal penalties for alleged desecration of the Qur'án or insults against Prophet Muhammad, including capital punishment under certain interpretations. The most notorious of Pakistan's anti-blasphemy laws is the 50-word Section 295-C: "Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine".[11] Based on this remarkably broad language, virtually anyone can register a blasphemy case against anyone else in Pakistan, and the thousands who stand accused – which include Muslims (Shí'ah, Sunní and Ahmadi), Christians and Hindus – can face capital punishment.

Although these laws affect multiple religious communities, Ahmadi Muslims face disproportionate exposure because their very existence itself may be construed as blasphemous. Consequently, Ahmadi Muslim religious identity exists in a condition of continuous legal precarity.

Blasphemy allegations frequently trigger mob violence, arbitrary detention and extrajudicial killings, irrespective of eventual acquittal. The legal framework thereby creates substantial incentives for abuse by both private actors and state authorities.

To date, even though Ahmadi Muslims constitute roughly only 1 per cent of the population, over 4,500 cases have been registered against them under Pakistan's anti-blasphemy and anti-Ahmadi laws. Ahmadi Muslims now account for almost 40 per cent of all arrests under Pakistan's anti-blasphemy laws. Owing to anti-blasphemy and anti-Ahmadi laws, Pakistani authorities have also demolished, set on fire, forcibly occupied, or sealed or barred the construction of over 227 Ahmadi Muslim mosques. They have also denied the cemetery burial of at least 83 Ahmadi Muslims and have exhumed after burial the bodies of at least 40 Ahmadi Muslims.[12]

2.4. Denial of Political Participation and Voting Rights

Under Pakistan's electoral laws and accompanying voter-registration procedures, citizens seeking registration as Muslims must sign a declaration affirming the finality of Prophet Muhammad and denouncing Mirza Ghulam Ahmad, the founder of the Ahmadiyya Muslim Community, as an impostor. Ahmadi Muslims cannot affirm such declarations without renouncing core tenets of their religious identity. Consequently, Ahmadi Muslims are effectively denied equal participation in the political process.

Prior to 1978 – when General Zia declared his intent to abolish the joint-electorate system – all Pakistani citizens had an equal vote irrespective of faith. In 1985, General Zia split the electorate so non-Muslims would have to register on separate "non-Muslim" electoral rolls. Non-Muslim minorities could only vote for non-Muslim candidates, comprising only 5 per cent of the National Assembly seats.[13] To vote, Ahmadi Muslims were forced to register on "non-Muslim" electoral rolls. On 27 February 2002, President Pervez Musharraf issued Executive Order ('EO') No. 7 that abolished Pakistan's separate electorate system, restoring the joint-electorate that existed before General Zia. However, President Musharraf issued a new EO No. 15, amending EO No. 7 and providing that while "elections for the members of the National Assembly and the Provincial Assemblies shall be held on the basis of joint electorate", the "Status of Ahmadis [was] to remain unchanged". Under EO No. 15, all citizens, except Ahmadi Muslims, were moved to the main electoral list leaving only Ahmadi Muslims on the non-Muslim list.

Pakistan concretized the 2002 EOs through the Elections Act of 2017, which, under Section 48A, mandates that Ahmadi Muslims continue to be segregated *via* a separate voter list, and that remains the present situation. The voter registration forms are blatantly discriminatory toward Ahmadi Muslims. All new voters must complete Form A, which requires a faith declaration. "Muslim" and "Qadiani/Ahmadi" are distinct options, clearly implying that Ahmadi Muslims are non-Muslim. Moreover, even if Ahmadi Muslims were to check the box as 'Muslim', they must affirm under oath that they denounce the founder of the Ahmadiyya Muslim Community, Mirza Ghulam Ahmad.[14] Due to this systematic discrimination, Ahmadi Muslims did not vote during the last federal, provincial or local elections, and, unless serious reform is made, would not vote in good conscience in future general elections either. Tragically, the disenfranchisement of Ahmadi Muslims adversely impacts all Pakistanis since Ahmadi Muslims are among Pakistan's most literate and educated citizens, and have included its first foreign minister, Sir Zafrulla Khan, and Nobel Laureate Abdus Salam.

The discriminatory framework also exposes Ahmadi Muslims to intimidation and violence. Electoral rolls identifying Ahmadi Muslims separately have enabled extremist organizations to target community members socially, economically and physically. The requirement that Ahmadi Muslims publicly distinguish themselves from Muslims for electoral purposes reinforces their marginalization as a disfavored minority outside the protection of equal citizenship – an indicia of religio-political apartheid.

2.5. Citizenship Forms and Applications

The Pakistani government designates religious affiliation on passports. All Pakistani Muslims seeking passports or passport renewals must fill out a form in which they denounce Ahmadi Muslim beliefs and declare Ahmadi Muslims to be 'non-Muslim' and Mirza Ghulam Ahmad to be an impostor. In other words, Pakistan forces all Pakistani Muslims seeking passports to swear under penalty of perjury their explicit opposition to Ahmadi Muslims. Similarly, to obtain a national identification card, the National Database and Registration Authority (NADRA) has instituted a form with a mandatory category marked "religion".[15] For an Ahmadi Muslim, if he or she selects or writes "Islam" or "Muslim" in the "religion" category, he or she must then sign a separate attestation declaring Mirza Ghulam Ahmad to be an impostor – something no Ahmadi Muslim in good conscience would ever do.[16]

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destroyed (including 77 by the police), and over 250 frivolous cases against Ahmadi Muslims were registered.

6 These two sections are part of what is known as Martial Law Ordinance XX, 26 April 1984 (https://www.legal-tools.org/doc/c57c6k5f/), which amended Pakistan's Penal Code.

7 Khan, 2003, see *supra* note 2.

8 Amjad Mahmood Khan, "The State of Religious Freedom Around the World", before the Tom Lantos Human Rights Commission, US House of Representatives, 13 July 2021 (https://www.legal-tools.org/doc/oehqzf7w/).

9 Amjad Mahmood Khan, "Misuse and Abuse of Legal Argument by Analogy in Transjudicial Communication: The Case of *Zaheeruddin v. State*", *Richmond Journal of Global Law and Business*, 2011, vol. 10, p. 497.

10 Supreme Court of Pakistan, *The State through Prosecutor-General, Punjab v. Mubarik Ahmad Sani*, Judgment, 24 July 2024, 2024 SCP 242 (https://www.legal-tools.org/doc/vravzgwa/) (recently affirming *Zaheeruddin*).

11 See Pakistan, Penal Code, 6 October 1860, Section 295-C (https://www.legal-tools.org/doc/885ab7/) (inserted by amendment in 1986).

12 Amjad Mahmood Khan, "Navigating Challenges and Opportunities for Religious Freedom in Pakistan", before the US Commission on International Religious Freedom, 29 August 2024 (https://www.legal-tools.org/doc/tfm13qp0/).

13 See Ahmadiyya Muslim Community, "Ahmadis and Elections in Pakistan", 11 October 2024 (https://www.legal-tools.org/doc/xy5fkkdg/).

14 Human Rights Watch, "Pakistan Denies Voting Rights to Religious Community", 8 December 2023 (https://www.legal-tools.org/doc/hi25xesa/).

15 See Amjad Mahmood Khan, "Pakistan: Ongoing Political Repression", before the Tom Lantos Human Rights Commission, 24 July 2025 (https://www.legal-tools.org/doc/aah688k3/).

16 *Ibid.*

Alternatively, if an Ahmadi Muslim selects or writes "Ahmadiyya" in the "religion" category, he or she must then sign a separate attestation declaring that he or she is not Muslim – essentially, coerced hate speech – again, something no Ahmadi Muslim in good conscience would ever do.[17]

3. From Legal Discrimination to Systematic Persecution

3.1. Criminalization of Identity

Pakistan's anti-Ahmadi laws extend beyond ordinary forms of discrimination. The laws criminalize essential manifestations of religious identity itself. Ahmadi Muslims may not freely identify as Muslims, publicly practice Islám or engage openly in religious expression associated with their faith tradition.

This legal structure effectively denies Ahmadi Muslims equal access to freedom of religion or belief. The restrictions extend not merely to theological doctrine, but to language, symbols, worship practices and communal organization.

3.2. Enabling Violence by Non-State Actors

The constitutional and penal framework has also facilitated systematic violence by extremist organizations and private actors. Because the state itself formally declares Ahmadi Muslims outside Islám and criminalizes aspects of their faith, extremist groups frequently interpret anti-Ahmadi violence as religiously and politically legitimate.

Anti-Ahmadi organizations openly conduct campaigns advocating social exclusion, economic boycotts and violence. Hate speech against Ahmadi Muslims remains widespread in public discourse, religious gatherings and digital media. Clerics regularly characterize Ahmadi Muslims as apostates or enemies of Islám who are "worthy of being killed".

On 28 May 2010, militants attacked two Ahmadi mosques during Friday prayers, killing more than 80 worshippers. Yet the attacks did not produce any meaningful structural reform. Ahmadi mosques continue to be vandalized or sealed by authorities. Ahmadi graves have been desecrated. In many cases, state authorities fail to prevent such attacks or hold perpetrators accountable.

More recently, Ahmadi Muslims have been particularly targeted by Tehreek-e-Labbaik Pakistan ('TLP'), a political party whose prominence is premised on anti-Ahmadi sentiments. TLP members have undertaken an extreme campaign of terror against Ahmadi Muslims, which includes mosque demolitions, mass grave desecrations and targeted killings of Ahmadi Muslim professionals.[18]

3.3. Administrative and Social Exclusion

The persecution of Ahmadi Muslims also operates through administrative and social mechanisms. Ahmadi Muslims encounter barriers in education, employment and public service. Students often face discrimination in schools and universities. Professional opportunities are frequently restricted by formal or informal exclusionary practices. The Pakistani government has seized control over Ahmadi Muslim educational institutions and has never returned them to the community. The cumulative effect is the creation of a parallel system of citizenship in which Ahmadi Muslims remain formally subject to the state while denied equal participation within it.

3.4. Cyber Laws and Persecution

On 30 November 2020, the Pakistani government enacted the "Removal and Blocking of Unlawful Online Content Rules, 2020" ('UOCR'), which amends the Prevention of Electronic Crimes Act, 2016 ('PECA') (collectively, 'Pakistan's Cyber Laws') to broaden its authority to initiate new legal actions against web site operators inside and outside Pakistan. Under this new form of Pakistan's Cyber Laws, Section 37 of PECA gives the Pakistan Telecommunication Authority ('PTA') unbridled authority to remove or block information "it considers […] necessary in the interest of the glory of Islam or the integrity, security or defense of Pakistan […] public order, decency or morality" (targeting service providers and social media companies). Disturbingly, the new form of Pakistan's Cyber Laws applies to "any act committed outside Pakistan by any person if the act constitutes an offence under [these laws] and affects a person, property, information system or data located in Pakistan" (Section 1(4)).

On 24 December 2020, the PTA sent a legal notice to two US citizens who are Ahmadi Muslims.[19] The notice required them to remove all content from the official web site of the US Ahmadi Muslim Community within 24 hours of receipt, pursuant to Pakistan's blasphemy laws. The official US web site of the Ahmadiyya Muslim Community had no Pakistan-specific content whatsoever. The PTA also threatened penalties under PECA and UOCR, which included harsh criminal sanctions and fines of up to PKR 500 million (USD 3.1 million) for non-compliance.

This unprecedented governmental action came as PTA issued takedown notices to Google and Wikipedia to remove content associated with the Ahmadiyya Muslim Community.[20] Unfortunately, Google has succumbed to this pressure and has either removed or issued pending notices to remove all apps of the Ahmadiyya Muslim Community from its Google Play store. The PTA has now banned over 20 web sites of the Community outside Pakistan, including in the US, United Kingdom ('UK'), Canada and Australia – a clear overreach and another means to censor the Community.[21]

4. Persecution and Crimes Against Humanity Under International Law

Pakistan's treatment of Ahmadi Muslims is in flagrant violation of its obligations under international law, most notably the International Covenant on Civil and Political Rights ('ICCPR'), to which Pakistan has acceded without meaningful reservations. Pakistan's Constitution declares Ahmadi Muslims to be non-Muslim, thereby depriving them of the freedom to adopt a religion of their choice, in violation of Article 18 of the ICCPR. Pakistan's Penal Code contains anti-Ahmadi and anti-blasphemy provisions that prohibit Ahmadi Muslims from manifesting any aspect of their faith as Muslims, also in violation of Article 18. Pakistan disenfranchises Ahmadi Muslims by placing them on an electoral roll separate from all other citizens, who are entitled to vote in a joint electorate, in violation of Article 25(b) of the ICCPR. Pakistan requires every passport applicant and national identity card applicant to make a declaration of faith and requires any citizen who wishes to be known as Muslim thereon to make a declaration denouncing Ahmadi Muslims as non-Muslim, in violation of Articles 12 and 20 of the ICCPR. Finally, Pakistan has failed to protect the life and liberty of Ahmadi Muslims, and governmental authorities (particularly at the provincial and local level) are complicit in advocating religious hatred against Ahmadi Muslims, in violation of Articles 6, 18, and 20 of the ICCPR.[22]

The ICCPR's "public order" (*ordre public*) and "morals" exception in Articles 18 and 19 cannot justify domestic laws of acceding nations that (1) restrict the freedoms of religion and expression based "exclusively" on "morals" specific to one "single tradition" (for example, Islám); (2) evidence a "discriminatory purpose" or are "applied in a discriminatory manner"; and (3) "discriminate […] against […] one religious or belief system". Significantly, General Comment No. 34 of the Human Rights Committee identifies "blasphemy laws" as being "incompatible with the Covenant".[23]

Pakistan's treatment of Ahmadi Muslims also raises serious concerns under international criminal law. Under customary international law and Article 7(1)(h) of the Rome Statute, persecution consists of the intentional and severe deprivation of fundamental rights on discriminatory grounds.[24] When committed as part of a widespread or systematic attack directed against a civilian population, persecution may constitute a crime against humanity.[25]

Persecution may arise not only from acts of violence, but also from legal and administrative measures that systematically deny a group's ability to enjoy basic rights.[26] Such measures include restrictions on religious worship, political participation, employment, education, citizenship, and public life.[27] The cumulative effect of Pakistan's anti-Ahmadi laws falls squarely

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17 *Ibid.*

18 Abid Hussain, "What's behind Pakistan's latest crackdown on religious party TLP?", *Al Jazeera*, 17 October 2025; "'When the blood starts': Spike in Ahmadi persecution in Pakistan", *Al Jazeera*, 26 July 2021.

19 Kathy Gannon, "Pakistan seeks to block US-based website of minority Ahmadis", *Associated Press*, 21 January 2021.

20 Isabella Meibauer, "Pakistan Encroaches on International Ahmadi Web Site Content", *Religion Unplugged*, 17 May 2023.

21 *Ibid*.

22 Ahmadiyya Muslim Lawyers Association, USA, "Submission for Universal Periodic Review – 42nd Session", 14 July 2022 (https://www.legal-tools.org/doc/gsjpld77/).

23 *Ibid.*

24 Rome Statute of the International Criminal Court, 17 July 1998, Article 7(1)(h) and Article 7(2)(g) ('Rome Statute') (https://www.legal-tools.org/doc/7b9af9/); International Criminal Tribunal for the Former Yugoslavia ('ICTY'), *Prosecutor v. Kupreškić et al.*, Trial Chamber, Judgment, 14 January 2000, IT-95-16-T, paras. 615–636 ('*Kupreškić*') (https://www.legal-tools.org/doc/5c6a53/).

25 Rome Statute, Article 7(1), see *supra* note 24; ICTY, *Prosecutor v. Kunarac et al.*, Appeals Chamber, Judgment, 12 June 2002, IT-96-23 and IT-96-23/1-A, paras. 85–98 ('*Kunarac*') (https://www.legal-tools.org/doc/029a09/).

26 *Kupreškić*, paras. 621–627, see *supra* note 24; see International Law Commission ('ILC'), "Draft Code of Crimes Against the Peace and Security of Mankind with Commentaries", in *Yearbook of the International Law Commission*, 1996, vol. II, Part Two, pp. 47 ff. (commentary to Article 18).

27 See ILC, "Report of the International Law Commission on the work of its forty-third

within this framework. As international tribunals have observed, nationwide campaigns designed to make life intolerable for a targeted group may amount to persecution even where individual acts might appear less severe when viewed in isolation.[28]

Persecution may be established through the cumulative effect of discriminatory measures that deny a targeted group equal participation in civic life.[29] The historical precedents include discriminatory citizenship laws, restrictions on professions, barriers to political participation, and limitations on religious practice imposed against targeted communities.[30] Viewed in their totality, Pakistan's constitutional and legal restrictions resemble the types of state-sponsored exclusionary measures that international tribunals have recognized as capable of constituting persecution when implemented on a widespread or systematic basis.

International criminal jurisprudence has recognized that attacks on religious buildings may constitute persecution because they strike at the religious identity of the targeted community itself.[31] The repeated destruction, closure and defacement of Ahmadi Muslim mosques and gravesites therefore form part of the broader pattern of religious persecution.

Crimes against humanity also require that persecution occur as part of a widespread or systematic attack against a civilian population.[32] Both elements are arguably present in Pakistan. The anti-Ahmadi regime is nationwide in scope, affecting hundreds of thousands of Ahmadi Muslims through constitutional provisions, criminal legislation, judicial decisions, and administrative practices. The measures are not random or isolated but are embedded within state institutions and enforced over decades.

International criminal tribunals have also defined an "attack" broadly to include patterns of mistreatment directed against civilians, not merely acts of armed violence.[33] The attack must be carried out pursuant to a state or organizational policy.[34] Pakistan's constitutional amendments, penal laws and official enforcement mechanisms provide strong evidence of state policy. In addition, organized non-state actors like the TLP, which advocate and coordinate anti-Ahmadi campaigns, may independently satisfy the organizational component recognized in modern international criminal law.

5. Religious Justifications and International Human Rights Norms

Supporters of Pakistan's anti-Ahmadi laws frequently invoke theological arguments concerning the finality of prophethood in Islám. However, theological disagreement does not justify state persecution under international law.

International human rights law protects the freedom to adopt, interpret and manifest religious beliefs without coercion by the state. The right to freedom of religion or belief includes protection for minority interpretations, heterodox beliefs and non-conforming religious identities.

Moreover, the Qur'án itself contains repeated affirmations of freedom of conscience and the absence of compulsion in religion. Pakistan's legal framework instead privileges one state-approved interpretation of Islám while criminalizing alternative expressions of belief.

6. Essential Reform Measures

6.1. Repeal of Sections 298-B and 298-C

Pakistan should repeal the provisions of Ordinance XX that criminalize Ahmadi religious practice. No legal system consistent with international human rights norms should prohibit peaceful religious self-identification or worship.

6.2. Reform of Blasphemy Laws

Pakistan should adopt substantial procedural and substantive reforms to prevent misuse of blasphemy provisions. Safeguards against false accusations, arbitrary detention and mob violence are essential.

6.3. Restoration of Equal Political Participation and Removal of Identification Restrictions

Pakistan should repeal Section 48A of the Elections Act of 2017 and allow Ahmadi Muslims to vote alongside all other Pakistanis as equal citizens without religious conditions. Pakistan must also remove passport and national identity declarations and attestation pertaining to Ahmadi Muslims.

6.4. Accountability for Violence and Incitement

Authorities should investigate and prosecute acts of violence, incitement and discrimination against Ahmadi Muslims. Extremist organizations advocating violence against religious minorities should not operate with impunity. In particular, the government must stop local and provincial police from desecrating Ahmadi Muslim mosques and burial sites.

6.5. International Monitoring

International organizations, including United Nations mechanisms and democratic states engaged in bilateral relations with Pakistan, should continue monitoring violations against Ahmadi Muslims. In addition, independent trial monitors should be present during judicial proceedings involving Ahmadi Muslims being prosecuted for charges under anti-blasphemy laws.

7. Conclusion

The persecution of the Ahmadi Muslims in Pakistan is rooted not merely in societal prejudice, but in a comprehensive legal and constitutional structure that institutionalizes exclusion. Through constitutional amendment, criminal legislation and judicial validation, Pakistan has created a system in which Ahmadi Muslims are denied equal citizenship and criminalized for ordinary manifestations of religious identity. Meaningful reform requires dismantling the legal architecture that enables persecution in the first place, and if that is not achieved soon, the conditions for Ahmadi Muslims in Pakistan can rapidly devolve into further crimes against humanity and a potential genocide.

Amjad Mahmood Khan *is Adjunct Professor of Law at University of California, Los Angeles (UCLA) Law School and Partner at Brown, Neri, Smith, Khan LLP, where he practices corporate and commercial litigation. His academic work focuses on transnational legal studies, comparative constitutional law, and national security. He is a recognized expert on religious freedom in the Islámic world and has testified six times before the US Congress.* ***Jaleece Ahmad*** *is a lawyer with experience ranging from the Kosovo Specialist Chambers to UK immigration cases. His work centres on criminal law, public law, human rights law and humanitarian law.*

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28 ICTY, *Prosecutor v. Kordić and Čerkez*, Appeals Chamber, Judgment, 17 December 2004, IT-95-14/2-A, para. 104 (https://www.legal-tools.org/doc/738211/); *Kupreškić*, paras. 622–627, see *supra* note 24.

29 *Kupreškić*, paras. 622–627, see *supra* note 24; ICTY, *Prosecutor v. Kordić and Čerkez*, Trial Chamber, Judgment, 26 February 2001, IT-95-14/2-T, para. 198 ('*Kordić and Čerkez*') (https://www.legal-tools.org/doc/d4fedd/).

30 *Trial of the Major War Criminals before the International Military Tribunal*, vol. 1, Nuremberg, 1947, p. 247–250 (https://www.legal-tools.org/doc/388b07/); ILC, "Report on the work of its forty-third session", UN Doc. A/46/10, 19 July 1991 (https://www.legal-tools.org/doc/9a05b8/).

31 *Kordić and Čerkez*, paras. 205–207, 346–347, see *supra* note 29.

32 Rome Statute, Article 7(1), see *supra* note 24; *Kunarac*, paras. 85–98, see *supra* note 25.

33 *Kunarac*, para. 86, see *supra* note 25.

34 Rome Statute, Article 7(2)(a), see *supra* note 24; International Criminal Court, *Situation in the Republic of Kenya*, Decision Pursuant to Article 15 of the Rome Statute, 31 March 2010, ICC-01/09-19, paras. 90–96 (https://www.legal-tools.org/doc/338a6f/).

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