

# Submission to the 49<sup>th</sup> session of the UPR Working group on Sweden

## Submission by

### International Human Rights Committee (IHRC)



IHRC is a non-profit and non-governmental organisation focusing on freedom of religion or belief. The IHRC has specific expertise and experience of working with marginalised religious groups and advocating their precarious position to bring about effective change so that they can enjoy the same rights as other citizens.

Address: International Human Rights Committee – Suite 25, 95 Miles Road, London, Surrey, CR4 3FH

Web: [www.hrcommittee.org](http://www.hrcommittee.org) Email: [secretariat@humanrightscommittee.org.uk](mailto:secretariat@humanrightscommittee.org.uk)

### Coordination des Associations et des Particuliers pour la Liberté de Conscience (CAP LC)



CAP Liberté de Conscience is a secular international organization created in France in 1995. We monitor and combat discrimination and violations of freedom of religion or belief worldwide. We regularly inform the international community on these issues and develop constructive advocacy to put an end to violations of Article 18 of the ICCPR.

117, rue de Charenton 75012 Paris France

Email : [contact@coordiap.com](mailto:contact@coordiap.com) Web : <https://freedomofconscience.eu/>

# Ahmadiyya Muslim Community

## 1. Introduction:

The International Human Rights Committee (IHRC) submits this report for the Universal Periodic Review (UPR) of Sweden, highlighting a concerning issue: the deportation of Ahmadi asylum seekers to Pakistan, where they face a high risk of persecution. Sweden's actions in this regard contravene international law, European legal frameworks, and established UN guidelines, which recognize the extreme vulnerability of Ahmadis in Pakistan. This Submission calls for immediate measures to ensure Sweden's compliance with its international obligations to protect asylum seekers at risk of serious harm.

## 2. Background:

Ahmadi Muslims in Pakistan face systematic and severe persecution due to their religious beliefs. The Pakistani Constitution declares Ahmadis non-Muslims, and the Blasphemy Laws explicitly target their religious practices. As a result, Ahmadis endure widespread violence, arbitrary arrests, exclusion from voting, desecration of their places of worship, and constant societal hostility. Numerous international bodies, including the UN High Commissioner for Refugees (UNHCR) and the European Court of Human Rights (ECtHR), recognize that Ahmadis face a real risk of persecution if returned to Pakistan.

Despite these well-documented risks, Sweden has deported or attempted to deport Ahmadi asylum seekers back to Pakistan, where they are likely to face religious persecution. This practice is inconsistent with Sweden's obligations under international law, European law, and UN guidelines on the protection of Ahmadis. Further given the escalatory and worsening daily position of Ahmadis in Pakistan this just is not possible.

## Legal and Factual Background on the Persecution of Ahmadis in Pakistan

Ahmadis face systemic and entrenched persecution in Pakistan, making it one of the most dangerous countries for individuals of this religious group. Ahmadis are subjected to legal discrimination under Pakistan's Constitution and Penal Code, which includes:

- **The Second Amendment (1974)** to the Constitution of Pakistan declares Ahmadis as non-Muslims.
- **Section 298-B and 298-C of the Pakistan Penal Code** specifically target Ahmadis, criminalizing any effort by them to "pose" as Muslims, use Islamic terminology, or practice their religion openly. Violations of these laws can result in imprisonment, fines, and even death sentences under Pakistan's controversial Blasphemy Laws.

Due to these discriminatory laws, Ahmadis face routine violence, exclusion from the political system, social ostracization, denial of their right to vote, destruction of their places of worship, and widespread harassment and intimidation. Numerous international organizations, including the United Nations, have recognized the

extreme dangers faced by Ahmadis in Pakistan, placing them among the most persecuted religious communities in the world.

### 3. Violation of International Law:

Sweden's deportation of Ahmadis to Pakistan is in direct violation of the principle of *non-refoulement*, which prohibits states from returning individuals to countries where they face a real risk of persecution, torture, or inhumane treatment. This principle is enshrined in Article 33 of the 1951 Refugee Convention, to which Sweden is a party, and is a cornerstone of international human rights law.

#### 2.1 Violation of the Principle of Non-Refoulement

The cornerstone of refugee and human rights law, the principle of *non-refoulement* prohibits the return of individuals to countries where they face a genuine risk of persecution, torture, or other inhumane treatment. This principle is enshrined in several key international legal instruments:

- **Article 33(1) of the 1951 Refugee Convention:** States are explicitly prohibited from returning refugees "to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." Deporting Ahmadis to Pakistan clearly violates this provision, given the systemic religious persecution they face.
- **Article 3 of the Convention Against Torture (CAT):** This article prohibits the deportation of any individual to a country where there are "substantial grounds" for believing that they would be in danger of being subjected to torture. Given the history of torture, arbitrary detention, and extrajudicial killings of Ahmadis in Pakistan, Sweden's deportations fall foul of this obligation.

Additionally, Sweden's actions contravene the International Covenant on Civil and Political Rights (ICCPR), particularly Article 7, which prohibits the return of individuals to places where they face torture or cruel, inhumane, or degrading treatment. Given the documented persecution of Ahmadis in Pakistan, returning them to this environment exposes them to grave human rights violations.

- **Article 7 of the International Covenant on Civil and Political Rights (ICCPR):** This provision states that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Deporting Ahmadis to Pakistan, where they are highly likely to face such treatment, is a direct violation of Sweden's obligations under the ICCPR.

#### **4. Contradiction with European Law:**

Sweden's actions in deporting Ahmadis are not only inconsistent with international human rights law but also violate European legal standards designed to safeguard individuals at risk of persecution. Sweden's deportation of Ahmadis also conflicts with European law, including the European Convention on Human Rights (ECHR). Article 3 of the ECHR clearly prohibits the deportation of individuals to countries where they are at risk of torture or inhumane treatment. The European Court of Human Rights has repeatedly emphasized that Ahmadis face a high risk of persecution in Pakistan, and Sweden's deportations undermine the very protection mechanisms established by the European human rights framework.

##### ***European Convention on Human Rights (ECHR)***

- **Article 3 of the ECHR:** This provision states that "no one shall be subjected to torture or inhuman or degrading treatment or punishment." The European Court of Human Rights (ECtHR) has consistently ruled that deportation of individuals to countries where they face real risks of ill-treatment violates Article 3. Given the extensive persecution faced by Ahmadis in Pakistan, Sweden's deportation of Ahmadi asylum seekers breaches Article 3 protections.
- **Precedent Set by the European Court of Human Rights:** In several cases, the ECtHR has held that states cannot return individuals to countries where they face persecution due to their religious beliefs. For example, in *F.H. v. Sweden* (2013), the ECtHR ruled that the deportation of an Afghan asylum seeker who had converted to Christianity violated Article 3 due to the risk of persecution in his home country. Ahmadis in Pakistan face an even higher risk of religious persecution than other groups, as outlined by human rights reports.

##### ***EU Qualification Directive (2011/95/EU)***

This Directive lays down minimum standards for the qualification of third-country nationals for international protection. It explicitly recognizes persecution on the grounds of religion and mandates that individuals who fear persecution based on religious belief should be granted refugee status. Article 10 of the Directive further elaborates that acts of persecution can include serious violations of a person's right to practice their religion freely, including the right to manifest religious beliefs.

Ahmadis in Pakistan face clear restrictions on their ability to practice their faith, which the Directive recognizes as a basis for international protection. Sweden's failure to uphold this provision when evaluating Ahmadi asylum claims is a violation of EU law. Sweden's treatment of Ahmadi asylum seekers disregards this Directive and undermines its commitment to EU law.

## 5. Non-Compliance with UN Guidelines:

The UNHCR's guidelines on international protection explicitly recognize Ahmadis as a persecuted group in Pakistan, advising states to refrain from returning them to the country. The UN Special Rapporteur on Freedom of Religion or Belief has also noted the systematic state and non-state discrimination against Ahmadis in Pakistan. These guidelines clearly state that Ahmadis are entitled to international protection due to the high risk of persecution based on their religious identity.

By deporting Ahmadi asylum seekers, Sweden is acting in direct contravention of these guidelines and disregarding the authoritative recommendations of international bodies that emphasize the need for special protection of Ahmadis.

### ***UNHCR Guidelines on Religion-Based Persecution***

The UN High Commissioner for Refugees (UNHCR) has issued specific guidelines for the protection of individuals persecuted on the grounds of religion. The 2017 *Eligibility Guidelines on International Protection* explicitly recognize the particular vulnerability of religious minorities, including Ahmadis in Pakistan, and affirm that the risk of persecution for such groups is a valid basis for refugee status. The guidelines highlight that persecution can take many forms, including legal restrictions, harassment, arbitrary detention, and violence—all of which apply to Ahmadis in Pakistan.

The UNHCR also stresses that in assessing asylum claims, states must take into account both state-sanctioned and societal forms of persecution. Ahmadis in Pakistan face persecution not only from the government but also from non-state actors who act with impunity. By deporting Ahmadis to Pakistan, Sweden is violating these guidelines, ignoring the serious risks Ahmadis face.

### ***Recommendations of the UN Special Rapporteur on Freedom of Religion or Belief***

The UN Special Rapporteur on Freedom of Religion or Belief has repeatedly emphasized the extreme persecution faced by Ahmadis in Pakistan, urging states to provide international protection to Ahmadi asylum seekers. In several reports, the Special Rapporteur has highlighted the legal discrimination faced by Ahmadis and the violent societal hostility against them, stressing the need for states to adhere to international norms on refugee protection for this group.

## 6. Recommendations:

- a. **Cease Deportations of Ahmadis:** Sweden should immediately halt the deportation of Ahmadis to Pakistan, in line with its international and European legal obligations.
- b. **Uphold the Principle of Non-Refoulement:** Sweden must ensure full compliance with the principle of non-refoulement, as outlined in the Refugee Convention, ICCPR, and ECHR. Several stakeholders during the 35th WG UPR

session on Sweden recommended that Sweden ensure the principle of non-refoulement when considering the situation of refugees or asylum-seekers who allege that their lives, liberty or personal integrity may be at risk in their countries of origin (as mentioned in chunk referencing JS6's recommendation). During this same 35th session there were concerns raised about a lack of adequate procedural guarantees for protection against refoulement for asylum-seekers (mentioned by UNA-Sweden/JS1 and JS3).

- c. **Strengthen Asylum Procedures:** Sweden should review its asylum procedures to ensure that the risk of persecution facing Ahmadi asylum seekers is adequately considered, in line with UNHCR guidelines and European legal standards.
  
- d. **Adopt a Humanitarian Approach:** Sweden should adopt a more humanitarian approach in evaluating asylum claims by Ahmadis, recognizing their vulnerability and the systemic persecution they face in Pakistan.
  
- e. **Collaboration with International Bodies:** Sweden should actively collaborate with the UNHCR and relevant human rights bodies to ensure that its policies align with international protection standards for Ahmadis.
  
- f. **Review and improve the handling of religion-based asylum cases to ensure consistency with international refugee law.**
  
- g. **Consider appointing a cross-party commission to specifically examine the case of Ahmadi asylum seekers from Pakistan within Sweden's migration policy.**

## **7. Conclusion:**

Sweden has long been a global leader in promoting human rights and as a state is known for its long-standing commitment to human rights, has a moral and ethical responsibility to protect vulnerable individuals fleeing persecution. Deporting Ahmadis is not just a legal failure but a moral failure, where a nation that champions human dignity is actively contributing to the persecution of one of the most oppressed religious minorities in the world.