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DENIAL OF FLOOD AID TO THE AHMADIYYA MUSLIM COMMUNITY IN PAKISTAN

Atif M. Malik

ABSTRACT

During the catastrophic floods of 2010 in Pakistan, approximately 500 internally displaced families belonging to the Ahmadiyya sect of Islam were denied humanitarian relief. The failure of international agencies and Pakistan's government to protect basic human rights in the context of disaster relief raises profound questions. If all humanitarian work associated with natural disasters must be governed by canons of human rights, how should international agencies deal with legally empowered official discrimination? A review of the history of the Ahmadiyya community in Pakistan reveals decades of state-sanctioned persecution, particularly through its anti-blasphemy laws, and poses a serious challenge to the international community. When effective intervention is predicated on cooperation with state institutions, how can international relief agencies avoid becoming implicated in official discrimination? The denial of flood aid to Pakistan's Ahmadiyya community highlights the need for concerted action in disaster settings to prevent discrimination against vulnerable groups. Discriminatory legislation is not only a violation of basic norms enshrined in international compacts, it is a key problem for disaster relief.

INTRODUCTION

During the 2010 monsoon season, heavy rainfall and record flooding created one of the worst natural disasters in Pakistan's history. The floods affected more than 18 million people, including over 10 million children. One fifth of Pakistan's total land area was flooded, 2.2 million hectares of crops were destroyed, 1,980 people lost their lives, and 1.7 million homes were damaged or destroyed.¹

In the aftermath of the disaster, millions of internally displaced flood victims flocked to temporary camps. Their survival required immediate assistance: clean drinking water and food, secure housing, and medical care. However, hundreds of members of the Ahmadi minority religious group, were denied aid and turned away from shelters by local officials in Dera Ghazi Khan, Muzaffargarh, and Rajanpur districts.²

The problem seems to have been that most relief from international

sources was coordinated through local institutions.

As described in news reports:

40 Ahmadi families who took shelter in a state run school at Jhakar Iman Shah did not receive any relief because “relief packages are being distributed through local lawmakers who have been told by the district administration that the Ahmadis are not eligible for any support.”³

“At least 100 members of the [Ahmadi] community from Hussainwala and Masroorabad were trapped at Shahjamal ... they [the Ahmadis] asked the district police officer and the district coordinator officer to provide a boat or to rescue the trapped people but they did not take notice” due to local clerics issuing an edict to not help Ahmadis.⁴

“500 community members from the areas of Basti Lashari, Basti Allahdad Dareeshak and from Basti Azizabad were displaced. Their houses were washed away and the government and local clerics ignored them ... they were not allowed to stay in state-run schools or in camps, therefore the majority of them were living on the rooftops of their inundated houses” [until rescued by other members of the Ahmadi Muslim Community].⁵

“40 other [Ahmadi] community members rented a house but after two days their landlord was forced by local clerics to evict them.”⁶

“200 families, who have been displaced from Basti Rindan and Basti Sohrani by flooding, took shelter in a state-run school at Jhok Utra but within days the local administration forced them to leave the school ... local administration later told them that people from surrounding areas did not want the Ahmadis in the relief camp. And that the administration could not allow them to stay at the camp as it could create a

law and order situation.”⁷

“The local mullahs [religious clerics] told the civil administration [by direct threat] not to give them [the Ahmadis] any help.”⁸

“[E]xpulsion of displaced Ahmedis from a government school in Dera Ghazi Khan and from rented lodgings in south Punjab following cleric’s pressure as well as the issuance of edicts by clerics that the affected Ahmedis must not be provided help.”⁹

“[M]embers of Pakistan’s Ahmadiyya community, who were caught up in the raging floods around the Central Punjab town of Muzaffargarh, were not rescued from their homes because rescuers felt that Muslims must be given priority.”¹⁰

Other minority groups in Pakistan also reported government apathy and discrimination. Members of the Sikh community in Pakistan, according to one report, were abandoned in Khyber-Pakhtoonkhwa and had to arrange their own rescue.¹¹ Additionally, Christians in Punjab reported discrimination during flood relief efforts.¹² However, the case of the Ahmadiyya community stands out since their long-standing persecution is wholly legalized and even encouraged by the government of Pakistan.¹³

Humanitarian assistance has traditionally been the primary focus of disaster relief. Less attention has been given to the protection of human rights during disaster relief efforts.¹⁴ When human rights are not sufficiently accounted for, the consequences in disaster relief include unequal access to assistance, and discrimination in which aid agencies can become unintentionally complicit.

In Section I of this study, I review the relationship between human rights and humanitarian work associated with natural disasters. In Section II, I

summarize the longstanding history of persecution of the Ahmadiyya community in Pakistan. In Section III, I describe the specific health-related obligations pertaining to Ahmadis displaced during the 2010 Pakistan floods. Section IV concludes with a critical analysis of human rights violations of Ahmadis in Pakistan during that period.

I. DISASTER RELIEF IN INTERNATIONAL TREATY LAW

Humanitarian relief in natural disasters touches on two categories of human rights: foundational civil liberties that uphold human dignity and non-discrimination, and specific economic, social, and cultural freedoms that underlie the right to health.¹⁵

The Universal Declaration of Human Rights (UDHR) recognized the “inherent dignity” and “the equal and inalienable rights of all members of the human family” without “distinction of any kind” as the foundation for peace, and “disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind.”¹⁶ Dignity and non-discrimination are core civil rights that establish, promote, and protect other rights. Having dignity means being entitled to rights and freedoms that require treatment with respect. Upholding dignity protects the individual from potential physical and mental harm and other abusive practices. To ensure dignity is to erase discrimination.

Although not a legally binding document, the UDHR forms the basis of customary international law and has shaped two key 1966 documents that now form the core of international human rights law: the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).^{17,18} The principles of dignity and nondiscrimination are

also enshrined in the ICCPR and the ICECSR.

The right to health

In 1946, the international community recognized the “highest attainable standard of health” as “one of the fundamental rights of every human being without distinction of race, religions, political belief, economic or social condition.”¹⁹ This clause of the World Health Organization’s constitution was echoed in numerous international human rights declarations and treaties, including UDHR, ICESCR, and the Convention on the Rights of the Child. Furthermore, the right to non-discrimination in access to health care on the basis of racial, national, ethnic, or gender identity has been specifically forbidden by international treaty law.²⁰⁻²⁴

The provision of health as a right in international human rights law is most comprehensively provided by Article 12 of the ICESCR. In General Comment 14 by the Committee on Economic, Social and Cultural Rights (CESCR), the scope of “highest attainable standard of health” was defined to encompass the provision of health care including underlying determinants of health such as safe drinking water, adequate sanitation, appropriate nutrition, and stable housing.²⁵ Providing appropriate healthcare requires three elements. First, availability of medical and public health infrastructure that accounts for prevention and treatment. Here, treatment in the context of natural disasters includes emergency medical and humanitarian disaster relief. Second is accessibility to equitable and culturally sensitive health care services, and third, scientifically sound medical practice.²⁶

II. THE AHMADIYYA MUSLIM COMMUNITY

Ahmadiyyat is an Islamic religious movement founded in India near the end of the 19th century, originating with the life and teachings of Mirza Ghulam Ahmad (1835–1908).²⁷ Approximately three to four million Ahmadis live in Pakistan.²⁸ The religious orthodoxy in Pakistan, particularly the Sunni majority, considers Ahmadiyyat a heretical sect leading to considerable anti-Ahmadi sentiment and state-sanctioned discrimination.

While founded as a Muslim state in 1947, Pakistan was to be secular and accommodating to other faiths. In an address to the Constituent Assembly, Pakistan’s founder Muhammad Ali Jinnah declared: “You are free; you are free to go to your temples, you are free to go to your mosques or to any other place (of) worship in this State of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the State.”²⁹ Pakistan’s original 1956 Constitution reflects the promotion of the universal human right of each citizen to profess, practice, and

propagate his religion.³⁰ But anti-Ahmadi sentiment in Pakistan, spurred on by religious clerics, has since resulted in state-sanctioned religious persecution.

In 1974, Prime Minister Zulfikar Ali Bhutto enacted the Second Amendment to the Constitution of Pakistan declaring Ahmadis to be non-Muslims. In 1984, President Zia ul-Haq issued Ordinance XX, which amended the Pakistan Penal Code (PPC) by adding sections 298-B and 298-C, both of which are Ahmadi-specific anti-blasphemy laws to restrict freedom of religion and expression. Section 298-C prohibits Ahmadis from calling themselves Muslims, posing as Muslims, calling their faith Islam, preaching or propagating their faith and from insulting the religious feelings of Muslims. Under Ordinance XX, Ahmadis cannot greet their fellow Muslims in the customary Islamic manner, declare their faith publicly, build places of worship, make the call to prayer, recite their holy book (the Quran) aloud, or

Table 1: Pakistan’s anti-blasphemy laws

PPC	Description	Penalty
298-A	Remarks derogatory to holy personages	3 years imprisonment, fine, or both
298-B	Misuse by Ahmadis of epithets, descriptions, and titles reserved for certain holy personages	3 years imprisonment and fine
298-C	An Ahmadi calling himself a Muslim, preaching or propagating his faith, outraging the religious feeling of Muslims, or posing as a Muslim	3 years imprisonment and fine
295	Injuring or defiling places of worship, with intent to insult the religion of any class	Up to 2 years imprisonment, fine, or both
295-A	Deliberate and malicious acts intended to outrage religious feeling of any class by insulting its religion or religious beliefs	Up to 10 years imprisonment, fine, or both
295-B	Defiling the Quran	Life imprisonment
295-C	Remarks derogatory to the Prophet Mohammed	Death and fine

even offer funeral prayers.³¹

Anti-blasphemy laws (Table 1) have been repeatedly criticized by international observers for their constriction of freedom of expression and religion and their harsh penalties, including fines, life imprisonment, and even execution of individuals convicted of vaguely defined offenses.³² According to the government of Pakistan, Ahmadis can commit blasphemy by professing to be Muslims; and the Ahmadi belief in the prophethood of the founder of the Ahmadiyya community, Mirza Ghulam Ahmad, is blasphemous because it is said to be derogatory to the Prophet Muhammad, a crime punishable by death.³³

In its 2009 annual report, the U.S. Commission on International Religious Freedom declared that blasphemy allegations in Pakistan are often false, promote violence against Ahmadis, Christians, and Hindus, and are commonly used to intimidate religious minorities because the laws require no evidence to be presented after making allegations and carry no penalty for leveling false allegations.³⁵ Human Rights Watch has condemned these laws.³⁶ Amnesty International has called for their abolishment.³⁷ A 2007 Report of the Parliamentary Human Rights Group catalogued thousands of prosecutions of Ahmadis in Pakistan during the last two decades under the anti-blasphemy

*Table 2: Pakistan's treaty status*³⁴

International Human Rights Instruments	Pakistan Status
International Covenant on Civil and Political Rights (ICCPR)	Ratified June 23, 2010
International Covenant on Economic, Social, and Cultural Rights (ICESCR)	Ratified April 17, 2008
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	Ratified September 21, 1966
Convention on the Rights of the Child (CRC)	Ratified November 12, 1990
Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW)	Accession March 12, 1996
Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment (CAT)	Ratified June 23, 2010

laws including hundreds of cases for displaying the Kalima (the Muslim profession of faith), preaching, “posing as Muslims,” using Islamic epithets such as the greeting “Salam,” offering Islamic prayers, or uttering the call to prayer.³⁸ In one notorious 1989 case 45,000 Ahmadis (the entire population of the Ahmadi center of Rabwah, Pakistan) was arrested and charged under anti-blasphemy laws.³⁹

III. DISASTER RELIEF IN DISCRIMINATORY LEGAL SETTINGS

Protecting persons displaced from their homes by natural disasters is an overwhelming task and requires special attention by the state. The health impact of certain human rights violations, such as the denial to Ahmadis of rescue and provision of water, food, and shelter is obvious: injury, malnutrition, and life-threatening disease.⁴⁰

The denial of flood relief to members of the Ahmadiyya community in Pakistan contravenes international human rights law as codified in treaties and declarations. Based upon the Committee on Economic, Social and Cultural Rights General Comment 14 pursuant to the right to health, international human rights treaties obligate state parties to respect, protect, and fulfill human rights.⁴¹ Pakistan has failed in each of its obligations under this tripartite framework despite being party to international human rights law (Table 2).

States are obliged to respect the right to health by combating official discrimination. The treatment of Ahmadis in Pakistan during the flood of 2010 illustrates the interdependence of different human rights. The failure to comply by international norms of non-discrimination directly undermines the right to health. Pakistan’s anti-blasphemy laws are a barrier to this obligation.⁴² Although it ratified the

ICCPR on June 23, 2010, the government registered numerous reservations to the Covenant which undermine the application of the ICCPR by making its obligations subject to Pakistani law, and neglected to sign the Optional Protocols for both the ICCPR and ICESCR.⁴³

State obligations to protect include adopting measures to ensure equal access to health care provided by third parties.⁴⁴ Official bodies in Pakistan not only tolerated but supported the demands of public figures (particularly religious clerics) to deny flood aid to Ahmadis.

CONCLUSION

During the floods of 2010, the emergency phase of disaster relief in Pakistan intersected with a long history of state supported discrimination and blatant disregard for civil, economic, social and cultural rights of Ahmadis. This was not simply the outcome of inadequate disaster aid planning or random acts of violence, but revealed a longstanding pattern of discriminatory national legislation and policies.

This legislation is constitutional as well as statutory, and contravenes all three levels of state obligations as defined by the Committee on Economic, Social and Cultural Rights General Comment 14.⁴⁵ The Second Amendment to Pakistan’s Constitution, which strips Ahmadis of their ability to call themselves Muslims, belies the obligation to uphold the right to human dignity, freedom of thought and freedom of religion. The anti-blasphemy laws criminalize basic social, cultural and religious activities of Ahmadis, in direct contravention of multiple standards set in international human rights treaties, particularly civil rights contained in the ICCPR.

Meanwhile, by denying flood aid to Ahmadi families,

Pakistan violated its obligations under Article 12 of the ICESCR to respect the right to health for all citizens and also to refrain from, deny, or avert the promotion of third parties to limited or unequal access to health care services, including emergency aid of basic life necessities. Additionally, Pakistan has failed to fulfill its obligations by not repealing discriminatory legislative and judicial measures which obstruct the full realization of the right to health.

The denial of emergency aid to Ahmadis in Pakistan during the 2010 floods highlights the way in which entrenched legal discrimination can undermine fair and humane treatment of victims in disaster situations. Not only does it illustrate the complex interrelation of health and foundational human rights, but it suggests that effective intervention may be predicated on a broader commitment to enforcing the international human rights obligations of state parties. Without such a commitment, aid may actually serve as an instrument of rights violations.

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