

# Human rights: substance and politics

Human Rights  
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By Shaukat Umer

THE Commission on Human Rights based in Geneva was set up to address serious human rights abuses around the world. The inspirational theme for this body was sanctioned by the charter of the United Nations which prescribed that the promotion and protection of human rights was a global responsibility. It was rightly considered that safeguarding human rights could not simply rest with the state since more often than not the state itself was the author of abuse.

Several instances in recent history testify to the accuracy of this assertion. The people of East Europe, languishing behind the iron curtain, remained deprived of the elementary norms of civilized life. Justice was dispensed arbitrarily and the individual enjoyed no protection against state power. Stalin dispatched millions of his countrymen to death camps in Siberia. Soviet tanks crushed with singular ruthlessness the first stirrings of freedom in that region.

The military juntas of yesteryear in Latin America pioneered new methods of cruelty to silence the voices of dissent in their countries. Thousands disappeared without trace. But for the selfless efforts of the global human rights machinery that saga of darkness may well have continued longer.

The era of Slobodan Milosevic in the former Yugoslavia constitutes a particularly ghastly chap-

ter of discourse was thus conducted within distinct and simplified concepts; western governments and civil society standing up for the rights of the oppressed in the Islamic and Third World countries. Undoubtedly, some causes were politically inspired. The motivation behind the ritualistic Cuba bashing at the human rights commission each year is well known.

Be that as it may, the contours of the debate on human rights were largely clear: Third World autocrats trampling over the freedoms of their people held in check by the enlightened policies and conscientious interventions of the West. The war on terror has obscured this neat equation. Several glaring instances come to mind. Has any tabulation ever been made of the number of non-combatants killed during the military campaigns in Iraq and Afghanistan?

The right to life is universally

joined hands to pass a unanimous resolution condemning the desecration.

Revulsion to the reported abuse across the Islamic world prompted a categorical assurance from the US government to conduct a thorough and transparent investigation and to award appropriate penalty to those found involved. It is important that the state department comes through on this promise.

The response of the human rights community of Pakistan to the reports of torture in Bagram and the acts of desecration in Guantanamo was bewildering. Instead of squarely addressing these grave violations our local activists were busy organizing a mini-marathon. A furious din was raised lambasting the authorities for restraining the runners. When the first attempt failed, another more determined and better-organized effort was crowned with success. There is

no justification for police high-handedness to stop a mixed marathon on the streets of Lahore.

However, what is incomprehensible is the fact that while the whole nation was incensed over reports of desecration of the Quran, frenzied human rights campaigners held forth on media channels on the virtues of mixed marathon running. The chairperson of the Human Rights Commission of Pakistan also happens to be UN special rapporteur on freedom of religion and religious belief. But not even a whimper of disapproval was forthcoming.

Sentiments abound that a segment of the human rights establishment in Pakistan is wedded to the pursuit of a prescribed western agenda. This should not necessarily be a cause for worry because many political and civic values enshrined in the western way of life need to

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abuse. The massacres perpetrated at Sarajevo, Mostar and Srebrenica and the many towns and hamlets of that country by hate-filled nationalists shook the conscience of the world. The first world conference on human rights held in Vienna in 1993 condemned these killings as genocide through a resolution tabled by the OIC. To its credit, the western world, led by the US, responded to this crisis with commendable integrity. The Dayton accords negotiated by US diplomat Richard Holbrooke brought a semblance of peace and security to the Muslims of the region.

Following the events of September 11, 2001, the dynamics of human rights changed significantly. The attacks in New York and Washington were seen as an assault on western civilization itself. The very freedoms constituting the bedrock of the modern western state were perceived to be under threat. The new war is seen as a civilization clash that must be waged to the finish. Dialogue is considered irrelevant to the dynamics of this conflict. The adversary must be totally eliminated through the application of overwhelming power. Afghanistan remains in the throes of conflict despite a significant Nato military presence. In Iraq, nationalism and ideology have combined to create conditions of chronic instability for the people. These developments carry two implications of considerable import for the human rights agenda. Non-state actors have now emerged as a distinct category of violators of human rights. Secondly, the western world, which so far had projected itself, with some justification, as the sole votary of human rights, is beginning to find itself in the league of the transgressors.

Until recently, the category of the violators was well defined: Saddam Hussein, Robert Mugabe, Kim Il Jong, Fidel Castro, the Chinese communists and the clerics of Iran as well as a smattering of Central Asian strongmen. The human rights

recognized as the most precious right. Commitment to this right does not seem to have acted as a restraining factor on the bombing campaigns conducted in Iraq and Afghanistan. The continuing exposure of incidents of maltreatment of prisoners at Guantanamo, Abu Ghraib and Bagram portray a pattern of gross and systematic abuse. Unless proven otherwise these cannot but be considered as manifestations of deliberate state policy.

Just recently, allegations of desecration of the Holy Quran in Guantanamo (carried in the *Newsweek* but subsequently retracted) and the large-scale application of torture on Afghan inmates at Bagram have come to light. According to reports, Afghan prisoners were subjected to repeated abuse for the purposes of extracting information. In some instances, torture was inflicted simply to relieve the prison guards of the state of boredom. In one case, torture continued even as the captive was breathing his last.

What has been the response of the UN human rights commission to this? Did it signal its disapproval? At every session of the commission, the European Union delivers a detailed statement on the state of human rights in the world. Did Guantanamo, Abu Ghraib or Bagram figure in this chronicle of misdeeds? Did the OIC, which acts as the custodian of Islamic interests in the commission, initiate any move to at least call for an investigation? One has not seen the record but it would not be surprising if the gritty Cubans had raised their voice against these indignities.

The response of the government of Pakistan was correct. The president called for a thorough inquiry and maximum punishment for the perpetrators. The foreign office issued a strongly worded statement even though the foreign minister showed undue haste in welcoming *Newsweek's* retraction. In the National Assembly, political leaders of different persuasions

be fostered in all societies. There is simply no substitute for gender equality, freedom of expression and speech, constitutionalism as the organizing principle of state polity, judicial independence and above all strict adherence to the rule of law.

To the extent that civil society in Pakistan is engaged in promoting these values it can rightfully count on the support of every Pakistani. Questions arise when gross breaches of these very precepts occurring outside our borders, including instances of unfair victimization of Pakistanis, are greeted with a stony silence by our civil society.

No wonder, moves are currently afoot to either emasculate the UN commission on human rights or better still abolish it all together. The argument advanced in support of this view that the commission has, over the years, become a haven for Third World transgressors is only partially true. Equally valid is the perception that some major western powers now fear that the commission which was originally intended to serve as a platform to chastise errant Third World autocrats might now try to interfere in other areas.

The challenge of human rights protection in Pakistan is very real. We fall short of most benchmarks despite our formal adherence to several human rights instruments. Most pernicious is the maltreatment of women exemplified by the scourge of honour killings which brings us infamy around the world and demeans us as a nation in our own eyes. Any endeavour by us to remove this dreadful practice should elicit the support and cooperation of every conscientious Pakistani. But if, as is now agreed, human rights have universal application and require to be addressed in that context then all violations, no matter from which quarter they emanate, must be condemned without reservation or hesitation.

*The writer is a former ambassador.*