

State, society and human

Zafeer ud Din

December 10 is International Human Rights Day

The adoption of Universal Declaration of Human Rights by the General Assembly on December 10, 1948, was the first major achievement of the United Nations towards the protection of human rights. The Declaration affirms that all humans are born equal in dignity and rights without any distinction such as race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status. All humans are entitled to civil and political rights including the right to life, liberty and security; freedom from slavery and rectitude; freedom from torture or cruel, inhuman or degrading treatment or punishment; freedom from arbitrary interference with privacy, family, home, or correspondence; freedom of opinion and expression; freedom of peaceful association.)

In the context of rights and freedoms as granted by Universal Declaration of Human Rights and other covenants and protocols, the 50 years human rights record of Pakistan seems far from satisfactory. For a significant period Pakistan was ruled by military dictators. Martial law regimes placed a number of checks against social, political and individual freedoms.

The right to legitimate opposition is never respected in Pakistan. The interference in the affairs of state institutions resulted in creating a culture

of violence and religious strife in terms of sectarian violence.

The existence of discriminatory laws have placed women in an abysmally low position in society. Some of the laws have time and again become a source of tension in society. Women, minorities and other marginalised communities need serious attention of policy makers. Laws of Evidence, the Hudood Ordinance, Section 144, presence of Sections 295-B, 295-C, 298-B and 298-C are some of the laws which have been enacted without sufficient insight, and need serious deliberation to yield positive results.

Civil liberties have blatantly been violated with impunity. There has been widespread torture and mishandling of accused at the hands of police. Prisoners and detainees are beaten, kicked, given electric shocks and burnt with cigarettes while under police interrogation for alleged wrongdoings.

Inhuman and degrading treatment to citizens is of frequent occurrence by police. Such inhuman punishments include sexual assaults against women within police stations, prolonged isolation, denial of food or sleep and hanging the accused upside down.

Forced entry of police into residences is common and police officials do not care to obtain search warrants as required by the law. These illegal entrants are seldom punished for their crime.

Brutal use of force is common by police to extract confessions from the accused. Custodial killings are on the rise and have remained a source of



great tension among political rivals. Such killings remain unchecked, but are usually described as police encounters.

Although governments claim to have guaranteed freedom of opinion and expression, the electronic media remains in complete control of the government. Newspapers are free to publish news, views and articles, but

they have to face the displeasure of the government for anything it does not like. Journalists are assaulted, abducted and tortured by various ethnic, sectarian and religious groups for unearthing cases of corruption and misuse of authority and other social evils.

The Constitution provides complete freedom of religion in the country, and also guarantees the rights of

n rights

Human
rights

minorities. However, extreme right elements create trouble for the minorities time and again.

Ethnic conflicts also contribute in adding to the problems of the common man, particularly in some parts of Sindh and Balochistan. Ethnic violence in Sindh reached unprecedented heights in the near past. For years political life has remained dominated by a narrow elite that is neither representative nor national in character. The party system remains highly elitist, its top ranks filled by figures representing regional and ethnic groups. This alone is responsible for the declining participation of the common man in the democratic political process.

This is evident from the results of the last four elections in the country during which voter turnout has remained very low and is declining. There exists a dire need to support a true democratic process and give people their right to democratic governance by making them part of the decision-making process.

Ironically, there is little community organisation, which is the most important element of a participatory form of democracy. The public has deliberately been kept ignorant and illiterate. Communities promote civic trust, cooperation and dialogue without which democratic institutions become brittle.

But community-based organisations cannot yield the desired results as they consist of individuals, and vices and virtues of individuals either change or remain dormant. Therefore,

under the circumstances the process of transformation depends more on individuals who can work hard at the community level to strengthen civil society for protection and promotion of human rights and democracy in Pakistan.

The state of human rights will not be so bad if effective mechanisms are introduced to check misuse of the existing laws, and new laws are introduced to curtail corruption and make the administration accountable. The faith of people must be restored in a transparent and accountable system by making the state institutions responsible for their constitutional obligations. Civil society can be built only if participatory democracy is ensured, political polarisation is diffused, institutions are strengthened in addition to controlling religious militancy and ethno-regional conflicts along with strengthening communities by awareness and training processes.

Last but not the least, human rights are universal in nature and spirit, hence any particular nation or community should not be judged on local criteria but on the basis of standards as set in the Universal Declaration of Human Rights and other covenants and protocols. It is always the responsibility of the state to protect human rights through effective constitutional guarantees and that of non-governmental organisations and individuals to support and watch governments for protection and promotion of human rights without any discrimination on the basis of gender or religion.