

Gestures to human rights

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HUMAN rights discourse for some serves the same purpose as do elegant unread tomes standing in cold array in drawing room wall units — meant to be decorative and impress all corners. The Musharraf government's interest in the issue quite plausibly goes a lot further than that. Though apparently not far enough; not to the point where it may begin to interfere with the regime's plans for itself.

The idea of the rather grandly named Convention on Human Rights and Human Dignity (not separate concepts, really) was all right. It was presumed that it would be a take-off point for giving international norms and our own constitutional pledges practical and institutional form. In the event it made too much noise for too little space. It was not a total disappointment, but much of the ground it conceded on the margins it did so rather tentatively, evasively, almost self-defeatingly.

For instance:

* A permanent status of women commission is fine. But as a substitute for action it dodges commitment. This commission will presumably be a monitoring and recommendatory body. The task of enforcement of reform remains that of the government. There was little of that. A whole raft of recommendations of earlier commissions and committees stand gathering dust.

The latest of these was the inquiry commission set up on the basis of a unanimous resolution of the Senate and headed by a judge of the Supreme Court. Its report, submitted in August 1997, covered almost every notable area of discriminatory laws and customs. The new commission will perhaps

now sit on that and all the earlier like reports. To what end? If the regime is more concerned than previous governments about inequities against women, it did not begin showing that.

* The Chief Executive's declaration of

cooking or to faulty manufacture of the stove. Neither the supposed manufacturing fault nor the possibility of a domestic conspiracy to murder is ever properly investigated. The conspirators make sure of that. Any concern about burn cases should foremost have suggested the need for a strong law, and enforcement of that law, against domestic violence, and setting up of a well-equipped burn unit in every public hospital.

* The award of Pakistani nationality to children of a Pakistani women married to a non-Pakistani husband is nice. But what about extending that nationality to the husband himself? Why was that part of the long-standing demand chosen to be left out? A Pakistani husband's nationality almost automatically passes on to his foreign wife, but it doesn't happen the other way round. Apparently it still would not.

* In respect of prisoners, the ban on 'indiscriminate' use of bar fetters is good, but it is not new. The courts had subjected the use of fetters to special sanction in the past too, but as things go around us, the special sanction became routine and the discriminate became indiscriminate. Almost every case was put up as special, and in every such case sanction was automatic. What is there to prevent that happening again? Accustomed

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to the convenience of the tool, the police and jail authorities are already protesting against the change.

* Perhaps nothing offends against human dignity (the subject of this convention) more brazenly than the law enforcement agencies'

with the Constitution? Or against the indignities, loss of liberty, even loss of life that the citizens are subjected to at the hands of law enforcement agencies?

Human rights ought not normally to begin as a separated, self-contained pursuit of a government. They should be a running pre-occupation of every aspect of its activity. Every one of the state's legal, administrative, judicial, developmental and welfare arms has to be made sensitive to the norms and demands of those rights in its sphere. Only when that begins to happen, when a practical commitment has been accepted on all hands, will an official watchdog institution for the purpose make sense. It can keep an eye on whether and where any departure might be occurring. Without that, as the experience of other developing countries has also shown, such a body does not achieve even its decorative purpose. It is a dummy in a dust cover.

Some of the above may seem like nit-picking. The package announced was not itself much of a human rights trail-blazer either. But the exercise does show that while the regime is conscious of the sentiments of the people it wants to appeal to in the first instance, it is uncertain if it should provide a provocation to all the others. It wants to eat

its cake but, certainly, have it too. It once hinted at a desire to restore the system of joint electorate. This was then supposedly left open to public debate. If one was to be touched off, there could be little doubt which opinion would raise the more raucous, the more irresistible noise. No surprise, the issue did not officially resurface after that, not even in the current package.

That causes uncertainty even about areas where the regime has made stronger commitments. Does the commitment flow from conviction or is it born of a miscalculation of the potential resistance? The Chief Executive

has, for instance, promised a 'crackdown' on the bonded labour 'mafia' on a 'war footing'. Excellent. But will the resolve last? So long as the activity remains confined to the peripheries and to needing a few small-time waderas it can collect its dues. But if it

showing that.

* The Chief Executive's declaration of opposition to so-called honour-killing was, admittedly, a shade more categorical than ever in the past at that level. But The System easily defeats pious declarations of passing interregnums. What will be done to prevent that happening? How will the government proceed to convert the courts? What will its agencies themselves do to obtain convictions in pending cases? The case of Samia Inman (who her parents had got killed in her lawyer's chambers in Lahore last year in the presence of umpteen witnesses) is one of those still pending, thanks to the shenanigans of official agencies. And the accused still remain at large.

* The deputy commissioners concerned will now make sure that the burn victims are removed to hospitals and given all possible assistance. Grand. But this overflies two even more basic needs. Much the greater problem for burn victims is not difficulties of hospitalization but the absence of standard facilities for treatment within hospitals. Mayo's 10-bed facility in Lahore handles up to three thousand patients in a year, and its four doctors can do no more than two surgeries a day; the 30-bed ward recently set up in Karachi's Civil Hospital remains plagued by shortages of beds, doctors and medicines; and the NWFP started a charity-based 22-bed burn centre only last year. The facilities most of elsewhere range from primitive to nil. Of the 5,000 persons hospitalized in Punjab during 1999 as many as 3,000, died — perhaps the highest death ratio after AIDS — mostly because of the hospitals' inability to cope with them.

Secondly, there would be fewer burn cases, especially involving women, if there were greater concern for the causes of the misfortune. A woman's burning is almost invariably put down to carelessness while

dignity (the subject of this convention) more brazenly than the law enforcement agencies' treatment of whoever falls into their hands. Yet the Chief Executive's package had nothing specific on the customary use of torture and degrading treatment. The government is said to be considering ratification of the International Covenant on Economic, Social and Cultural Rights. Why not also the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment? Of course, unlike the covenant this convention will impose certain concrete and present obligations.

* The procedural steps to prevent abuse of the blasphemy (including, presumably, anti-Ahmedi) laws seem all right to start with. But they may not prove enough. It will be possible to challenge them in a court. Modification of the laws may therefore become necessary. The mullahs, already breathing fire, can do no worse. But then the officials of the regime have ruled out any change in the laws. So it may all come back to nothing.

* Finally, there is again this proposal of an independent national human rights institution. How independent can a government-appointed institution of the kind be, considering how other "independent" bodies in our milieu perform? And what can it do? Even a statutory ombudsman with powers of a Supreme Court judge cannot achieve more than peripheral corrections. His intercession tends to be resented in proportion to the seriousness of the official wrong committed.

Then, where will this new institution begin — and end? Can it be effective, say, against the current accountability law? Or the functioning of NAB? Against the ECL ordinance, which has been repeatedly ruled by the courts as being violative of the fundamental rights? Against all the other laws similarly impugnable for being in conflict

peripheries and to needling a few small-time waderas it can collect its kudos. But if it strikes deeper into the autocratic citadels, the feudals are quite capable of baring their fangs. It is doubtful if the regime will be encouraged by its advisers to take them on, however it may claim to be acting 'under the law.'

A military regime is an unlikely auspices for the cause of human rights. If this one acquires a bit of credibility, it is almost entirely because of the political pusillanimity of the others before it. They even jibbed at doing the obvious. The year 2000, according to Gen. Musharraf, has been declared the Year of Human Rights and Human Dignity. With the Islamabad convention a Mass Awareness Campaign is said to have been launched. There has not been much evidence of that campaign since the announcement. It will be welcome when it comes.

But much more than the masses, it is those that exercise authority over them in one way or another that stand in need of awareness. Human rights and human dignity suffer almost entirely at the latter's hands. The people themselves are not generally unaware of their rights. Only they have begun to despair of much progress in achieving them. They are also not altogether oblivious of the rights of others. If they tend to be intolerant, to cut corners, to break rules, it is often only because that has begun to seem a condition of survival.

That needs to change. The change can best begin where power and authority lies. Observance of established rules, precedence of honesty and fair play, guarantees of equity, justice and freedom, assurances of security, peace and dignity, they all have to emanate from up there. Nothing will spread awareness of rights better than that. Nor with more telling effect.