

Protecting human rights

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Another international Human Rights Day passed this Sunday. For Pakistan the Day marked culmination of another year of human deprivation. The Day was yet another reminder that majority of the population of this country is denied the basic human rights. The causes of this are many starting from a corrupt ruling elite, to weak institutions, but if there is one institution which calls for serious attention on this Day, it is the judiciary.

From being seen primarily as political struggle captured through political freedom indicators like freedom of expression, freedom to form unions, etc, the term "Human Rights" is now understood to cover all five dimensions of human existence: civil, political, economic, social, and cultural.

Human rights refer to certain minimum rights that should be guaranteed to citizens of all nations. These rights are placed in seven categories by the UNDR Human Development Report: freedom from discrimination, freedom from want (for a decent standard of living), freedom for realisation of one's human potential, freedom from fear (with no threat to personal security), freedom from injustice, freedom of participation, expression and association, freedom for decent work (without exploitation).

The state should know that it is its duty to ensure these rights to its individuals. And the citizens should know that they have the right to demand those rights and exert pressure on the government if those rights are not delivered.

Now if we examine Pakistan on these seven freedoms, it comes as no surprise that Pakistan performs very poorly on all these fronts. Pakistan falls flat on the very first right: freedom from discrimination. This country boasts of discrimination at all levels. First of all there is the discrimination between the rich and the poor. The small elite class that controls all the monetary resources and enjoys political power, continuously discriminates against the poor masses. It plunders the public wealth and uses public services to serve its own gains rather than serving the nation at large. All infrastructure development takes place in big cities in the areas where the rich reside. Public services be it water facilities or electricity, or security are best provided in the areas inhabited by the elite.

Then there is discrimination on basis of gender. Ethnic minorities are other victims of discrimination. The plight of the Christian minorities in this country have often come to light in blasphemy cases and the unfair attitude of the police during the riots.

Development Notes

Freedom for the realisation of one's human potential is an other critical right where Pakistan's performance is very bleak even as compared to other developing countries. Right to food, shelter, education, and health are basic rights which are critical for the realisation of one's potential. But in Pakistan above 60% of the population is illiterate, almost half has no access to health services, almost similar number has no access to basic sanitation facilities so that many live in slums where all kind of diseases thrive, over one-third of the children are malnour-

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ished. When such a large percentage of the population is deprived of these basic rights essential to realise ones potential what hopes can one have for the future of such a nation?

But this picture seems most bleak when one looks at the right of an individual to have freedom from injustice. The justice system in this country is so weak that nobody's rights are secured. The problem is both with the judicial system as well as the institution responsible for implementing the judicial decisions, that is the police. Cases hang in courts for years and years without any results. The law enforcement body is equally inefficient. We all know of cases of police being bribed, women being raped in police custody, innocent people being tortured to admit crimes they have not committed, etc.

The problem starts with the lack of knowledge among the public about the basic rights they have on the state. This problem is embedded in our education system where there is no emphasis on building the concepts of civic rights and duties. People grow up without realising the rights that they have on the state. Very few learn to question the state. Most simply sit and accept whatever is dished out by the ruling elite.

Demonstrations and protests are extremely rare in this country partially because people don't realise what the state should do, and partially because they do not realise that as citizens of this nation it is their

duty to raise a voice for collective benefit when the state derails from the track. The concept of basic civic rights and duties is missing even in an educated adult in this country. This is worrying because it means that no social mobilisation ever takes place in this country around social issues. So that there is no pressure on the state to deliver better in future.

But while awareness of rights and duties is important. This alone is not enough. Rights mean nothing unless those rights can be enforced. This brings us back to the need of an efficient and credible judiciary and law enforcing agency. Sadly enough in Pakistan both these institutions are in dire need of reform. Yet, not much attention is being paid to this. You can have civil service reforms, de-

volution of power, empowerment of women, but all of it will mean nothing when a country does not have a just judicial system. When everyone feels that the guilty can go completely free and corruption never gets punished, there is simply no way to put the country on the path to development.

Judicial reforms aiming to improve the efficiency as well as building the credibility of the judiciary should be the top priorities of the Pakistan government. But this is unlikely to happen because all governments in this country have used the judiciary to their advantage.

When the Chief Executive and the President can in one night decide to grant pardon to the an ex-prime minister who was charged for massive corruption against the public, how can one build trust on the judiciary? Nawaz Sharif, if actually as corrupt as convicted by the courts, was criminal of the people, no one individual be it the president or the Chief Executive should have been given the right to pardon him. It gives the message that all power lies in the hands of one or two people in this country and judiciary is a toy in the hand of the executive.

A strong and independent judiciary is essential for ensuring the citizens of a nation their basic human rights. If there is simply no system available to make the guilty accountable, the corrupt will keep becoming stronger and the innocent will grow weaker. This has been Pakistan's story so far and the future seems no different.