

HRCP report: govt urged not to delay

Bureau Report

ISLAMABAD, Feb 22: The Human Rights Commission of Pakistan has called upon the government to immediately announce an election date and hold elections under an interim government. "A date for swift return to democracy needs to be announced immediately, as the most pressing priority," the HRCP said in its "State of Human Rights in 2000", which was released by its chairperson Afrasiab Khattak in Islamabad on Thursday.

"The delay in restoration of democracy till October 2002 is unnecessary and will only aggravate the current national crisis."

The 322-page report deals with diverse issues like law, judiciary, judgments, crimes, fundamental rights, women, children, labour, education, health, environment, housing and refugees.

In its chapter of "political participation", the report said that the process for a return to democracy should be overseen by an interim government. It opposed any major

changes or alteration in the balloting process at all tiers, including the district level, left to duly elected and representative assemblies.

Welcoming the government's decision of reserving 33 per cent seats for women in local bodies, it asked for restoring the joint electorate system for minorities and participation by political parties in election at every tier.

"The confusion surrounding the electoral arrangements for the local body polls must be removed to ensure that the process is truly transparent and free from potential manipulation."

The report strongly criticized the "increasingly repressive measures" taken by the government to curb political freedoms and asked the government to "halt" such actions.

"Political parties must be allowed to undertake political activities and express opinions without fear of harassment."

It also seconded the general fears that accountability laws were being

used to victimise political opponents of the regime and said that such fears had been strengthened by the procedural lapses seen in cases tried by accountability courts and continued complaints from the families of detainees.

Calling upon the government to guarantee the fundamental rights enshrined within the constitution to the people, it observed that these had repeatedly been pushed aside during the year through the introduction of new legislations aimed at clamping down on freedoms.

"The crackdowns on activists of political parties must be stopped," the report stressed.

Similarly, it said that "judgments by members of government as to which politicians are clean" should be avoided and issues of honesty and dishonesty falling within the legal framework of the country should be settled by courts and people permitted to make a free choice in deciding whom to vote for.

It said that statements by govern-

ment leaders declaring that past political leaders would not be permitted to return "amounts to depriving citizens of the right to democratically elect their representatives".

"No bars should be placed on the right of political parties and other groups to decide on their own office-bearers," it said in an indirect reference to the efforts being made by the government to bring about a change in the leadership of PML and PPP.

The report also asked the government to address the concerns raised about the impact of the district government plan on provincial autonomy to ensure national integration.

The HRCP also asked the government to include the Federally Administered Tribal Areas (FATA) in its devolution and electoral structuring plan.

"This can be undertaken by permitting the direct election of local bodies in place of nominated agency councils, allowing parties to exercise

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their right to political activity and fully implementing the Supreme Court ruling of May, 1999, on the Northern Areas," the report said.

The ruling calls for amendments before the end of 1999 to guarantee fundamental rights to the people, permit them to vote in their own representatives and have an independent judiciary. A year later, these amendments are still awaited.

LAW AND LAW MAKING: Commenting on the legislative process, the HRCP reminded the military government that "rule by decree never enjoys due sanction."

Instead, the HRCP said, it creates more problems under a military dispensation than under even a nominal democracy.

ADMINISTRATION OF JUSTICE: It also criticized the parallel judicial systems and said that the problems posed by the emergence of tribal, ethnic and supposedly religious, forums for settlement of disputes need to be rationally studied and measures adopted to ensure the enforcement of

uniform laws in all parts of the country.

"Pakistan must not delay ratification of the key international human rights instruments, especially the covenants of 1966, and respect the UN guidelines on the independence of the judiciary and the legal profession."

The report called for improving the procedures for the accountability of judicial officers and for their regular training in the contemporary norms of justice.

The Pakistan Law Commission's resources need to be augmented, especially with the addition of an implementation wing which should continuously lobby with the executive and also keep the people informed of the commissions's proposals, it said.

BLASPHEMY LAWS: The report also called for reviewing the blasphemy laws, which it said were frequently abused.

"Courts, the district administration and law enforcers must be made

more aware about the dangers of backing in any way prejudices against religious minorities or registering complaints too hastily. The official machinery must act as a check against excesses of all kinds, rather than aiding those perpetuating them," the report said.

Besides, it said, observations by courts which amount to expressions of intolerance or prejudice must be checked. Courts must also act to protect the rights of the accused by presuming his or her innocence during the trial, rather than contributing to any hatred expressed through remarks made or steps taken during the trial process.

The HRCP said that the government must also show commitment to its premises to tackle sectarian violence and the display of arms by religious groups. "Similarly, the training of militants in madrassahs and training camps must be stopped".

Minority groups must be protected against threats to their lives, homes and places of worship.