

Institutionalising the Equality of Citizens



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This September, the speaker of the National Assembly accepted two bills on issues of grave concern for religious minorities, which parliament may consider voting into laws. One is about establishing a “Pakistan Minority Rights Commission” and the other “Protection of Minorities Bill 2016” is about making forced conversion an offence.

The bill for constituting the Commission encompasses the needs of an independent, empowered and a delivering human rights institution. For example, it envisions a body of 11 members, with a combination of religious, ethnic, gender and age diversity, though most importantly it does not exclude the representation from the majority community. Because, after all, the object is integration of the citizenry beyond religious divides. Besides being representative, the Commission ought to be an effective body to curtail human rights abuses; a question which runs through the entire scheme of the bill, not merely its composition.

In the course of debate one expects that the parliamentarians and the civil society will be mindful to address any shortcomings and to make the bill worthy of laying the foundation of this long-awaited institution. For instance, section 25 of the bill places one-year limit on the purposed commission for pointing out difficulties that needs to be removed for discharge of their functions towards the stated objectives. A sunset clause can be a hindrance to the procedural powers of an evolving institution, expected to expand the scope of respect for human rights in a challenging environment. Hence such

limits ought to be removed. It is also suggested that the realising equality of rights among citizens needs a mention among the objects of the Commission.

The bill addressing the forced conversions is a well articulated draft. Take section 4 for instance that states, “a minor who claims change of his religion before attaining the age of maturity (18 years) shall not be deemed to have changed his religion and no action shall be taken against him for any such claim or action made by such minor.” The section fulfils the requirements of two basic standards of international law; the freedom of religion and belief and; the best interest of the child in two sentences though with a margin of appreciation for ground realities.

Drafters seem to be fully aware that a number of reported cases of forced conversions involved minors, usually female who were abducted, raped and reported to have contracted marriage, finally driven into forced servitude. Moreover, there is a looming threat of being charged with apostasy in case a forcibly converted person objects to his or her victimisation. Such violations involving abuse of religion feed into social processes the larger scheme of religious extremism and exclusion of minorities. The bill therefore is a welcome development.

The anti-forced conversion laws of Sri Lanka and a few states of India were driven by majority communities’ fear of losing members to growing minority faiths. Pakistan faces no such danger. The demographic picture of Pakistan suggests a need to preserve its diminishing religious minorities.

The mover of the bills, Sanjay Pervani, and his legal experts deserve praise for their hard work, as well as a nuanced understanding of domestic issues, international and domestic laws.

This February, when the Human Rights Action Plan was unveiled, the federal government had pledged to move legislation for establishing a National Commission for Minorities. In fact, the government was already in defiance of the Supreme Court’s order given in June 2014, to form a council which could monitor realisation of the rights of religious minorities and policy formation.

Now that the opposition has shared its burden, the government must seize this opportunity for an early approval of this bill. Pakistan is already behind countries of comparable clout in the Asian region, whereas human rights institutions have demonstrated an enormous potential in helping the countries in transition or in socio-political transformations.

Despite all difficulties, the National and Provincial Commissions on Status of Women and Commissions on Right to Information made important strides in their respective areas in the recent past. The institutionalisation of minorities’ rights will not only rehabilitate minorities as equals but it can also treat the existing imbalance and discrimination on the basis of religion. The next step will be apt and timely appointments, which has been a challenge, not attributable to a lack of competent human resource though.

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