

Relativity of Religion & Universality of Human Rights:

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The implementation of international human rights norms and values in any society requires thoughtful and well-informed engagement of religion because of its strong influence on human belief systems and behavior. While it is true that the behavior of believers is not always motivated by total fidelity to their faith, religious considerations are too important for the majority of people and for advocates to continue to dismiss them simply as irrelevant, insignificant or problematic.

In emphasizing the need for advocates of human rights to seriously engage religion, there is neither immediate compatibility nor permanent contradiction between human rights and any religion. This paradox is often depicted in terms of the polar extremes posed by the universality of human rights and the relativity of religion. Certainly, to posit such a dichotomy is misleading because of the interdependence between the two. While the universality of human rights cannot be realized among believers unless they accept it as consistent with their religious beliefs, the integrity of religious faith and its relevance to the lives of its adherents is dependent on the effective protection of human rights. Accordingly, it is more useful to see this relationship in terms of synergy and mutual influence, than to envision it as one of permanent antagonism.

Failing to distinguish between the two meanings of human rights, there is a tendency among Muslims that historical formulations of sharia have always secured human rights in theory, though such a situation may not have materialized in practice. However, by securing a relatively advanced degree of protection for the rights of women and non-Muslims, historical formulations of sharia did provide for better protection of human rights than other normative systems in the past. For example, from the very beginning, sharia was understood to require an independent legal personality for women, and the protection of certain minimum rights for them in inheritance and family relations, beyond what was possible under other major normative systems until the nineteenth century. Similarly, sharia guarantees specific rights for the People of the Book (mainly Christians and Jews) more than what had been provided for under other major normative systems in the past. However, since the rights of women and non-Muslims under sharia are not equal to those of men and Muslims, respectively, the level of protection of rights under sharia is not sufficient when judged by the standards set by the UDHR, which require equal rights for all human beings, without distinction on such grounds as sex, religion or belief. On the basis of above analysis, one can assume that neither there is complete compatibility nor contradiction between Islamic conception of human rights and contemporary universal standards and practices of human rights.

A possible response to this criticism of sharia is the argument that Muslims (and other believers) should strive to live by the dictates of their religion, not according to some fallible, humanly devised set of human rights norms. However, since divine commands are always understood and applied by human beings, the contrast between orthodox perceptions of "the dictates of religion" and new or unorthodox views on the matter is really between two human understandings of what the religion requires of its adherents. Accordingly, a reinterpretation of Islamic sources that demonstrates agreement with human rights norms should be considered on its own terms, rather than dismissed as un-Islamic because it is inconsistent with previously established human understandings of sharia. For Muslims, a reinterpretation should be accepted or rejected in terms of its own foundation in Islamic sources, instead of being rejected simply because it is new or unorthodox.

In fact, the post-cold war era has indeed been a period of new dynamism in the field of human rights. Perhaps most significantly, the popular conception of what constitutes human rights is evolving and broadening, creating new challenges as well as opportunities. The survival issues of the next century are significantly interrelated with economic, social, and cultural issues. In this post-Cold War era, developments that include economic globalization, rising population, environmental concerns, structural adjustment policies, understanding of women's rights as human rights, and expanding grassroots activism in the Southern world have elevated the importance of those rights, which were once considered as second-generation rights or less important.

The historic focus on the protection of civil and political rights is now broadening in response to new trends. What is emerging, a more thorough understanding and appreciation of the need to promote and protect the full spectrum of individual human rights—civil, political, social, economic, and cultural—which have been embodied in the Universal Declaration of Human Rights all along. Worldwide, there is a growing perception that human beings are part of a global community. Increasingly, people see themselves as "global citizens," empowered to effect change at the national and international level.

International Human Rights Standards & Pakistan:

Historically, governments have found it expedient to take recourse to Islamic rhetoric in the hope of gaining popularity and legitimacy. Innocuous as it might sound, each such step has meant an incremental increase in dogmatic official discourse with direct implications for the constitution and legal systems of Pakistan.

It seems that once the origin or basis of a law or a rule is claimed to be Islamic, governments and political leaders dare not repeal them. The political costs of defying such a stricture are too high and most of the time governments simply do not act, or act inconsistently.

Thus signing or ratifying international human rights treaties remains virtually a symbolic act and many treaties even when signed can be ignored with impunity. Despite all the media attention, human rights remain peripheral to the actual politics of our times. The struggle for human rights is therefore an uphill task, but the struggle to emancipate human beings from all forms of oppression must go on. In fact, a civilized society can only exist when the citizens of the state know their rights and fulfill their own obligation to society. It therefore follows that knowledge of human rights and dignity is the very basic of a civilized and democratic state.

Government of Pakistan is obliged to promote and protect human rights (HR) in the country under the obligation of its Constitutional framework. It should be keep in mind that number of Articles relating to basic human rights in the Constitution of Pakistan 1973 as 20. However, ground realities differ from the ideal situation of human rights in the country. Whereas, various political and military regimes have been found reluctant to sign and ratify the very fundamental international Conventions on human rights, they, often, didn't comply in letter and spirit with those standards which were signed and ratified. For instance, even the current government is disinclined to sign Covenant on Civil and political Rights. The Covenant which is deem necessary for the growth of democratic culture and institutions in the country.

However, the signing and ratification of international conventions compel the respective governments to a certain level to amend the existing legislation, formulate policy-measures and sensitize its decision-makers according to the requirements. However, often this ideal situation lacks from the world of real-

politics, where the nation-states always maneuver to maximize their national interests. While, by denial of these international standards of human rights to its citizen, no state can be able to promote long-term development of its society. It is generally acknowledged that provision and protection of human rights by the state contribute towards growth of democracy and democratic institutions. From the statistics provided by the RAND Corporation (U.S.A), the growth of democratic countries was much faster as compare to close societies during the last fifty years. This economic growth provides adequate means to improve the living standards of common citizens. Therefore, provision, protection and awareness of human rights by the state can guarantee the long-term development of any society.

Developing Mechanism for Compatibility:

Since there is no reliable international mechanism for "enforcing" human rights standards against the will of national governments,)the crucial question is how to encourage governments to ratify human rights treaties, and motivate them to comply with the obligation to protect these rights within their respective territories. An effective and sustainable way of doing this is to generate a local constituency to advocate the ratification and implementation of human rights within the national context. Even if the elite in control of government want to respect some human rights; it is unlikely to do so against the wishes of its own people. For such a local constituency to emerge and be effective in its advocacy of human rights, these rights must be seen by the general public as consistent with their own religious beliefs. In other words, international human rights norms are dubious to be accepted by governments as legally binding, and respected in practice, without strong legitimization within the realm of national politics. Popular perceptions of human rights as consistent with the religious beliefs of the people are essential for these rights legitimization in each country.

In this context, public representatives have a unique role to deliver this concept and take certain practical measures to establish this constituency. In fact, currently Parliament in Pakistan is a mixture of moderate and religious people, governed by enlighten heads of government and state. This mixture of religious and moderate elements in the Parliament is in a better position to deliver the concept of 'local constituency' to create awareness among the people of Pakistan. Through this sustainable way, establishment and people in our country can really harness the concept of international standards of human rights by maintaining their religious beliefs intact. Therefore, efforts should be concentrated on sensitization of Parliamentarians through an effective advocacy to achieve desired results. It is also necessary because the traditional religious community couldn't effectively engage itself for desired practice of 'Ijtihad' and de-linking cultural practices from religious beliefs.