

## **2023 ABA International Human Rights Award Acceptance Speech**

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1. Madam President, I stand here to receive this honour with deep gratitude and great humility. The 2023 ABA International Human Rights Award symbolises our shared values of democracy, of freedom, of the rule of law, of human dignity, of religious freedom and tolerance. But these values are at great threat today. Faith has proven a great historical force: we see it inspiring people to lift one another, to feed the hungry, to care for the poor, comfort the sick and make peace where people were once at war. But we also see faith claiming a monopoly of truth, in a world of competing claims. We see sectarian strife in Syria, in Palestine, in the murder of Muslims and Christians in Nigeria; we see religious war in the Central African Republic, we see Muslim and Christian minorities subjected to violence in certain parts of India and particularly in Kashmir and Manipur, we see a rising tide of anti-Semitism and hate crimes in Europe, often perpetrated in the name of religion. We see this extremism, to varying degrees, in almost all parts of the world.
2. Madam President, this extremism is not new. Human beings have confronted these issues throughout human history. During the Crusades as well as the Inquisition, people committed terrible crimes in the name of Jesus Christ. In 1645, the Bishop of London was tried on terrorism charges; the allegation being that he wished to blow up the Parliament House, as Protestants had a gained

majority in the legislature that year. He was convicted and hanged. Little do we know that no God condones terror. No grievance justifies killing innocent people; rather, all faiths ordain that we should treat one another as we wish to be treated. This is the message from the Torah; this was ordained by the Holy Prophet PBUH; and this is the message contained in the Holy Bible as well.

3. In modern democracies, competing claims sometimes lead to discrimination, segregation, and violence. These acts are violative of fundamental rights and constitutional values. In such situations the judiciary must play a more proactive role to enforce the constitutional mandate and defend the people's fundamental rights. In the case of *Brown v. Board of Education*, the US Supreme Court abolished segregation in schools and ensured implementation of its judgment by dispatching federal troops to the states concerned. By so doing, the Court came a long way from its judgement in the case of *Dred Scott v Sandford* (1857), where a coloured person was refused the status of a citizen.
  
4. Ladies and gentlemen, as some of you would know, my nation has been at war against a far-reaching network of violence, extremism and hatred. We were confronted at times with enemies both visible and invisible. It was in the midst of this war, that a church in Peshawar, Pakistan was made the target of a bomb blast during which 81 Christians died while they were praying; many more were injured. Months passed but neither the culprits were brought to book, nor did the victims receive any compensation. This prompted me as Chief Justice of

Pakistan to take *suo motu* notice of this incident, and also of a news report where a Kalash tribe in northern Pakistan alleged that they were being forced to change their sect within Islam, failing which they would be subjected to violence and death. I issued notice to the concerned state functionaries and representatives of various religious and ethnic groups in Pakistan. After detailed hearings I authored a detailed judgement which starts with an inspirational quote from Prophet Muhammad PBUH, which is as follows: “All mankind is from Adam and Eve, an Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a white has no superiority over black except by piety (taqwa) and good action.”<sup>1</sup>

5. The Court held that religion cannot be defined in rigid terms and that freedom of religion is a comprehensive term which includes freedom of conscience, freedom of thought, freedom of expression and freedom of belief and faith. The Court went on to add the right to religious freedom (Article 20 of the Constitution of Pakistan) is available to each citizen and is multidimensional; it is right to profess, practice or propagate his or her religious views against the prevailing or dominant views of his or her own religious denomination or sect.
6. I took *suo motu* notice because I was of the view that minorities in Pakistan, as in several transitional democracies, are a vulnerable section of society because of their social and economic limitations. The Supreme Court in a democracy

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<sup>1</sup> The Last Sermon (Khutbah) of Prophet Muhammad (PBUH) PLD 2014 SC 705

has to protect people's constitutional rights, liberal institutions and values. Any declaration made, and the principle of law laid down by the Court, have a trickle-down effect on other institutions of the State. The Court gave seven directions to the State which included the creation of a task force to promote religious tolerance, to provide for appropriate curricula in Schools and Colleges consistent with the constitutional values, the elimination of hate speech from social media, the creation of a National Council for Minority Rights and a special force to protect places of worship of minorities were all geared towards sensitising the Muslim majority and for promoting liberal institutions without which democracy remains dysfunctional.

7. The anthem of the Supreme Court of Pakistan, titled "Justice For All", was authored by me; it was made part of the judgment for two reasons; firstly, because it is a constant reminder of the vision of the founder of the country and the ideals which reverberated in the movement for the creation of Pakistan: that each citizen would be free to go to mosque or temple; that had nothing to do with the business of the state. Secondly, the anthem cautions the nation that if the values which went into the making of the country are not lived by and adhered to, the nation would bear a heavy cost. This anthem is perched along with its mosaic rendering on the full wall besides the entrance gate of the Supreme Court. The anthem reads as follows:

JUSTICE FOR ALL

## Judicial Anthem

“The Toil, the sweat, the tears and the blood,

Make up the labour for the land begot.

The freedom is won, but the chains are clung,

There are miles to cover,

The voyage is tough and the weather is rough,

The odyssey begins; The Founder declares his vision

Of Democracy, Faith, Tolerance and Compassion.

Discriminate the State shall not

Thou may belong to any religion, creed or caste.

Oh! The vision is distorted, the march is thwarted,

Castle in the sand, babes in the woods,

Recipes of fall abound in the books.

The nation is cut, the land is bled

When the message is lost, a die is cast,

The wages are loud, Beware of the clouds.

Long live the message, the Lamp and the rays

That glow The Temple, which holds the scales,

Pinning the dreams, the hopes and the oath

Of Justice for All.”

8. It is important to remember that the judiciary alone may not be sufficient to create a society where rights are respected, where there is tolerance, and where believers of every faith are free to live by their respective beliefs. Each one of us has a role to play. In a democracy there is one office that you share with the rest irrespective of your choice of career, your vocation, your religion or your sectarian or ethnic affiliation. This is the office of “citizen”. As a citizen you are equal whatever position you may hold: a teacher, a doctor, an engineer, a lawyer, an agriculturist, an industrialist, a father, a mother, a son or a daughter. In the promotion of the values of a pluralistic society, where the rights of different communities are respected, each one of you has a role to play as a citizen. Countries have witnessed persecution, tyranny and intolerance only because the citizens did not play this role leaving the demagogues, the fundamentalist and the religious zealots to have their way.
  
9. Madam President, before I part, I may add that I have always been deeply moved by the vision reflected in the Rule of Law Initiative of the American Bar Association. It is indeed in accord with the best elements of your nation’s moral ethos. Countries around the world would immensely benefit from this Initiative. Honourable members of the Bar, you are leaders of public opinion of a country which today is at the pinnacle of its soft and hard power. By its thought and

action, it can influence the course of events both in the developed and the developing world. It's an awesome power, an awesome challenge and an awesome opportunity. That being so, it must espouse and promote only those causes and values which it has lived by and upheld. That would inspire greater credibility and would strengthen your claim to moral leadership. You have a proud legacy of wrestling independence through blood and sweat, and by holding certain "truths to be self-evident," (Declaration of Independence), of going to civil war to secure human rights, of judicial independence in laying down *Marbury vs. Madison*, of authoring the Universal Declaration of Human Rights, of leading the free world in the reconstruction of Europe, and then of self-accountability demonstrated by the rise and fall of McCarthyism. You have Dr. Martin Luther King and his inspirational "dream", and you have John F. Kennedy and his "vision of the world." And finally, you can rightly take pride in having produced some of the greatest philanthropists known to human history. For centuries, the Statue of Liberty perched on the New York harbour has been a symbol of welcome, of hope, of openness, and of freedom and liberty for people around the world. Why, with this glorious track record, do I see magazines portray the image of a tired and worried "lady liberty" sitting on a broken podium with the torch of liberty lying on its feet? Why does it talk of an "unhappy America"? Why does Fareed Zakria speak of a "Post-American World"? Why is America facing a crisis, one with moral overtones, on some of the issues in the realm of international politics? These are some of questions I leave to you, to think about and perhaps respond to. But you have a role to play.

Because in the past some of the illustrious members of your profession have provided inspiring and transformative leadership to the American people. Destiny beckons you to relive those moments and follow the shining stars of honour, dignity and idealism which adorn your heritage. And maybe in moments of moral ecstasy you may like to remind yourself of your founding father's advice to the nation carried in his farewell address as President. It has a strong message and has relevance even in this age of globalised interdependence. It is inspirational, it is prophetic. Washington said, "observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period, a great Nation, to give to mankind the magnanimous and too novel example of a people always guided by exalted justice and benevolence."