

**THE DILEMMA OF MINORITY RIGHTS IN PAKISTAN:
A COMMUNITARIAN CRITIQUE**



MANAAN OMAR

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APPROVAL FOR EXAMINATION

Name: MANAAN OMAR Registration No. 01-278202-009

Programme of Study: LLM (General)

Thesis Title: The Dilemma of Minority Rights in Pakistan: A Communitarian Critique

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Name: Dr. Muhammad Fayaz

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To My Amazing Late Father

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ABSTRACT

The Minorities rights protection has remained potentially a challenge for the States across the world as well as the international law. The law of international human rights though attempted to detail the rights and freedoms of the minorities yet, its focus remains more on individual rights rather than the community rights. Pakistan which in fact came into being for the protection and advancement of the minorities' rights, since the Muslim minority in India before partition was denied its due right, has kept on struggling with the policies and laws for the protection of minorities. This study attempts to critique the minority rights in the research settings of Pakistan, since it attempted to bring to the fore all important regional, international and domestic human rights laws and provisions applicable to the protection of minority rights, most importantly the religious rights and freedoms so that the protection accorded to the minorities in Pakistan could be analysed. This study offers a critical insight into the laws, policies and practices of Pakistan relating to minorities rights in Pakistan by using the communitarian critique and international human rights law. This study argues that Nationalism which is analogous to the individual based rights approach is not offering real protection to the minorities in Pakistan and thus the legal framework, practices and policies relating to minorities must be based on acknowledging and valuing the diversity and by not considering it a vice. This study finds that the legislative framework of Pakistan regarding minorities' needs to be improved by following community based rights approach. The minorities should be accorded rights as community and in this regard, this study offers useful recommendations based on research findings.

KEY WORDS

Minorities Rights, Nationalism, Communitarianism, Community Rights, Individual Rights, Critical Analysis, Law, Policy

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LIST OF ABBREVIATIONS

ICCPR	International Convention on Civil And Political Rights
ICERD	International Convention on Elimination of all Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
UDHR	Universal Declaration on Human Rights
UNO	United Nations Organization

