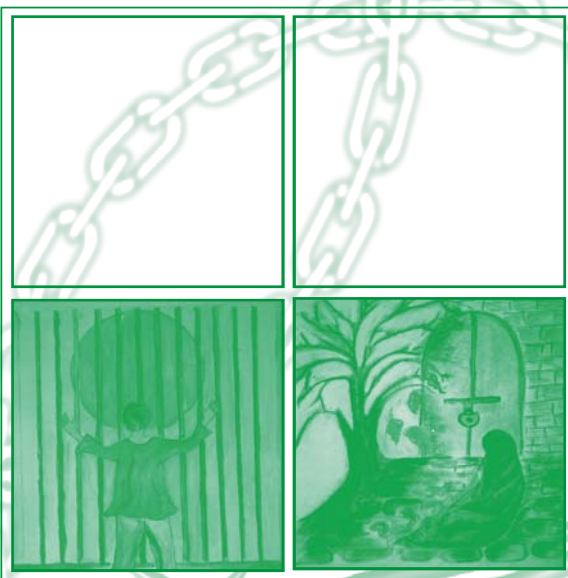


VOICE AGAINST TORTURE

Quarterly Newsletter

Volume 12, No.1
January 2005



An interdisciplinary human rights organization
working against all forms of torture and for the
rehabilitation of torture survivors.

Newsletter

Voice Against Torture

Voice Against Torture is an interdisciplinary human rights organization that condemns all forms of torture and aims to raise awareness about various human rights issues.

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ABSTRACT

This Newsletter is an effort for the dissemination of information about the aggravating human rights situation, and breeding awareness amongst masses about it. The world seems to be fixed up in the mire of oppression, tyranny, and injustice; however, a wakefulness in this regard would help dispelling the gloomy atmosphere. It is thus an effort to identify the torturous and inhumane acts and devise a strategy to root them out from our society.

The contributions from multiple countries and sharing of experiences from different settings give this newsletter a charming look.

Articles related to juvenile issues concerning the age of majority or minority, WTO agreements, and emotional abuse of women, have been contributed. Research paper on Child Labor with its consequences and the rehabilitation services is also an interesting contribution.

Voice Against Torture is making this effort so that human beings are in a better position of acting in an altruistic fashion, leading to a society which is worth living. The aim however, remains the achievement of a torture-free world. Voice Against Torture does appreciate an active participation in the form of critiques, researches, case-studies, arguments/discussions, and news items.



In these close bounds of an age that desert sands choke
We must stay now - not for ever and ever and ever stay!
Under this load beyond words of a foreign yoke
We must bow for a time – not for ever bow!

(Faiz Ahmed Faiz)

Protection of Children - Abrogation of JJSO

Majid Raza

It happened in 1846 in the United States. The accused, a 15-year old boy, worked on a farm where an Irishman amused himself by teasing him and the boy came to hate his guts. On the day of the offence, the boy was driving a wagon when at the barnyard he met the Irishman. The boy asked for the gate to be opened. The Irishman abused the boy, called him lazy, pushing him with a pitchfork, ordered him to open the gate himself. As the pitchfork dug into his chest, the boy sprang, took hold of the pitchfork and dug one of its prongs into the skull of the Irishman who died soon after.

The story was related before the court by the defense council, who added, "All I ask is that you deal with the little fellow as you would have other men deal with little fellows of your own at home. I trust his life to that test, Gentlemen of the Jury. I rest my case."

The defence council was Abraham Lincoln.

Half an hour later, the jury returned their verdict: Not Guilty.

This case is probably the first in which a perpetrator was given consideration because of his young age and let off. As we read details of the case, our hearts go out to the lad.

Let us now consider a case of our own country. A juvenile was a member of a gang which sodomized a young boy and then burnt him alive. The juvenile accused could not be sentenced to death as the Juvenile Justice System Order, 2000 (JJSO) envisaged no death sentence in cases where offenders were under 18 years of age. Full bench of the Lahore High Court struck down the JJSO so that the

juvenile criminal could be sentenced to death.

The two cases cited above lie at the two extremes of a scale. A boy of 15 is teased and harassed by an older man. The boy retaliated and killed the older man. The other case a boy just under 18, as part of a gang, sexually abuses a child and then burns him alive. While our sympathies are with the 15-year boy who was "Not Guilty" by the jury, we are horrified by the act of the other juvenile. It was the revulsion of the full bench of the Lahore High Court, besides legal flaws, which made them revoke the JJSO to see that the offender gets capital punishment.



The High Court dispensed with all and sundry concessions available to juvenile offenders under JJSO because in the opinion of the judges there are adequate provisions in the Pakistan Penal Code (PPC), Criminal Procedure Code (CPC) and numerous judgements of the superior courts allowing due consideration to the age of the offender.

The Court found the JJSO as containing a number of absurdities and obscurities thus making it unfit to be retained on the statute books of the country. The decision pointed out the racket of obtaining false birth certificates, school certificates and even Nikahnamas of the parents of the accused to prove that the offenders were minors.

CPC and the Punjab Youthful Offenders Ordinance give 15 years as the age of minority. PPC defined a child as 7 years or 12 years of age. The JJSO considered below 18 years

as the juvenile age. Hudood Ordinance finds a man under 18 years and a girl under 16 as

juveniles. We see that the age of a minor varies from 7 to 18 years in Pakistan itself.

Laws are meant to provide security and protection to the people against crimes. Framers of the JJSO probably thought that the juveniles do not commit crimes against other juveniles. Had they considered the possibility that a just below 18 years could well murder a 10-year old with immunity from death sentence; they might have had different stipulations in the ordinance. JJSO provided security to the minor offenders while at the same time exposing the younger minors to the offences by the older minors, as the older minors stood protected. That is a failure on the part of the law framers to provide security and protection to the people at large.

Pakistan is a signatory to the UN Convention on the Rights of the Child 1989 (CRC). Article 1 of the CRC says:

"For the purpose of the present Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier."

According to Article 37:

"States Parties shall ensure – Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below 18 years of age."

According to Article 36:

"States parties shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces."

Article 1 of the CRC says that anyone below 18 years is a minor. The article further says that in case 'majority is attained earlier' under the law

as applicable to the child then that age is the age of minority. It is entirely up to the legislators to determine the age of minority. Here it is interesting to note that CRC, when talking of joining the armed forces, considers 15 years good enough.

We now consider a statistical report of the state of Delaware titled Juvenile Victims and their Perpetrators 1997. Some observations in the report are:

- (a) Children between 9 and 11 are just about as likely to be victimized by an adult as another juvenile (usually an older juvenile).
- (b) The age group with the most perpetrators against juveniles is the 15-17 group.

Pakistan is a signatory to the CRC. It is bound to implement all the articles of CRC. After the Lahore High Court decision of 6 December, 2004, Pakistan is unable to abide by the article relating to death sentence to the minors.

Logical course of action would be to re-determine the age of minority. There are various facets to maturity viz. physical, mental, emotional and sexual. Sexual maturity, also known as puberty, might be taken as a yardstick.

Stress on the severity of a crime varies from place to place in accordance with the nature of the crime. In many societies a crime against life is considered most serious whereas in Pakistan a murderer may be let off if he could pay the so-called blood money acceptable to the next of kin of the victim. On the other hand retribution for adultery is stoning to death and there is no escape on this score. Rightly or wrongly, our strong concept of honour is closely linked to sex rather than life or property as is the case in many countries. The plea here is not an effort at changing the psyche of the people and their age-old ethos. What is required is to bring

about changes which are acceptable to us as also to the world at large.

It may be in the fitness of things to refer the matter of the age of minority to the Islamic Ideology Council and a panel of eminent psychologists. Their recommendations may be advertised to elicit public opinion. The legislators then take up the case to fix the age of

minority such that all statutes have no discrepancy in this regard. After this exercise, it is hoped that the High Court may not strike it down. This exercise will be in keeping with Art 1 of the CRC.

As a healthy society, we must make all endeavours to see that our children have a safer environment to live in.

Emotional Abuse of Women

Tehmeed Razvi

Abuse that leaves no scars is not necessarily the tangible form of violence, and that too longer lasting. It is perhaps the hardest thing to be acknowledged by a woman, and even harder to explain it in the absence of physical scars. Yet the consequences can be equally harmful, if not detrimental and destructive than physical violence, eroding a woman's self-esteem leaving her prone to long-term psychological problems. In particular the impact and extent of the emotional violence affects women, who are suffering at the hands of their spouse, damaging their personalities, health, and future.

Violence against women has been thought to be *the most pervasive, yet least recognized human rights abuse*. It is an issue that jeopardizes women's lives, relentlessly without discrimination of class or religion, affecting not only their bodies, but also the psychological integrity and freedom.

Despite this, acts of violence, particularly within the home, continue to take place behind the veil of bigoted societies and inefficient laws, leaving women damaged internally and externally to take the role of mothers. From one generation to the next, children are brought into a world to bear witness to violent and victimized parents who become role models, societies and laws permitting or ignoring violence, and a disregard and violation of basic human rights. Violence against women poses legal, social and medical and psychological problems.

Even though emotional/verbal abuse does not leave any physical scarring, it can however,

retard a woman's entire being and the lesions are deep and internal. Emotional abuse can take many forms some are verbal, some non-verbal.

None-verbal abuse:

- Refusal to communicate
- Suspecting and unreasonable/unfounded jealousy
- Moodiness the 'silent treatment'
- Withdrawal of affection
- Isolation
- Following/stalking
- Forced sex/sexual acts
 - Forced pregnancy
 - Emotional blackmail
 - FinancialControlling/withdrawing of finances, adding financial pressures
 - Has extramarital affairs
 - Provocative behaviour with other women
 - Reckless driving/suicide threats
- Verbal abuse:
 - Humiliation over appearance, told inadequate in bed, bragging about his infidelity etc
 - Embarrassing in public
 - Name calling
 - Telling woman she is crazy/insane
 - Intimidating/patronising/belittling
 - ✍ Hypercriticism of actions/behaviour
 - ✍ Sarcasm
 - ✍ Threats to leave/kill
 - ✍ Lying/breaking promises
 - ✍ Breaking property or woman's personal/sentimental items
 - ✍ Attention-seeking behaviours

'The bogeyman, still shrouded, still invisible under his hood, continues to stalk on the edges of the gaze,

The list of kinds of abuse is exhaustive and varies from person to person.

There are many factors that can influence why a woman may become a victim of abuse. Often

women who are emotionally needy, have come from a family where there is lack of affection seeks this in a partner who usually recognizes her vulnerability and weakness. Needing to be needed as well as childhood stories and role models of being a 'good' wife by means of submissiveness and tolerating men's abusive behaviour is also a major factor in allowing this form of abuse to prevail. A woman's health, pregnancy, income, drug/alcohol usage can also affect the possibility of abuse occurring. Research also shows that negative life events in the 12 months preceding the beginning of the relationship with the abuser, would already have mitigated self-esteem and confidence contributing to the higher level of vulnerability in the victim.

Very often, intelligent and loving women fall prey to abusers. These women are usually optimistic and positive thinkers, always overlooking the negative aspects of a relationship and magnifying the feelings and image of the positive personality traits in her spouse. The chemistry that she feels towards the abuser usually adds to her inability to recognize the abuse.

According to Hattendorf & Tollerud (1997), the dynamics of abusive relationships usually follow a three stage process between abuser and victim.

- ✦ The tension building stage (tension in the relationship gradually increases over time);
- ✦ The acute battering stage (tension erupts, resulting in threats or use of violence and abuse);
- ✦ The honeymoon stage (the batterer may be apologetic and remorseful and promise not to be abusive again).

The cycle continues throughout the relationship, with the honeymoon stage becoming shorter and the episodes of

abuse becoming more frequent or more severe. The honeymoon stage reinforces the victim's hope that the abuser will change and contributes to the victim staying in the relationship.

Women usually have many reasons to stay in the abusive relation. Often, they do not recognize themselves as victims or emotional abuse as violence or 'abuse'. Many women find that when they have told someone in the past about their spouse's bad behaviour it has been overlooked or its relevance/importance trivialised. They may not disclose in the first instance because of shame, embarrassment, and fear of reprisal. Women are immobilized by fears and threats from her partner, loyalty to husband or his family, as well as the other external influences such as religious beliefs, consideration of children. There are usually many economic, cultural, social factors to consider that stop her from leaving.

Leaving the situation brings with it further complications, divorce brings with it for some, stigma. Divorce can be described as a non-finite loss and according to Bruce & Schultz. (2001), the issues amplified in situations of non-finite loss predominantly involve a needs based dependency on spouses. Maintaining an adult ego state is frequently too difficult because non-finite loss accentuates fears of abandonment, isolation, loneliness, safety and survival and prompts assessments of whether one is still loved.

Women do not stay in abusive relations because they enjoy them or because they have become addicted to the abuse contrary to some peoples belief. The woman usually forms strong emotional connections with her perpetrator during the abusive period, according to Dutton & Painter (1981).

"There is an imbalance of power between the victim and perpetrator and the treatment is intermittently good and bad. The abuser gains more and more power over a period of time and because of the psychological damage done to the victim during this time she feels worse and worse about herself, becoming more and more dependent and less and less competent to protect herself.

Another factor in 'traumatic bonding' is the intermittent and unpredictable abuse. While this may sound counterintuitive, the abuse is offset by an increase in positive behaviors such as attention, gifts, and promises. The abused individual also feels relief that the abuse has ended. Thus, there is intermittent reinforcement for the behavior, which is difficult to extinguish and serves instead to strengthen the bond between the abuser and the individual being abused".

Whilst it can be understood why women may stay in abusive relationships it is also relevant to understand why men abuse. The need to control is usually at the heart of abusing. Many men are openly very verbal and cruel, but some are often non-physical abusers - subtle, clever, seemingly too good to be true, charming. Many are self-centered, lacking in self-esteem and confidence and frightened bullies. Many save their abuse for a private audience and in public portray a perfect image of marriage. They usually give out contradictory or double messages on the one hand they will say 'I love you' on the other they will humiliate and degrade their victim. They are able to stop their victims from leaving the relationship by convincing her that he loves her and cannot live without her. This reinforces the woman's need to be needed and she stays.

Many traditional laws and misinterpretations of religion have allowed for men to take advantage of the loopholes and gives permission to abuse

without fear of incrimination. Some men have been abused in their own childhood or they too have negative role models, to abuse wives.

Alcohol/drug abuse, peer pressures, financial constraints are factors that can prompt a man to exert his frustrations onto his wife. Pregnancy is also a factor which alters the equilibrium of a relationship. A new edition can be perceived as a threat to a man who has too huge needs of his own. He may also fear that because of the pregnancy his wife may be attending the hospital more often and may well disclose the abuse or become influenced to escape from his clutches. The pregnancy may fuel his worries about finances etc. and his wife's changing shape and moods reduces his attraction in her leading him to resent the baby and may not be able to accept that another 'person' is more closer to his wife. Pregnancy is believed by some researchers to be a factor that influences levels of abuse in a relationship. Elizabeth Sussman of Penn State University says;

'an abused pregnant woman's stressors will influence hormones present during pregnancy, affecting the woman and the unborn child'.

This can in turn influence the level of abuse as well as be the kick off for abuse to begin. Abuse during pregnancy and in the months preceding conception is not rare. Apart from abuse having a powerful impact on pregnancy health and an unborn child, women who are not pregnant suffer both psychologically and physically in many ways.

It is predominantly a woman's self-esteem and confidence that is diminished through emotional abuse. A woman will try to internalize the humiliation and criticisms, validating them, without realizing her self-image and self-worth is sinking. Even the slightest bit of love and attention rekindles hope in her to continue pursuing the relationship and enduring the

abuse. Because the abuser seldom leaves, it reinforces her desired belief that he must love her and once again encourages her to stay.

Often women are nervous and shaky, not knowing when the next attack will be and this adds to her confused and worried state. The more she doubts the situation the more confused she becomes and less confident of her own thoughts and feelings. Often the abuser will reinforce this by telling her that she is crazy. Women are left feeling hopeless, helpless and apprehensive, so much so that even small decisions become difficult for them. She may also feel paralyzed or numb because she no longer knows what she feels, she may dissociate from the taunts and mockery. Because she is blamed for the abuse and having 'asked for it' she may well believe that is true.

Many psychosomatic ailments also appear adding to stress levels. She may become inclined to begin taking narcotics and alcohol, over/under eating, nightmares, panic attacks. Often problems like pre-menstrual tension, headaches, irritable bowel syndrome, insomnia, gastrointestinal disorders occur. Over the long term stress levels can contribute to more serious illnesses such as diabetes, peptic ulcers, migraines and depression.

According to studies carried out in Nicaragua, US and Pakistan, women who are abused by their partners suffer more depression, anxiety and phobias than women who have not been abused. If the abuse has continued for a long period of time, in particular where a woman was on the whole intelligent and self-sufficient, she has more of a fear of being defeated, and finds it harder to accept, beats herself over the fact that she has allowed this abuse to take place, depression sets in. It is usually a slow process and she usually begins to experience feelings of anxiousness, moodiness, gloominess, and

being tearful. Eventually, she becomes less upset but more numb with her body feeling heavy, extreme tiredness, loss of appetite, disorganized, has less concentration, a disinterest in worldly matters and her self, and into a withdrawn state with her body not wanting to move.

Anxiety disorders occur when the level of anxiety is increased and prolonged. There is an increase in the release of large amounts of adrenaline that increases the heart and breathing rate. Many symptoms can occur as a result of this, include sweating, trembling, feeling dizzy, cold hands and feet and palpitations. Anxiety in the circumstance of emotional abuse can be extremely debilitating and disruptive. There are many types of anxiety disorders; there is a general form, panic disorders, and post traumatic stress disorder. It is estimated that women are twice as likely to suffer from anxiety disorders. People can have multiple anxiety disorders which are accompanied by other mental health problems. Familial, personality, biological and environmental factors can all contribute to the kind and level of anxiety disorders.

General anxiety disorder is probably amongst the most common. The abused woman's worry and anxiety may be very out of proportion than the actual risk but can lead to fatigue, restlessness, sleep disturbances, impairment in the day to day functioning and order of things. She may suffer from panic disorder which involves having panic attacks with an intense fear which exhibits itself by palpitations, excessive sweating, a choking feeling and gasping for air, dizziness and nausea. Many women become so traumatized by the abuse that they develop post traumatic stress disorder. This usually occurs in response to a traumatic event. Symptoms can include nightmares, flashbacks, insomnia, emotional numbness, avoidance of the situation that

onsets feelings of the abuse and social withdrawal. It usually develops 3-6 months following an event. Other symptoms of anxiety disorders can be hyperthyroidism, hypoglycemia and psychosis.

✍ Some abused women may respond to extreme levels of stress by repressing the feelings associated with it. Repression helps to provisionally curb the negative feelings. But this is not healthy as the feelings that are not dealt with remain in the sub conscious. The woman may feel irritable all the time, find it difficult then to associate with positive feelings and find it difficult to express/feel love. If the woman has children it affects her ability to give maternal love and bond with her child. Some research also suggests that if the woman is pregnant she may also relay some of the negative feelings to her unborn child by way of the high levels of chemicals going into the baby's bloodstream and the noises that the foetus hears.

✍ There are many signs that are evident that a woman may be being abused. But often, because there are no scars it goes unnoticed and may even be disregarded. Often, an unwanted pregnancy, inadequate attendance at events and appointments, recurring psychosomatic illnesses, pain without obvious etymology, addictions to drugs/alcohol, history of psychiatric illness, secrecy over discussing situation at home, repeated miscarriages or abortions, a recurring presence or absence of a partner are fine indicators that matters are imperfect.

✍ Because there is less recognition by relatives as well as medical professionals, there is less chance that an enquiry will be made. For a woman whose self esteem has been dispensed of, the chances of her reaching for help are lessened and more often than not, the emotional abuse will turn to physical abuse before there is any recognition.

Leaving the relationship means that a woman has to feel in control, valued and strong as well as to recognize and acknowledge the abuse. It is usually friends or family who are able to rescue the woman from the situation when and if they become aware.

It is only when the abuse is given recognition that there can be any kind of help for the victim. Whilst some medications may provide relief for some, psychotherapy is a tool that provides safe and long term relief.

Psychotherapy can help people learn about their disorder, issues that are important to them and ways of improving the quality of their lives and relationships. This may be for the woman solely or with her husband or perhaps the family too. Cognitive behaviour therapy, rational emotive behaviour therapy, relaxation therapy as well as exercise can all assist in the recovery process.

Cognitive behaviour therapy and rational emotive behaviour therapy concentrate on altering ones negative thought patterns and behaviours.

Relaxation therapy can enable the victim to learn to manage and reduce her stress through breathing techniques. The feeling of well being that occurs can help manage the situation more constructively. Learning to control breathing stops hyperventilating when anxious and reduces panic. Controlled rates of slow smooth breathing at a rate of 8 -12 breaths per minute a few times a day as well as meditation can be very effective as it also helps reduce muscle tension and alleviate some of the physical pains and ailments the woman has.

Art therapy and music therapy also enable the victim to overcome negative feelings of abuse by means of relaxation and expression of repressed feelings of anger/fear.

Group therapy is also a valuable form of therapy as all too often, women who suffer from abuse have become isolated, feel they are the only ones this happens to, think nobody else will understand, as well as feeling embarrassed. Group therapy helps to overcome many fears and isolation.

Therapeutic interventions can be very effective but this is only possible where a victim is able to disclose the abuse. This kind of mental torture destroys the will, personality and autonomy of a woman. When emotional abuse is undermined and defined as a woman's private dilemma this puts her at the mercy of a man who takes advantage of her insignificant and vulnerable position. This form of domestic violence must be seen as a public issue and the social permission for it must be removed.

Healthcare professionals must educate themselves about this 'health care' issue, acquiring skills to recognize and appreciate this form of subtle, yet devastating abuse. The victim must feel understood, supported and be able to feel comfortable enough to confide in

someone in order to minimize the abuse. Healthcare professionals need to familiarize themselves with the manifold presentations of emotional abuse. Instead of treating their depression as an illness to be treated with medicines, be able to offer counselling and make referrals to other organizations that are able to assist with domestic violence victims in a safe and secure environment where women are given the refuge, respite and assistance they need to become indifferent and independent from the abusive relationship. The help women receive must be sensitive and considerate of the issues of culture, language barriers, financial aspects etc. Women must be able to avail resources and information on the issue of emotional abuse and services available.

There also needs to be more awareness amongst the public to recognise and acknowledge emotional abuse before it does develop into physical violence and has destroyed the whole being of the victim. Women have the right to freedom from abuse, this is every person's basic right.

WTO regime on Intellectual Property Rights [IPRs], National Sovereign and the Farmers' Rights

Wajid H. Pirzada & Farooq Mehd

Abstract: The paper argues that there is strong nexus between international trade in genetic resources, and sustainable agriculture, highlighting some of the genuine concerns of farming communities of the developing countries on (emerging) international trade regime in this area being crafted by WTO Agreement on Trade related Intellectual Property Rights [TRIPs]. It addresses the need for striking balance between international commitments and public interest, while formulating public policies on Intellectual Property Rights, so as to safeguard the rights of the farming communities and protect their livelihood resources.

Introduction

Intellectual Property: Ideas and knowledge value currency these days as an increasingly important area of trade. The value attached to a product(s), in this context; lies in the level of invention, innovation, research, design and testing involved in technological development of such product(s). Many products that used to be traded earlier as low-technology goods or commodities are now being traded as value-added products, for these contain a higher level of technology [invention] and characteristics [design] in their value e.g. new varieties of plants.

The innovator(s)/creator(s) of such products/process (es) would like to secure right(s) to prevent others from using their invention(s). These rights known as Intellectual Property Rights (IPRs), in their broader meanings imply an ownership of ideas, including literary and artistic works, inventions, signs for distinguishing goods of an enterprise and other elements of industrial property. The extent of protection and enforcement of IP varies widely around the world, which at times may lead to disputes among trading parties. It is for the first time that WTO has brought both

agriculture and IP (life -form) in the fold of trade. Patenting of life forms (plant varieties), through WTO Agreement on TRIPs has paved the way for commercialization (privatization) of (local, indigenous) knowledge and plant genetic resources (PGRs). As genetic (PGRs) diversity is basic to agricultural development & sustainability, food security and (Food & Agri) trade growth, new IPR regime can implicate sustainable (agricultural) development. Erosion of indigenous knowledge and genetic wealth, through tighter IPRs, may thus implicate food security and threaten the livelihood of the custodians of natural resources .The small farmers of South- custodian of 90% of world genetic resources, will thus become more vulnerable. This necessitates (better) understanding of the [emerging] international trade regime under WTO, formulating National IPRs System [protecting PGRs and thus securing public interests.

The WTO Agreement on TRIPs:

This Agreement envisages narrowing down of these gaps/differences in IP regimes (of trading partners), by bringing the IPRs in the fold of international trade rules. Its Agreement on TRIPs, in this regard, is reckoned as the most comprehensive multilateral Agreement on IPRs.

The major argument advanced in favor of IPRs protection is that by rewarding inventors, it gives them incentive to make discoveries from which the community benefits. It, however, has generated certain controversies, because of ambiguities that it contained. To understand TRIPs, its (controversial) provisions and their implications we need to know the salient features of TRIPs.

Understanding TRIPs:

(Agreement) preamble describes the key objective of the Agreement as "to reduce

distortions and impediments to international trade, and taking in to account the need to promote effective and adequate protection of IPRs, and to ensure that measures and procedures to enforce IPRs do not themselves become barriers to legitimate trade."

Its Preamble identifies following need- based objectives:

The applicability of the basic principles of GATT 1994 and of relevant international IP Agreements or Conventions;
The provision of adequate standards and principles concerning the availability, scope and use of trade-related IPRs;
The provision of effective and appropriate means for the enforcement of trade-related IPRs, taking in to account differences in national legal systems;
The provision of effective and expeditious procedures for the multi-lateral prevention and settlement of disputes between governments and
Transitional arrangements aiming at the fullest participation in the results of negotiations.

TRIPS addresses five broad issues:

How basic principles of trading system and other international IP agreement should be applied?
How to give adequate protection to IP rights?
How countries should enforce those rights adequately in their own territories?
How to settle disputes on IP between WTO Members?
How to make special transitional arrangements during the period when the new system is being introduced.
The Agreement recognizes the need for multilateral framework of principles, rules and regulations dealing with international trade in counterfeit goods;

The underlying public policy objectives of national systems for the protection of IP, including developmental and technological objectives are:

The special need of the Least Developed country Members (LDCs) in respect of maximum flexibility in domestic implementation of laws and regulations in order to enable them to create a sound and viable technological base;
The importance of reducing tensions by reaching strengthened commitments to resolve disputes on TRIP issues through multilateral procedures;
To establish a mutually supportive relationship between the WTO and the world.

TRIPs Agreement came into force on January 1, 1995. It provides five years grace [transitional] period to DCs (Article 65), and eleven years to LDC's (Article 66) as to help them phase in.

Accordingly all WTO members are bound to provide IP (patent) protection latest by January 1, 2005. It, however, is worth noting that transition period allowed to DCs (including Pakistan) for implementation has expired on Jan 1, 2000.

As such non-compliance could invite disputes and litigation. And if a country fails to comply IPR obligations trade sanctions can also be imposed as Agreement is enforced through Dispute Settlement Understandings (DSU). A number of DC's have already been placed on the priority watch list of the special 301 provisions of the US Trade Act for denying IP protection or market access to US firms [Pakistan is, however, on the general watch list].

The Agreement requires Members to observe the WTO core principles - namely Most Favored

Nation and National Treatment (MFN and NT clauses), with respect to IP. Accordingly, a country cannot recognize patents on inventions by its nationals [individuals/organizations] without giving similar rights to foreign nationals for similar intellectual pursuits [Article 3]. It further shall not discriminate among nationals of different (foreign) countries [Article 4].

TRIPS Council of WTO, under Article 68, monitors the implementation of the Agreement / compliance by Member countries, besides providing consultative forum on IPRs.

The main feature of TRIPS is that it requires WTO Members to meet certain minimum standards for protection of IP (implying that TRIPS is a minimum standards Agreement, which allows Members to provide more extensive protection of IP, if they so wish). Thus Member countries can not provide lower level of protection in the areas covered under TRIPS. (They, however, are not obliged to provide a higher level of protection than what Agreement stipulates).

The Agreement recognizes, under its Article 27, patents on inventions, both products and processes, in all fields of technology. It also requires parties, under Article 42-49, to provide fair, effective judicial procedures and remedies for right holders claiming infringements.

The types of IP: Agreement covers following, distinct types of (intangible) property, for which (collective term) Intellectual Property (IP) is coined, namely:

- ✍ Copyright (and related rights): the rights of performers, producers of sound recordings and broadcasting organizations,
- ✍ Trademarks (including Service marks),
- ✍ Geographical Indications (including appellation of origin), Geographical Indications (GIs) cover place names (or words

associated with a place) used to identify products, which have a particular quality or other characteristics because they come from that place. Under the Agreement GIs are protected, as Agreement provides "indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristics of the good is essentially attributable to its GIs" (Article 22).

- ✍ Obligations (under TRIPS) only relate to GIs that are protected in their country of origin.
- ✍ Industrial Designs,
- ✍ Patents [including the Protection of new varieties of Plants (PVP)].
- ✍ Patent gives a monopoly right [to patentee] to exploit the invention for a period of 17-20 years. Once a patent is granted that patentee may give license [for the technology] to other individuals/companies.
- ✍ The Layout- designs (topographies) of Integrated Circuits and undisclosed Information (including trade secrets and test data).
- ✍ Accordingly, depending upon the type of IP, the protection can be provided e.g. books, paintings and films come under copyrights; inventions can be patented and product(s) logos can be registered as trademarks; and so on.

Inventions covered, under the Agreement, for purpose of protection must qualify following criteria:

- o they must be new,
- o must involve inventive step(s), and
- o are capable of industrial application.

In regard to the minimum standards, under the Agreement, each of the main element is defined namely:

- o subject matter to be protected,
- o the right(s) to be conferred,

- o permissible exception(s) to those right(s), and
- o the minimum duration of protection.

The Agreement sets these standards by requiring:

First, that the substantive obligations of the main Conventions of the World Intellectual Property (WIPO), the Paris Convention for the protection of Industrial property (Paris Convention- treaty administered by WIPO) and Artistic Works (Bern Convention- treaty administered by WIPO), in their most recent versions, must be complied with.

Second, with the exception of the provisions of the Bern Convention on moral rights, all the main substantive provisions of these Conventions are incorporated by reference and thus become obligations, under TRIPS, among Member countries.

With regard to patent protection, the Agreement provides that ;

- ✎ Patent protection must be available for at least twenty years.
- ✎ It must be available for both products and processes.

Article 27 further provides that "subject to provisions of paragraphs 2 and 3, patents shall be available and patent rights enjoyable without discrimination as to place of invention, the field of technology and whether the products are imported or locally produced."

Governments can, however, refuse to issue patent for an invention if its commercial exploitation is prohibited for reasons of public order i.e. Public order or morality. They can also exclude,

- a. diagnostic, therapeutic and surgical methods,

b. Plants and animals (other than microorganisms), and biological processes (other than microbiological processes) for the production of plants or animals [Article 27].

Anti-thesis: The main concerns shown by stakeholders of IP relate to following issues:

- ✎ Constructive ambiguity of TRIPS.
- ✎ TRIPS is in clear conflict with UN Convention on Biodiversity (CBD) seeking sovereign [local and indigenous] community rights to the plant genetic resources.
- ✎ TRIPS Agreement defies the rights [on PGRs] of Prior Informed Consent (PIC) and benefit- sharing, which other multilateral Agreements [CBD] ensure.
- ✎ Implementation of TRIPS [patent regime] implies access [make, use and sell] of North to genetic resources of the South- 90% of the world's biodiversity, implying corporate control of food and medicine supplies.
- ✎ Farmers in the South have to pay royalties to [gene] patentees, for reuse of seeds- TRIPS thus discourages small-scale production, sale and exchange of seed [genetic resources].
- ✎ TRIPS is a disaster in waiting, for DC's in terms of [agro] biodiversity and food security.
- ✎ Global TRIPS regime can, through tighter IPRs, displace and thus further marginalize the disadvantaged and poor farmers of the South.
- ✎ The traditional knowledge [local] indigenous communities are being used by TNCs [developed countries] to identify [specific] genes for product development- theft of centuries old knowledge.
- ✎ Patenting of products and knowledge of DC's- bio-piracy by industrialized countries.
- ✎ Patent Laws do not recognize traditional knowledge and ownership system.
- ✎ The industrialized world has failed to honor

promises under TRIPS for technical [technology transfer] and financial assistance.

- ✎ No level playing field- as the industrialized world introduced patent legislation in this field after they had reached a certain level of technological competence. They have access both to technology and capital, which most DC's lack in. From 1990-1999 some 25,000 [biotech.] patents were granted across the world. Japan and US had 74.6%, while EU had a share of 19%. The DCs had share of only 7%.
- ✎ Tighter IPR regime makes technology costly, thus blocking the prospects for industrial and technological development in DCs.
- ✎ The possible negative impact of IPRs on health care in DC's.
- ✎ The lack of clarity in criteria or rationale used to determine the exclusions in TRIPS Article 27.3(B).
- ✎ GMO's, terminator technology and plant breeders' rights- viewing GMO -a killer and anti-life technology.
- ✎ The law ignores the cultural diversity [from plant varieties to human life].
- ✎ TRIPS protects the interests of industrial lobbies of developed countries.
- ✎ Shift in research focus, rush and push of commercial interests is putting profits before people- money talks louder than need.

These concerns have compounded with expansive patents on life forms, which could be exemplified by:

- o US patent [1995], on turmeric, for healing wounds granted to two researchers of University of Mississippi. As turmeric has been used since centuries in the sub-continent, US patent on turmeric, with out benefit sharing as provided under Articles 8(j) and 15 of CBD, implies infringement of art and common knowledge [developed

and owned] of custodians of genetic resources.

- o US patent on quinoa [#5304718] granted to researchers of Colorado State University.

These controversies have bred many disputes, with following manifest signs and symptoms:

- ✎ African Group has asked for review of TRIPS.
- ✎ The 3rd World Network, Malaysia has floated a proposal for amendment of article 27.3(b) suggesting its replacement.
- ✎ Some 200 organizations from 35 nations have challenged a patent, to Multinational Corporation M/s W Grace, granting the exclusive rights for use of pesticide extract from neem seeds.

In this context, for purpose of agriculture/food & farm, the most pertinent provisions of the Agreement fall under Article 27.3 (b) as these relate to PVP, requiring Member countries to provide some form of protection for all plant [botanical] genera and species. The Article provides "Parties may exclude from perfectibility: (b) plants and animals, other than microorganisms, and essentially biological processes for the production of plants or animals, other than non-biological and microbiological processes. However, Members shall provide, for the protection of plant varieties, either by patents or by an effective sui generis System or by a combination thereof."

The mandatory review of provisions of this paragraph was due four years after the date of entry into force of the WTO Agreement.

Accordingly TRIPS Council started review process in 1999. A meeting of the Council, in this regard, was held on Nov. 27- Dec.1, 2000 with mandated review of Article 27.3 b on agenda. No progress, however, has so far been made since the time review process started.

The Article 27.3 b, of TRIPS, gives Member countries choice to opt for and design a national IPR System, which meets national/public interests, within the framework of TRIPS. Plant varieties, however, must be protected either by patents or alternatively by a special system-sui generis [such as breeder's rights provided in the Convention of International Union for Protection of new Plant Varieties-UPOV]. The Member countries also have obligations, under other pertinent International Agreements- such as UN Convention on Biological Diversity (CBD), which have close interface with TRIPS. As such, there is need for harmonization of IPRs obligations under TRIPS, with those of UPOV, CBD and other multilateral treaties on IPRs.

Counterbalancing WTO [TRIPS] regime with CBD:

The WTO and CBD both include important provisions dealing with IP. TRIPS emphasizes patents and other IPRs defined under conventional IP regimes. Until now, these rights have been primarily obtained and owned by inventors and corporations involved in the formal research sector in developed countries; indigenous and traditional knowledge has not received equivalent legal protection.

The CBD, in contrast, calls on parties in Article 15 to ensure that a share of benefits from genetic resources returns to the providers. In Article 8 (j) it requires parties to encourage the return of benefits from bio-diversity-related traditional knowledge to the indigenous and local communities that are its custodians.

The TRIPS Agreement, therefore, needs to be counterbalanced with IPRs-related provisions of CBD. Besides international forums, national institutions responsible for policy formulation can help bring the required balance. A better understanding of CBD would be rewarding in this regard.

Understanding CBD: Some of the relevant provisions of CBD (1992) are reproduced below:

Article 8: (In situ Conservation): "each party shall, as far as possible and as appropriate: [...]
(j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional life-styles relevant for the conservation and sustainable use of biological diversity and promote their wider application with approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from utilization of such knowledge, innovations and practices;

Article 15 (Access to Genetic resources):

1. Recognizing the sovereign rights of states over the natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.
2. Each contracting party shall endeavor to create conditions to facilitate access to genetic resources for environmentally sound uses by other contracting parties and not to impose restrictions that run counter to the objectives of this Convention.
3. For the purpose of this Convention, the genetic resources being provided by contracting party, as referred to in this Article and Article 16 and 19, are only those that are provided by contracting parties that are countries of origin of such resources or by the parties that have acquired the genetic resources in accordance with this Convention.
4. Access, where granted, shall be on mutually agreed terms and subject to provisions of this Article.
5. Access to genetic resources shall be

subject to Prior Informed Consent (PIC) of the contracting party providing such resources, unless otherwise determined by that party.

6. Each contracting party shall endeavor to develop and carry out scientific research based on genetic resources provided by other contracting parties with full participation of, and where possible in, such contracting parties.
7. Each contracting party shall take legislative, administrative or policy measures, as appropriate, and in accordance with Article 16 and 19 and, where necessary, through the financial mechanism established by Article 20 and 21 with the aim of sharing in a fair and equitable way the results of research and development and the benefits arising from the commercial and other utilization of genetic resources with the contracting party providing such resources. Such sharing shall be on mutually agreed terms.

Article 16. (Access to and Transfer of Technology):

1. Each Contracting Party, recognizing that technology includes biotechnology, and that both access to and transfer of technology among Contracting Parties are essential elements for the attainment of the objectives of this Convention, undertakes subject to the provisions of this Article to provide and/or facilitate access for and transfer to other Contracting Parties of technologies that are relevant to the conservation and sustainable use of biological diversity or make use of genetic resources and do not cause significant damage to the environment.
2. Access to and transfer of technology referred to in paragraph 1 above to developing countries shall be provided and/or facilitated under fair and most

favorable terms, including on concessional and preferential terms where mutually agreed, and, where necessary, in accordance with the financial mechanism established by Articles 20 and 21. In the case of technology subject to patents and other intellectual property rights, such access and transfer shall be provided on terms, which recognize and are consistent with the adequate and effective protection of intellectual property rights. The application of this paragraph shall be consistent with paragraphs 3, 4 and 5 below.

3. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, with the aim that Contracting Parties, in particular those that are developing countries, which provide genetic resources are provided access to and transfer of technology which makes use of those resources, on mutually agreed terms, including technology protected by patents and other intellectual property rights, where necessary, through the provisions of Articles 20 and 21 and in accordance with international law and consistent with paragraphs 4 and 5 below.
4. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, with the aim that the private sector facilitates access to, joint development and transfer of technology referred to in paragraph 1 above for the benefit of both governmental institutions and the private sector of developing countries and in this regard shall abide by the obligations included in paragraphs 1, 2 and 3 above.
5. Each Contracting Parties, recognizing that patents and other intellectual property rights may have an influence on the implementation of this Convention, shall cooperate in this regard subject to national legislation and international law in order to

ensure that such rights are supportive of and do not run counter to its objectives.

Compliance with Article 27 .3 (b) implies:

Members have to implement some form of IP protection for plant varieties, whether through patents or sui generis System or a combination of the two (Members have been left free to determine the appropriate method of implementing the provisions of the Agreement, within their own legal system and practice).

Nationals of other Member state(s) have the same right; as granted to nationals of the country concerned (NT clause).

Any advantage, favor, privilege or immunity granted to national of any other country has to be granted immediately and unconditionally to nationals of all other Member states (MFN clause).

A judicial procedure must be in force to permit action against any infringement of [Protected] rights.

Designing National IPR System:

Pakistan being signatory to WTO, has to comply with the TRIPs Agreement w.e.f. Jan.1, 2000. Pakistan is also party to other multinational agreements such as the Convention establishing WIPO since 1977, and the Bern Convention since 1970. This necessitates review of national IPRs policy as to re-orient and readjust to WTO regime for purpose of conformity.

According to GATT /WTO jurisprudence a domestic law is deemed to be in conformity with the international treaty unless it mandates a measure, which is repugnant to the treaty. With this in view we need to modernize and revamp National IPR System. In this context, we need to introduce PVP regulations as well.

The Guiding Principles: The International Plant Genetic resources Institute (IPGRI) has suggested following very pertinent questions, to be considered by the policy makers, before formulating a national policy on IPRs:

- ✎ What kind of domestic seed industry exists?
- ✎ What kind of public breeding sector exists?
- ✎ What kind of [seed] supply system is in place?
- ✎ To what extent is farm-saved seed used in the country?
- ✎ What is the current capacity of the breeders?
- ✎ What do the local breeders want to do in the next 5-10 years?
- ✎ Are external inputs to agriculture low or high?
- ✎ What are the country's needs and objectives?
- ✎ What is the country's biotechnological capacity?
- ✎ What are the goals and realistic expectations of biotechnology sector?
- ✎ What kind of strategic alliance(s) will the country want to enter in the next 5-10 years and how involved will other countries be?
- ✎ As indicated earlier, TRIPs identifies three types of IPR systems for genetic resources/ plant varieties protection, namely:
 - o Patenting under TRIPs,
 - o Evolving a sui generis system,
 - o Plant Varieties Protection [PVP] regime, combining both- TRIPs and Sui generis system.

The national governments in DC's have to opt for one of these three options for purpose of conformity to WTO regime. They may have to strike a balance, in this regard, matching the liberalization of trade in agriculture/genetic resources, under WTO, with local sectoral priorities as identified national development plans. In this regard we need to understand what [alternate PVP regime] sui generis system, proposed under TRIPs implies?

The sui generis is a Latin word meaning "of its own kind". In its broader meanings, it is a system specially designed for such a purpose. In a rather narrow sense the term sui generis shall imply a protection system specially designed for genetic resources/plant varieties. In this regard, one may benefit from CBD, UPOV modalities. A balance of priorities/interests, thus built-in the sui generis system, in the areas of trade development, environment and food security- sustainable trade [in agriculture/genetic resources], adjusting to socio-economic milieu of the country would be rewarding.

This, however, needs to be demonstrated by DC's that such a system is effective and is in conformity with WTO regime on IPRs.

A sustainable trade, as envisioned above, could be defined as one, which generates economic value, helps alleviate poverty, reduces inequality, regenerate environmental resources and sustain development. We also need to appreciate that trade, in food and farm products, has a close nexus with biodiversity & environment and food securities of local communities.

In this context IUCN (International Union of Conservation) views that some types of trade, in general, impacts biodiversity [environment and food security]. Such an impact, they maintain, depends on the product traded, the method of production, the mode of transport and other factors. Accordingly, international obligations under CBD guide the parties to this effect.

It provides: "Each contracting party shall, as far as possible and appropriate, in particular for the purpose of Article 8 [in-situ conservation] to 10 [sustainable use of components of biodiversity].

Identify processes and categories of activities which have or likely to have significant adverse impact on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques"[Article 7].

Synergistic integration of CBD obligations with that of TRIPs, therefore, may help bring the required balance; and thus meeting the cherished objective of sustainable development in this area. We need to explore, at first instance, opportunities/options available for striking the required balance, under CBD in comparison to TRIPs or other alternative(s) available, for the purpose of Plant Varieties Protection (PVP).

National IPR Regime and [sustainable] Agriculture:

The impact of new [international] trade paradigm-WTO regime, seeking liberalization of trade in genetic [Agro-food] resources on sustainable [agricultural] development of DC's [like Pakistan] shall primarily depend on:

- ✍ The nature of agricultural economy,
- ✍ The extent to which trade [liberalization] and agricultural development is integrated.

In general, an access to genetic resources, under TRIPs, may have long-term [socio-economic] implications for both sustainable agriculture and thereby for [livelihood of] custodians of natural resources- the small farmers.

A lopsided policy environment can, therefore, compromise rights of farmers and/or interest of commercial sector. It can also impact the process of [bio] technological development so vital for both agricultural and national development. For instance, non-protection of plant varieties can lead to erosion of genetic

treasure and agro-biodiversity. On the other hand restrictions on commercial sector (a non-patent regime) can impact international trade related to biotechnology-international technology transactions, and mobilization of scientific knowledge.

There is, therefore, immediate need to strike a balance while formulating national policies governing IPR, aimed to represent local needs and simultaneously further socio-economic development through mobilization of knowledge and stimulation of innovative [bio] technological development in the country.

In this context following are some relevant provisions under the Agreement:

"Members shall give effect to the provisions of this Agreement. Members may, but shall not be obliged to implement in their law more extensive protection than is required by this Agreement, provided that such protection does not contravene the provisions of the Agreement. Members shall be free to determine the appropriate method of implementing the provisions of this Agreement within their own legal system and practice"(Article 1).

Recognizing the underlying public policy objectives developmental and technological objectives" (Preamble).

"Protection and enforcement of IPRs should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations" (Article 7).

Members may, in formulating or amending their laws and regulations, adopt measures necessary to protect public health and nutrition, and to promote public interest in sectors of vital

importance to their socio-economic and technological development, provided that such measures are consistent with the provisions of this Agreement" (Article 8).

"Members may exclude from patentability inventions, the prevention with in the territory of the commercial exploitation of which is necessary to protect public order or morality, including to protect human, animal or plant life or health." (Article 27.2)

These provisions become pertinent to our national cause, keeping in view the vital importance of agriculture sector to our economy, nutritional health and socio-economic development; and the need for sound [bio] technological base as to underpin agro-industrial development.

As such, these provisions imply flexibility, within TRIPS framework, to match [Agri.] developmental and [bio] technological objectives with the international obligation(s); and carve out strategy which suits best the national [public] interests. Further, the need identified- Preamble " recognizing also the special needs... to create a sound and viable technological base" for LDCs can also be extrapolated to the advantage of DC's while developing national IPR regime, identifying development of sound technological base as one of the national policy goals. Such a tailor-made National IPR System can, therefore, cater best to national technological, corporate and farming sectors yet honoring the international commitments.

Pakistan " Patent Ordinance 2000" and PVP:

Patent Ordinance promulgated on December 2, 2000 to amend and consolidate the law relating to the protection of inventions provides under Section 7.4 " Patents shall not be granted:(b) for animals or plants other than microorganisms and essentially biological processes for the

production of animals or plants, but this prohibition shall not apply to microbiological processes or products or products of such processes; and for diagnostic and surgical methods for the treatment of humans or animal"

This implies that Pakistan has excluded from patentability plant and animals under TRIPS opting for provision of a sui generis system or alternatively for PVP regime combining both sui generis and TRIPS as provided under Article 27.3(b).

With this option in view a log-frame for National IPR System, in the light of contemporary national IPR regimes, for PGRs is proposed below:

Guiding principles: in this regard need to be built-in are:

- ✎ Conformity with TRIPS.
- ✎ Development of sui generis System
- ✎ Counterbalancing TRIPS with CBD [within its framework]
- ✎ Establishment of [local] Central Registry
- ✎ Protection of traditional [local/indigenous] knowledge
- ✎ Food and livelihood security of custodian communities
- ✎ Documentation [protection] of national gene pool
- ✎ Risk assessment
- ✎ Safeguards against GMO's
- ✎ Strengthening of [bio-tech] research capacity
- ✎ Conservation [preservation] and [sustainable] development of genetic resources
- ✎ Integration of environmental, agricultural and trade development [plans]
- ✎ Sustainable development [trade in genetic resources]
- ✎ Free but fair [shared] access to PGR's
- ✎ Mobilization of Communities [breeders]
- ✎ Prior Informed Consent [PIC]

- ✎ Benefit-sharing
- ✎ Technology transfer
- ✎ Mobilization of knowledge
- ✎ Investment in genetic resource development
- ✎ Technical and financial assistance [TRIPS provision] by industrialized world

A case-study: Basmati Rice

Basmati rice is a long-grained aromatic rice variety cultivated in areas of Northern India and Pakistan. Basmati is exported to North America and Europe and commands better price on account of its high quality. Two corporations in France and the US have been actively appropriating the high reputation of Basmati rice and are in this way threatening a lucrative market for India and Pakistan.

A food company called Establishments Haudecoeur La Courneuve has been granted two French trademarks using the word "Basmati": 'Riz Long Basmati' and 'Riz Long Basmati Riz du Monde' (Economic Times 1998), and a US company called Rice Tec has for several years been selling rice in the US and the Middle East under the name 'Texmati' (Dasgupta 1996). Although this has caused great irritation in India, the germplasm was freely and legally acquired by Rice Tec from the International Rice Research Institute (IRRI) in the Philippines (CSE 1996) prior to the entry into force of the CBD.⁸ Neither Rice Tec or Establishments Haudecoeur La Courneuve have any benefit-sharing obligations to India and Pakistan under the terms of the CBD (even if the US were a Party).

Further outrage in India and Pakistan was provoked when it was revealed in early 1998 that Rice Tec had been awarded a US patent entitled Basmati Lines and Grains. Among the various claims are for 'novel rice lines, whose plants are semi-dwarf in stature, substantially photo-period insensitive, high yielding and

produce rice grains comprising characteristics and qualities similar or superior to those of good quality Basmati rice grains produced in India and Pakistan.'

The Indian and Pakistani governments are considering how to protect an export market upon which many thousands of farmers depend. They could appeal to the US Patent and Trademark Office to revoke the patent on the basis that the "invention" described in the patent is spurious, or try to make use of the TRIPS provisions on geographical indications to have the trademarks revoked on the grounds that they are misleading to consumers and/or harmful to the reputation of Basmati rice. Initially, India raised the possibility of challenging the marketing of US produced

"Basmati" rice as a violation of TRIPS.

However, TRIPS does not require a member to protect geographical indications unless they

are protected in their country of origin (Article 24.9). But once India and Pakistan have passed an appropriate law, retrospective action becomes possible to prevent firms in other countries marketing rice grown outside the Indian subcontinent as Basmati. However, India and Pakistan still have much to gain from taking prompt legislative measures, because a geographical indication system can have retrospective effect.

For example, Cypriot rivals to the sherry producers of the Jerez region of Southern Spain were for many years allowed to call their product 'Cyprus Sherry' (sherry being an English corruption of Jerez). Now the same product must be labeled as 'Cyprus Fortified Wine' if producers wish to export it to EC countries.

Movement of the Farmer Women of the Kunhar Valley (Kaghan)

Syed Azim*

Life was on its usual course in Baidian,, a hamlet, ten kilometers from Balakot. Hardworking farmer women were busy in their fields. All of a sudden a woman blew a whistle. That filled the entire 6-mile long valley with the sounds of whistles. It was a strange sight. Whistling was going on all around. In a jiffy, the women surrounded 22 police officials and many armed goondas. A sea of women had gathered there. The police people asked for forgiveness. The women charged the police with illegally dislodging them from their lands. The women had snatched the police official's caps. The police asked to be forgiven and promised to never again come to displace them. The women had won the battle after a lot of preparation. Evictions were imminent since long. So it was decided that the moment a woman happens to see a policeman, she would blow a whistle. The next woman who hears the sound would blow her own whistle. Alerted by the sound, women of the valley would get together. Women composed songs on this incident and took out a procession in which they sang songs. Master Anwar-ul-Bashar related this story in a very happy mood while playing with his white beard.

In our society women are considered very weak. To me the incident appeared to be a part of a fiction. Anwar-ul-Bashar continued with his story. "After this incident there was a function to celebrate the victory. I presented a knife to the first whistle blower besides ten rupees. I also promised to get a pistol for the woman from the Working Farmers Party. I could not fulfill this promise."

On listening to the narrative the scribe was reminded of an incident that took place at the Party office on 13 Fane Road. When Master Anwar gave the knife to Saadia Toor he recommended that she always kept the knife in her purse. She looked askance at the scribe and Aamer Butt. There was mischief in her

*Translated by Majid Raza

eyes. We used to tease Saadia Toor. Now she was armed. Saadia Toor, Aamer Butt, Taimoor and the scribe joined the Communist Mazdoor Kisan Party at more or less at the same time. The party is now known as the Pakistan Mazdoor Kisan Party (PMKP). Often there used to be discussion on Saadia Toor's views on the rights of women. Women who joined the party were given knives by Anwar-ul-Bashar. He had distributed 3000 knives among women. He explained that often men threaten the women because they are weak and unarmed. He had declared that a woman who distributed 100 knives would be provided a licensed pistol by him.

It is a fundamental element of the farmer's movement in Kaghan that not only the women but the farmers too should be armed. The valley of Kaghan has very fertile land and grazing grounds. Tribal people come here from far and wide for the grazing of their cattle. Besides grazing, there is intensive cultivation of potatoes and peas. Because of the fertility and beauty of this valley, a saying is current among the farmers:

"When alive, Kaghan When dead, faith"

Story of the struggle of the women of Kunhar valley (Kaghan) is a story of the 1970's. Red flag flew over one-third of the world. The morale was at its peak. Under the PMKP banner the farmers took up the struggle for gaining land in Hashtnagar area. In no time the struggle expanded to the northern areas of Punjab.

Farmers of the Kaghan valley became conscious of the struggle and the benefits accruing from it. PMKP was aware of the development. When the party dispatched Sher Ali Bacha to Mandri the place was guarded by Muzammil Shah and other land owners. There was an attempt at the life of Sher Ali Bacha. He escaped because of timely information. After

this, Prof. Zafar Ali Khan and Prof and Mrs. Anis Alam were sent by the party in the garb of tourists. They had contacts with the farmers. First time, four farmers and the second time, a delegation of 25 farmers visited Hashtnagar and gained knowledge from the experience of the farmers there. It was decided that the farmers should all be organized and armed. All farmers were told to carry axes. Non-compliance resulted in fines by the Farmers Committee. According to Anwarul Bashar, awareness about the farmers movement first came to a Gujar farmer Babu Mian who happened to have an illustrated Chinese booklet titled "Women's Red Army". He faced many cases of eviction. He prepared the women for struggle as described in the booklet. Two farmers were killed in the first engagement. The land owners had fired on them. Farmer women were in the lead in the next battle which took place at village Phagal located 6 kilometers from Kaghan Garan. The women made the police officials run for their lives. They were not supported by men. The people had decided that the men would join the only if the things go out of hand of the women's control.

A strong contingent of police accompanied by a magistrate was called to the place. Police fired thousands of rounds but the farmer women stuck to their positions. The magistrate got injured. The police used dummy grenades to scare the women. The grenades were like bombs to the women but they did not withdraw; rather the police was made to run.

Struggle of the farmer women had lifted the morale of the farmers in general. Besides resisting land evictions they took up the cause of bringing to an end all types of feudatory holdings. Mian Saleem Jehangir's song composed for the farmers of Hashtnagar was adopted by the farmers of Kaghan.

*Rise, brave farmer of Kaghan
Make an assault and charge the world around*

*Whether green or white
You are the master of Kaghan
Unite like the grains of a maize cob
Fear has no place in your heart
New robbers and old thieves
Rid your crops of all of them
Rise and shake the place around
Demolish the forts of oppression
Forget about the false friendships
Give your loyalty to Hashtnagar*

Then there was a strange engagement farther from Balakot at Dher Bharasi. Farmer women were in high spirits. It was learnt that the feudal lords were felling the trees in the jungle. It was certainly illegal. The farmers knew that the jungle was a blessing for them. The feudal lords were expected to purchase arms from the ill-gotten money, besides buying lawyers and courts. Why should they not put a stop to the illegal activity? Women took up the cause. Firing of arms continued for six hours but the women did not give up the occupation of the jungle thereby saving it.

Master Anwar-ul-Bashar is grateful to the farmers of Hashtnagar. Farmers of Kaghan learnt from them about how to fight and snatch what is theirs and thus to become secure. Another claim of the Master is startling. He says that it is true that we learnt a lot from the farmer movement of Hashtnagar. The concept of the women's struggle in Kaghan was learnt by the farmers of Hashtnagar. Its application took the form of the farmer movement three years ago. The scribe remembers when recently the farmer movement of Hashtnagar started, the police and Frontier Constabulary contingents, after retreating from Khazan Kili, suddenly attacked the village Sangapur. The force knew that the men-folk were busy in Khazan Kili. Seeing the situation, a woman shouted and collected the women of the village. The women lighted a blanket and threw it over the tractor meant for eviction. The tractor burnt down. The women then damaged the armoured

vehicle of the police. The policemen had to take to their heels. Seven false cases were initiated against the chairman of the central PMKP before an anti-terrorism court. A total of 800 farmers faced such charges. The scribe would like to add here that women like Zarshi of Hashtnagar fought alongside the men. They supplied arms and ammunition to the farmers. It may not be out of place to say that the role of women in the farmer movement of Hashtnagar and Kaghan as also Tenants Society of Punjab and the movement of the dwellers of temporary tenements will be written in golden letters.

That is all very right, but are there any political and economic benefits of the movement of the farmers? Anwar-ul-Bashar provides us with an answer. There are splendid results accruing from the movement. The farmer is better off. The farmers were successful in holding their lands. Income from their holdings enabled them to buy more lands. Those who did not own an adobe house now owned brick houses. They were enabled to possess means of conveyance and other comforts of life. They had shaken off the hands which exploited them. Among the political gains is the chairmanship of the small Kaghan Union Council. They often controlled the district council. Sardar Yusuf was elected to the National Assembly on the platform of the farmers. The farmers are united and once in a while there is an expression of their unity and struggle. They launched a movement against the court decision that agricultural reforms are un-Islamic. They refused to accept the court verdict. Ten farmers were killed in this movement.

Now again the valley of Kunhar (Kaghan) is at the verge of catching flames of rebellion. The story runs like this. Farmers were successful in the period of Bhutto's agricultural reforms to maintain their occupation over 100000 acres of land. The Supreme Court also confirmed the occupation. Nawaz Sharif declared that the land would be distributed among the farmers. This was due to his personal differences with Akhtar Shah. General Salahuddin of Pak Army

aborted the plan as he had sympathies with the feudal lords. The farmers are not ready to relinquish their occupation at any cost. Success of the PMKP in the farmer movement three years ago is their guiding light. They are aware of the temporary setback which the Farmers Society of Punjab suffered when it was hijacked by an NGO. The PMKP is aware of the responsibility of once again helping the farmers of Kaghan.

*Who again is asking for our sacrifices?
We are resting after winning the battle*

Anti-Terrorism Courts

Are the labourers and farmers terrorists?
Punishment to Amir Shah and Comrades
New Wave of Government Excesses Against
Pakistan Mazdoor Kisan Party

With the support of the Government agencies and the police, the Khans and feudal lords of Hashtnagar tried to eject the farmers from their lands three years ago. The farmers' struggle has been commendable. The PMKP gave full support to the farmers. Hundreds of cases under anti-terrorism act were framed against 800 farmers and party workers. About seven cases of terrorism were instituted against Afzal Khamosh, the central party chairman. Similar cases were filed against Amir Shah and his companions in connection with their struggle in the area of Janokai. Anti-terrorism Court sentenced Amir Shah and his ten companions to a total of 50 years of imprisonment and a fine of 50,000 rupees. If the Government continues with such cases and punishments,, it can engender a strong movement against it. About 800 farmers have been involved in these cases. Clear purpose of the punishments is to detract the farmers from their justifiable struggle. The PMKP condemns these decisions. If the Government did not abrogate such cases and the punishment, the Party will then support the farmers in direct action.

Tolerance of Islam

*Sheikh Muhammad Ibn Ibrahim Al-Tuwayjri**

Islam provides many human rights for the individual. The following are some examples that prove that Islam is a religion of justice.

The life and property of an individual in an Islamic state are considered sacred, regardless to his religion. Islam also protects honor. So, in Islam, insulting others or humiliating them is prohibited. The Prophet Mohammad (PBUH) said:

{Truly your blood, your property, and your honor are inviolable}

Racism is not allowed in Islam, for the Quran speaks of human equality in the following terms:

{O mankind, We have created you from a male and a female and have made you into nations and tribes for you to know one another. Truly, the noblest of you with God is the most pious- Truly, God is All-Knowing, All-Aware. } (Quran, 49:13)

Islam rejects certain individuals or nations being favored because of their wealth, power, or race. God created human beings as equals, what distinguishes one from another is faith and piety. The Prophet Mohammad (PBUH) said:

{O people! Your God is one and your forefather (Adam) is one. An Arab is not better than a non-Arab and a non-Arab is not better than an Arab, and a red (i.e. white tinged with red) person is not better than a black person and a black person is not better than a red person, except in piety.}

One of the major problems facing mankind nowadays is racism. The developed world can send a man to the moon but cannot stop man from torturing, killing, or humiliating another man. Ever since the days of the Prophet Muhammad, Islam has showed us different ways by which racism can be ended. The annual pilgrimage (Hajj) to Makkah shows the

*Final part of the two-part sequel

real Islamic brotherhood of all races and nations, when about two million Muslims from all over the world came to Makkah to perform the pilgrimage.

Islam is a religion of justice. God has said: (Truly God commands you to give back trusts to those to whom they are due, and when you judge between people, to judge with justice....) (Quran, 4:58)

And He has said: And act justly. Truly, God loves those who are just. (Quran, 49:9)

We, Moslems, should be just even with those we hate and those who haven't been fair to us, as God has said:

And let not the hatred of others make you avoid justice. Be just: that is nearer to piety.... (Quran, 5:8)

The Prophet Muhammad (PBUH) said: {People, beware of injustice, for injustice shall be darkness on the Day of Judgment.}

And those who have not gotten their rights in this life will receive them on the Day of Judgment, as the Prophet Mohammad (PBUH) said:

{On the Day of Judgment, rights will be given to those to whom they are due (and wrongs will be redressed)...}

Human Rights in Islam

This is an extract from the book 'Islam and World of Peace, An explanation of a Sufi', by M. R. Bawa Muhaiyaddeen.

It is important in this present day that the children of Adam clearly understand the true meaning of Islam.

We must know the value of its purity, of its peacefulness, its unity, its sincerity, its honesty, and the value of its conscience and justice and truth. We must know the greatness of Allah who rules over all this, and we must find tranquility in our lives, so that we will be able to guide others toward peacefulness.

To all those who have accepted Allah and His Messenger, Mohammad (PBUH), with perfect faith, certitude, and determination before we can bring peace to all lives, before we can eliminate poverty, suffering, illusion, and disease in the world, before we can come to love every life as we do our own, we must first understand the value of absolute faith.

To have determined faith in Allah, the Almighty Lord, to know Him, to pray to Him, to believe with complete certitude in His messengers, prophets, and angels, to carry out the commandments sent through them, to bring into our actions His gracious qualities and His ninety-nine attributes, and to dedicate our lives to His worship - this is the true meaning of Islam.

Islam is equality, peacefulness, and unity. Islam is inner patience, contentment, trust in Allah, and praise of Allah. One who understands this and puts it into practice will be a true believer; he will know Allah and His commandments and practice the explanations given through His revelations.

We who claim to be in Islam must destroy all the evil qualities that arise within us. We must cut away and discard all that God discarded from Himself, all the differences that separate us from Him. We must remove all the thoughts that disrupt the unity of Adam's children, the unity of Islam. We must fight against the separations that grow within our bodies, sucking our blood like animals and demons.

With the wealth of God's grace and with the help of His messengers, we must wage a holy war against every one of the four hundred trillion,

ten thousand evil qualities that come to destroy our good qualities. This holy war, this jihad, is not something that can be fought on the outside; our real enemies have been within us from birth. Our own evil qualities are killing us. They are the enemies that must be conquered. We must control and subdue them and keep them in their place. We must show these animal qualities their true master, That is the way of Islam.

Allah's perfectly pure qualities, His ninety-nine attributes, and His gracious qualities have all been gathered together with His love and made into the treasure of Iman-Islam. Allah has given this gift of Iman-Islam to the true believers, to those who have absolute faith, certitude, and trust. He has given this gift to the children of Adam so that they might receive the wealth of Allah's kingdom and live a life filled with peacefulness. He gave this gift in abundance to the prophets, so that they could help man to free himself from his enslavement to earth, gold, sensual pleasures, desires, thoughts, and attachments. And yet man is suffering and can find no freedom; he is a slave to so many things. He has no peace, tranquility, equality, or love. The children of Adam must release themselves from the bondage of this suffering.

If only man could acquire the wealth of Allah's love and integrity, the wealth of His beautiful laws, then he would never lack anything. That wealth is pure; it is the purity of Islam. If man had such inner wealth, he would never meet with destruction in this world or in the hereafter. He would be beautiful in both worlds. Allah has asked mankind to accept this, to find freedom, and to raise the flag of unity on the tree of love.

People with strong faith know that it is important to clear their own hearts, while those with unsteady faith seek to find fault in the hearts and prayers of others. This becomes a habit in their lives. But those who pray to Allah with faith, determination, and certitude know that the most important thing in life is to surrender their hearts to Allah. If the pond of the heart is full, then all

creations can come and partake of its clear water. If it is shallow, then all those who come will stir up the mud and have nothing but dirty water to drink.

A fruit can only give the taste that it has within itself. In the same way, the children of Adam can only give what they have within themselves. If we have wisdom, others with wisdom will recognize that taste. If we have sweetness in our hearts, we will recognize that taste in others. If we can find truth, patience, and tranquility deep in our hearts, if we can find Allah and His Messenger there, and if we can find unity among ourselves, then we will be truly exalted people. Unity, compassion, and truth are Islam. Let us realize this and live accordingly.

Let us constantly strengthen our faith, certitude, and determination. We must unite and live as one race, accepting that there is one God and praying together as one family in one gathering. This is the wealth of Iman-Islam. God sent this gift to each of the prophets and finally gave it in completeness to Prophet Mohammad (PBUH). The fundamental explanations of perfect faith were resonated to God's messengers, and they in turn shared them with mankind in the scriptures, in the traditions of the Prophet (PBUH), and in the Qur'an. There are very deep meanings to be found in these.

Islam and World of peace

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What does Islam say about Drugs?

Why are drugs, intoxicants so, awful, foul and vile in Islam?

Prophet Mohammad (PBUH) has described drugs together with all sorts of intoxicants as:

1. The key to all evils.
2. The head of all errors and lapses.
3. The most terrible of major sins.
4. The mother of all atrocities.
5. The mother of all evils.

Let us look at what the scholars have said regarding the effects of drugs:

Ibn Hajar Al-Makki narrates from some scholars

that they are 120 harmful things occur by the consumption of drugs Not 10, not 20, but 120.

Also Ibn Sina said that large amounts of it dries up semen (The fluid that carries sperm thus rendering him incapable of passion in sexual intercourse).

Ibn-ul-Bitaar says: A group of people used it (drugs) and they became mentally deranged (insane)

Imaam Zarakhshiee narrates in his book upon the prohibition of Hashish (Cocaine) from Zakariyah Razei, a famous doctor, that consuming hashish causes headaches, desiccates semen, brings about confusion, Neurosis, dries up all body fluids which could cause sudden death. Also it defects the mind, induces hectic fever, and tuberculosis.

Ibn Taymiyyah (a renowned scholar) says: All the faults, blemishes, bad things in khamr (wine) are present in hashish and more. Because the majority of faults in khamr is sinful, but hashish is both sinful and harmful to the body.

"Khamr" comes from the root word "Khamara" which means "to cover." Thus anything that covers or hinders the mind is prohibited. This includes anything that alters the mind, such as marijuana, heroin, cocaine, Hashish and anything else that affects the mind.

Allah says:

"O You who believe, intoxicants, gambling, and the altars of idols, and the games of chance are abominations of the devil; you shall avoid them, that you may succeed." Qur'an (5:90)

Allah also says:

"They ask you about intoxicants and gambling: say, "In them there is a gross sin, and some

benefits for the people, (alcohol in medicine for example, cocaine in anesthesia and pain medications) But their sinfulness far outweighs their benefit " Qur'an (2:219)

Islam is a religion that respects and protects faith, life, property (ownership) and the mind (intoxicants, among which is drugs). Normally in the brain there is an inhibitory control which tells us not to engage in shameful or wrongful acts. Any suppressant drug will suppress this nerve pathways and take away such restraint. Ability to make a judgement, to protect the body or honor, a quality for humans is taken away under as a result of drugs.

Allah says:

"O you who believe! Approach not prayers, with a mind befogged, until you can understand all that you say." Qur'an (4:43)

Allah also says:

"O you who believe! Intoxicants and gambling, (dedication of) stones, and (divinations by) arrows, are an abomination of Satan's handiwork: Avoid such (abomination) that you may prosper." Qur'an (5:93)

"Satan's plan is to sow enmity and hatred among you with intoxicants and gambling, and to hinder you from the remembrance of Allah and from prayer. Will you not then give up." Qur'an (5:93)

No easy solution can be offered to solve the problem of drugs. For it is a multifactor problem and each aspect should be addressed individually, and seriously, both by the government and by the public. While the total ban on production, import and export is the ideal solution to create a drug free society, by experience it is difficult to achieve unless strict laws are made and enforced on drug producers, traffickers and offenders, a law, that sees

distinction between the helpless victim and a powerful drug Lord.

Islam provides us Muslims with such laws to protect our morality and health. While we are trying to do these, we in the mean time should pay more attention to the needs of the victim (the one who takes drugs) by the education of

the masses, social workers, law enforcements agencies and the physicians at the same time developing treatment. However this requires motivation and commitment from all of us. It is beyond the dignity of a human being to become dependent on drugs be incapable of serving himself.

A Study on Child Labour: Causes, Consequences and Rehabilitation Strategies

**Robina Qamar & Amra Khan*

The purpose of present research work was to find out causes and consequences of child labour and to study different rehabilitation strategies being used. A sample of 75 children, (45 boys and 30 girls) was recruited from four rehabilitation centers, including 25 children each from National Centre for Rehabilitation of Child Labour (NCRCL) run by Pakistan Bait-ul-Mal and Zindigi Trust Child Labour School, 22 children from Non-formal education and skill training center run by The Working Women Association of Pakistan and three children from Edhi Home, Islamabad. The focus of these schools is upon rehabilitation of working children through education and skill development. Age range of respondents was 8-18 years. A semi structured questionnaire was developed to get detailed information from the child workers, parents and institutional heads. In-depth interviews were carried out to collect basic information, such as age, occupation, schooling, income, educational attainment, reason for illiteracy and reasons for leaving school, family income, working hours, working conditions and health etc. The findings of research reveal that child labour is basically due to poverty, large family size, unemployment of adult family members, lack of schooling opportunities etc. Desperate families are forced to use children in order to supplement household incomes.

Child labour as an issue has a linkage with the attitude and behavior of the society. Its causes are multiple and, historically, originate from human culture and the socio-economic life of the people. Poverty, being the major factor, pushes the have-not families to send their children to work instead of providing them an opportunity to develop their talents in schools by fully enjoying their childhood in the process of acquiring education. Social exclusion of such children deprives them of an affectionate home climate, care and attention, so necessary for their moral, spiritual and intellectual growth. The current research work was designed to highlight the efforts of different

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governmental and non-governmental organizations for the prevention, withdrawal and rehabilitation of child labour. It is a study of different rehabilitation strategies followed by these organizations in their child labour rehabilitation centers/schools.

The issue of child labour is a global phenomenon now a days. Notionally the term is understood as a labour put in by an underage child in an exploitative situation. Child labour in Pakistan is not just an individual issue that we seek to criticize but is a social problem that affects all of us. Child Labour deprives adult heads of families of decent jobs. It deprives businesses of trusting relationship with their employees. It deprives nation of its sense of morality. And most importantly, it deprives children of their freedom, their education, growth and development, and sometimes even their lives.

The Constitution of Islamic Republic of Pakistan states: *No child below the age of fourteen, shall be engaged in any factory or mine or in any other hazardous employment.* "Also, " *All forms of forced labour and traffic in human beings is prohibited.*" A number of national laws contain provisions prohibiting child labour or regulating the working conditions of child and adolescent workers.

There is no universally accepted definition of "child labour". Varying definitions of the term are used by international organizations, non-governmental organizations, trade unions and other interest groups. International Conventions adopted by the United Nations and the International Labour Organization define "child" as *anyone below the age of 18, and "child labour" as some type of work performed by children below age 18. And yet ILO Conventions variously define the appropriate minimum age of work as age 15 or under 14 in developing nations; while, in Convention 182, the definition of the 'worst' forms of work applies to all children under age*

18. International organizations such as UNICEF, and some social scientists make a distinction between "child work" (not objectionable) and "child labour" (objectionable).

International Conventions also define "child labour" as activities such as pornography, drug-trafficking and prostitution. These definitions may not be applicable for countries like Pakistan, where these activities are crimes and even adults are not allowed to engage in such professions.

There are a number of industries in which children work in large numbers such as export industries e.g. soccer ball stitching, carpet weaving and surgical instrument manufacturing. Children are also working in brick kilns, in auto repair shops, in mines, in coastal areas on fishing boats, as domestic servants, as farm laborers, and in hotels and restaurants. More damagingly, they are working as child beggars and sometimes as couriers for illegal work and activities. It is a matter of great concern about the conditions in which these children work. Indeed the wages are pitiable and hours are long. Workers rights or job benefits are largely unheard of. Safety standards do not exist or not enforced. While bonded labours in the sense of children chained to their workstations is not typically found, children are sometimes bound to their work through debt servitude.

Fayyazuddin et al (1998) reported that the majority of Pakistan's children work as non-wage earners. However, there is also a sizeable number that works for wages, which is the most dramatic form of exploitation of children. These children could be categorized as those that work as part of a family labour force, and those who work as individual waged workers. Usually young children and girls work as part of a family group. This kind of activity may involve work such as the whole family hired to make carpets,

or to manufacture bricks. Such families rely a great deal on children's labour; and consider indispensable the help of children as helpers. In many craft enterprises such as tailoring and many times female domestic servants, sweepers, gardeners, or washer men can be seen taking their sons or daughters as assistants. Children also work in the urban areas. Many of them typically are migrants in search of employment. Some children travel with adults, but many travel alone. These children are involved in time-intensive work in running errands, fetching and carrying, looking after goods for short periods, and marketing the goods. The working children in the urban sector do paid establishments, metal workshops, motor vehicle workshops, cycle repair shops, printing presses, shops, or mines. Sometimes they also perform unpaid work at these places or for their kin at home.

Objectives of the Study

Main objectives of the research study were: -

- a) To find out the causes and consequences of child labour.
- b) To study child labour rehabilitation strategies adopted by different organizations involved in child labour rehabilitation

Definitions

There is no universally accepted definition of "child labour". Varying definitions of the term are used by international organizations, non-governmental organizations, trade unions and other interest groups.

A Child

International Conventions adopted by the United Nations and the International Labour Organization define "child" as anyone below the age of 18.

Child Labour

1. International Conventions define "child labour" as some type of work performed by children below age 18. It may involve such activities as pornography; drug-trafficking and prostitution.

Sample

A simple random sample of 75 children was selected for this study including 45 boys and 30 girls taken from four rehabilitation centers. 25 children each were taken from National Centre for Rehabilitation of Child Labour (NCRCL) and Zindigi Trust Child Labour School, 22 children from Non-formal education and skill training center run by The Working Women Association of Pakistan and three children from Edhi Home, Islamabad. Age range of the working children interviewed was 8- 18 years. Parents of some children and institutional heads were also interviewed to get some information about effectiveness of rehabilitation strategies being used.

Instrument

A semi structured questionnaire was developed to get detailed information from the child workers, parents and institutional heads. The questionnaire consisted of 32 questions designed to get in-depth information about causes and consequences of child labour.

Results and Discussion

The purpose of this study was to find out the causes and consequences of child labour and to highlight the efforts of different child labour centers regarding the prevention, withdrawal, and rehabilitation of child labour.

Personal Information of Respondents

Table 1: Age distribution of respondents

Age in years	Boys	Girls	Percentage
5-8	02	-	2.66%
9-11	29	04	44%
12-15	14	14	37.33%
16-18	-	12	16%

A closer look at the results reveal that more boys than girls work at the ages of 9-11 whereas at the age of 12- 15 the ratio of boys and girls working is equal. However these findings cannot be generalized to predict the general trend in the community as the sample for this study was taken from four rehabilitation centers only and the ratio of boys was larger as compared to girls.

Majority of adult family members of working children i.e. almost 55 percent were engaged in different kind of jobs such as fruit sellers, cobblers, cook, drivers, Mali, vendors, etc . While almost 27 percent were laborers and 11 percent are Government Servants. 5.33 percent were involved in domestic help. 1.33 percent were beggars and 1.33 percent were farmers.

Figure 1: Nature of Respondent's work

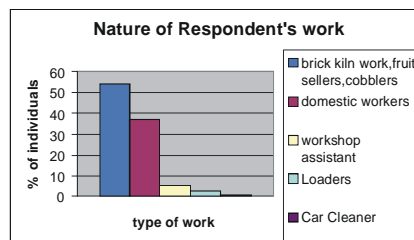
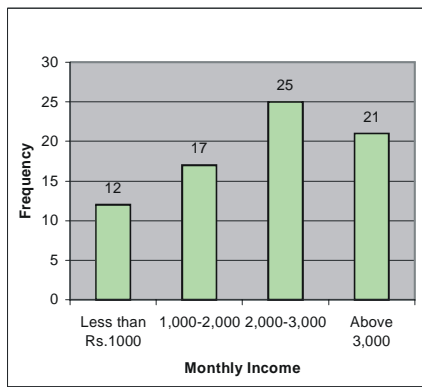


Figure 1 reveals that 54 percent children were doing miscellaneous jobs such as workers in brick kiln, fruit sellers, cobblers etc. While 37

percent (all girls) were working as child domestic workers /Housemaids, 5 percent children were working automobile workshops as workshop assistant, and 3 percent were loader in brick kiln industry. Only 1 percent worked as car cleaner.

Figure 2: Monthly Income of Respondents' Families



The findings of research reveal that child labour is basically due to poverty, large family size, unemployment of adult family members, lack of schooling opportunities etc. Desperate families are forced to use children in order to supplement household incomes. These results are supported by previous studies (GhulamShabir Tunio, 1992) in the area.

Health and Safety

Table 2: Incidence of Injury at Workplace

Incidence of injury	Percentage
Yes	94.66%
No	5.33%

The results reveal that injuries were mostly from cuts, burns, falling objects, use of dangerous equipment, cuts from broken glass, sharp objects, exposure to infectious diseases, flying

sparks and hot metal objects, eye and ear injuries etc. Although the government of Pakistan in the year 2001 ratified ILO Convention 182 on "Worst Forms of Child Labour," thus joining the global campaign to eradicate hazardous and intolerable forms of children's work, these results are a matter of grave concern.

Table 3: Treatment of Illness/Injury of respondents

Treatment of illness	Percentage
Did not need any medical treatment	6.66%
Medically treated	88%
Hospitalized	2.66%
Other, please specify	2.66%

The results of above table indicate that in addition to education training, health services need to be provided with intensive counseling, a safe environment and requisite legal aid. Many institutions run by NGOs and Government departments offer professional services from social workers and other relevant specialists.

Table 4: Payment of Fees for Medical Treatment of respondents

Who paid the fees	Percentage
Employer	9.33
Parents/Guardian	62.66
Self	1.33
Free	14.66
Other (specify)	12

Table 4 depicts that mostly parents /guardian of children paid the fees for medical treatment of illness/injuries, and they constitute almost 63 percent of the total sample size. Few children were treated at government hospital.

Table 5: Experience of Physical, verbal Abuse by respondents

Experience of Abuse	Girls	Boys	Percentage
Verbal abuse	21	15	48
Physical & verbal abuse	03	10	17.33
No abuse	06	20	34.66

Table 5 shows that altogether 65% child workers face verbal and physical abuse at work place which is a serious threat to their physical and psychological health. Different forms of Child Abuse include Physical Abuse, Sexual Abuse, Emotional Abuse, Neglect, Indulgence, and Psychological Damage. Exploitation and abuse of children follows, in addition to the long-term effects such as increasing poverty, and an increase in unskilled labour that leaves the country in an even weaker position to compete in international markets.

Perception of Parents/Guardians Or Other Relative With Whom The Working Child usually Reside

Table 6: Parent's Opinion about Child Labour

Parent's Opinion about Child Labour	Percentage
Parents/Guardian in favor of child labour	60
Parents /Guardian not in favor of child labour	40

Table 6 reveals that 60 percent parents (out of 5 parents interviewed) were in favour of child labour as they think that children were earning hand and supplement family income due to poverty, unemployment of adult family members and large family size etc while 40 percent parents were of the opinion that child labour should be abolished and eliminated from the country. But these children should be

provided necessary education and skill training facilities free of cost along with wage compensation to lead a better life.

Table 7: Reason for letting the Child Work

Reason for letting child work	Percentage
To supplement household income	60
To pay outstanding debt	-
To assist in household enterprise	20
Others(specify)	20

Table 7 depicts that 60 percent parents let their children to work just to supplement family income. Mostly these families were living in extreme poverty and their monthly income was below poverty line, due to these reasons they push their children to work and made them an earning hand of family. More often parents took all money from children and children were living in pitiable conditions. 20 percent children work to assist in household enterprise. While the rest 20 percent work due to extreme poverty of their families. Previous researches (Hassan, 1998) show similar findings.

Table 8: Parents views about child labour

Parents views about child labour	Frequency	Percentage
Abolish child labour	-	-
Gradually eliminate it	3	60
It should be banned	-	-
Leave it as it is	-	-
It is a good thing	1	20
Others(specify)	1	20

Table 8 portrays the parents' views about child labour. 60 percent parents considered child labour should be gradually eliminated and more child labour rehabilitation centers should be opened especially for female workers. Girls often have very less opportunities for education and skill development and mostly child labour schools working in country are for male child workers. Only 20 percent parents think that

child labour is a good thing and they find nothing wrong with it. Children in such situations were adding to family income and had a positive impact in improvement of status of family. While rest of 20 percent parents thought that non formal education was necessary for child workers without disturbing their sub-culture. It was observed by the researcher that fathers were seen at home while children were at work. This observation is supported by an earlier study by Hassan (1998) which stated that fathers were seen at home while the children were at work. The children and their parents had a very irregular job pattern which made multiple earning family members a more feasible situation. In this manner if one person was fired then there was the comfort of knowing that other members of the family were working. At first glance the result displayed in Table 8 seems to be contradicting the result presented in table 6 but the ground reality is that 60% parents interviewed were so much trapped in the web of poverty and hunger brought by unemployment and social exclusion that they have no way out but to send their children to work therefore when asked should the children work? They responded in affirmative but in response to the later question should there be child labour? Majority of parents suggested that child labour should be eliminated gradually and increased opportunities for income generation should be provided to the disadvantaged segments of the society.

Perception Of Head Of Institute /Centre Regarding Rehabilitation Of Child Labour

Table 9: Focus in Rehabilitation Plans

Point of focus in rehabilitation	Percentage
Education / Skill development	75
Livelihood	25

Table 9 reveals that focus of three child labour schools in our sample was on provision of non formal education either on full time or part time

basis. Edhi Foundation also provides livelihood and shelter along with education and skill training.

Conclusion

Child labour in Pakistan is not just an individual issue that we seek to criticize but it is a social problem that affects all of us. Child labour deprives adult heads of families of decent jobs. It deprives businesses of trusting relationships with their employees. It deprives nation of its sense of morality. And most importantly, it deprives children of their freedom, their education, growth and development, and sometimes even their lives. The primary responsibility for the elimination of all forms of exploitation, including child labour, lies on the state. The fact that child labour not only exists, but is widely prevalence is a serious indictment of the state. The Government focus should be primarily on the basic education and personality development of all children without any discrimination. Poverty alleviation remains the corner stone for socio-economic development of poor families. Working children and their parents deserve to have a bright future in terms of employment and rights' entitlements. Efforts need to be made to explore resources to attain this aim and make the coming years an era of human success and high profile of child right.

Limitations

1. Some of child workers did not answer few questions at all; they did not know exact monthly income of their family etc.
2. It was observed that children normally avoid talking about any incidence of physical, verbal and sexual abuse due to fear of their employees. Due to psychological pressure there was an enormous chance of getting fake responses from the respondents.
3. A significant number of child workers in

sample were Pashto speaking, so there was a little bit difficulty in conversation with them and in getting required information.

Recommendations

1. Effective policies should be designed and implemented for poverty alleviation
2. More child labour rehabilitation centers should be established which would provide quality education along with skills and vocational training to child workers. Thus rehabilitation of working children through non-formal education, pre-vocational training and skill development is required.
3. Employment opportunities should be provided to the families to enable them to lead a respectable living without resorting to child labour and this can be done through introduction of income generating scheme for the target population. Cottage industries, handicrafts, carpentry and small-scale industries etc.

4. Awareness raising campaigns should be organized to create awareness among general masses, community, parents, employers and children regarding the child labour. Extensive use of media may be used for inculcating awareness among masses.

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One-day Workshop on International Law on Human Rights

Everyone has the right to live, this right to life must be protected by the law, and these laws once implemented should be respected by all at all the time.

There are various kinds of rights like, social, civil, political, economic and cultural rights.

These may relate to the women, children and prisoners or any other person, who has equal right to live a free life on this beautiful planet of earth, and much more.

To promote the understanding of International Law on Human Rights, *School of Human Rights* (SHR) organized a one-day workshop on the "International Law on Human Rights" on 16 October 2004. The leading law associates of Pakistan, M/S Ahmer Bilal Sufi & Company and Research Society of International Law (RSIL) were the Faculty.

The need to promote and protect human rights is more pronounced today than it was ever before, for persistent threat to human security. One can help avert this risk of insecurity and can help create an enabling environment for the mankind by promoting respect for human rights. By forging linkages and sharing our own experiences in life, we can deepen our understanding of the rights value system. One day workshop on the "International Law on Human Rights" was such an effort by the SHR. The SHR is mandated to promote the noble cause of human rights through its awareness program. SHR is cognizant of the fact that there is an urgent need for education in the area of human rights and thus promote peace, coherence and unity among the ranks of communities and nations that shall in turn underpin human security paradigm. The SHR in this regard has decided to launch a series of seminars/workshops that may contribute towards the cherished goal of promotion and development of human security. By arranging such seminars and workshops SHR may

facilitates in taking informed decisions with regard to promulgation and enforcement of human rights instrument in Pakistan.

The workshops aimed at deepening the understanding of International Law on Human Rights and help all those who have a stake in the cause of human rights in their efforts.

Objectives

- o *To promote awareness among people.*
- o *To impart training to human right practitioners and other stakeholders to enrich understanding of human rights and facilitate them in the various means regarding the implementation of human rights law.*
- o *To create awareness among common people for their rights and responsibilities.*

Faculty

Barrister Ahmer Bilal Sufi, (RSIL).
Dr. Anis Amed, (*Rifah International University*)
Dr. Farooq Mehdi, (VAT)
Dr. Wajid H Pirzada, (*Roots Pakistan*)

Participants

Those who participated were from various organizations:

UNICEF
UNDP
IRANIAN EMBASSY
KHWENDO KOR
UNHCR
NCSW
OXFAM
FPAP

The introduction of *Voice Against Torture* and *The School of Human Rights* was given to the participants by Dr. Farooq Mehdi and Dr. Wajid H. Pirzada. The course was introduced by the Course Coordinator Ms. Samira Afzal that followed the introduction of the participants.

The first session was chaired by Ms. Riffat Sardar (UNDP). She gave a brief description of UNICEF working in Pakistan since 1947 and told that UNICEF was having different tasks. It is helping promote peace among the states and encircling the cause of child rights. She said that government can not all alone oversee and monitor the domestic child labor, and abuse of rights. NGO's can help by conducting research on such issues and by promoting the cause.

In the first session Mr. Ahmer Bilal Sufi started with introducing International law and by detailing difference between Human Rights Law and International Humanitarian Law (IHL) followed by introduction of basic Treaties and Conventions on International Human Rights Law, Human Rights Enforcement Mechanism and latest challenges to human rights. According to him after seeing the destruction of the First and Second World War, the need arose for such laws to stop such unfortunate accidents again.

*In the second session, Dr. Anis Ahmed related Human Rights with Islam. According to him a resolution of the General Assembly of the U.N or a declaration does carry a moral force, however it falls short of legal authority to enforce and implement a law. Islamic approach to human rights is founded on the basic assumption that all human are constitutionally equal, they came from one single origin. As Islam tells us the rights of Allah [*Haqooq Ullah*] which are defined by the Qu'ran with one single term viz observance of *towhid* and rejection of all forms of associations (*shirk*). Rights of the fellow humans (*Haqooq ul'ibad*) encompass a variety of areas such as social, economic, legal, political, religious and cultural.*

After Dr. Anis Ahmed the group discussion started, there after the evaluation of the workshop was carried out and certificates were distributed among the participants.

One-day Workshop on Arts and Human Rights

School of Human Rights conducted a workshop in collaboration with IQRA University on "Liberal Arts and Human Rights" on November 26, 2004.

Art can be used to express true emotions and the feelings. Employing different forms of arts – music, painting, poetry, theater, inner feeling can be expressed. The artists have employed this medium to raise voice against human rights violations, since they are not only alive to the cause of human rights but are relatively more sensitive to it, and try to depict their feelings in a way that touches everybody.

The objective of the workshop was to promote understanding of various human rights issues in relation to fine arts.

The 1st session was conducted by Mr. Safer from SHR, who welcomed the participants, and highlighted the objectives of workshop.

The 2nd session was headed by Ms. Mariam Hashmi, who narrated the history and significance of art in the present era.

The 3rd session was conducted by Ms. Farrah Mehmood, who told about the importance of line in drawing of an object, and the symbols we use while drawing something, and the importance of colors.

Towards the end of the workshop, the paintings were displayed, and an interesting discussion generated amongst the participants' perceptions and the expression of it on the medium.

One-day Workshop on International Law on Human Rights

October 16, 2004



Dr. Anis Amed, (*Rifah International University*) answering questions raised by the participants.



Barrister Ahmer Bilal Sufi, (*RSIL*) during a session.

Mushaira Organised by SHR in Collaboration with ZAWIA

December 10, 2004



Mr. Ahmed Faraz, (*Chief guest*), Mr. Mehboob Zafar, (*President*) and other poets and listeners during the Mushaira

One-day Workshop on Arts and Human Rights organised in collaboration with IQRA University

November 26, 2004



One-day Workshop on Reiki

December 9, 2004



One-day Workshop on Reiki

The School of Human Rights (SHR) has organized a one-day workshop on Reiki, on December 09, 2004, at SHR. The word "Reiki" means "universal life giving energy". This is a process by which we can make people heal up many of their psychological as well as physical diseases.

Reiki energy can be acquired through attunement sessions by any Reiki master. While treating any patient, the Reiki energy channels through the hands of the person, who provides the treatment. Those in possession of the Reiki energy would be in its retention, the rest of their lives.

Reiki is a holistic healing energy, which means it works on all the different levels of recipient's being physical, psychological, emotional, or spiritual.

Reiki can relax a stressed person; energizes when one feels drained; relieve pain; improve the general health and well being; and at the same time accelerate spiritual growth. The Reiki energy has the intelligence of its own and makes its way to the areas of imbalance, no medical or diagnostic treatment is required.

RESOURCE PERSON: Ms. Tina Ali

Sessions

In the 1st session, Ms. Tina Ali, the resource person, gave a brief introduction of the history of Reiki. She told that Mr. Usui Mikao was the first person who acquired Reiki by himself; thereafter, he started imparted Reiki training in the universities and started rendering attunements. As a person himself gets attuned, he/she would be able to heal anybody's pain which may be physical or spiritual.

In the 2nd session, the resource person made the participants attuned to Reiki, and it was only after the attunement that Ms. Tina Ali asked them about what they had felt during the attunement process. All of the participants told that they felt a sense of relaxation during this procedure.

In the 3rd session, the meditation was given to the participants by Ms. Tina Ali and the participants felt relaxed as a result of this meditation. It was recommended that the participants should drink lots of water after the meditation by the next few days. That helps cleanse the body of its toxins, and support the process.

The participants were asked to share what they had felt during the meditation and by this the workshop on Reiki was concluded.

However, after getting to know the positive and the soothing effects of the session, it was decided that in future, such workshops would be arranged as well, since they sever the real purpose of getting the public healed by a seemingly simple process.

Mushaira Organised by SHR in Collaboration with ZAWIA

Today some of us are engaged in building mosques and some others in building temples; there is hardly anyone around who thinks of those deprived of have bread.

Man has been able to suppress and dominate through physical strength and with time there was a shift in the strategy, and from then on, as the society developed further, started impressing upon others by the accumulated wealth in a more organized way. The concept of human rights originated when those who were poor in resources and weaker in strength, started seeking equality and justice on the basics of natural principles. Similarly, the question of harboring independent views and opinions was introduced as well, so as a result none is allowed to impose the personal outlooks on others.

Contrary to animals, man is able to think, feel, and express what has been imprinted on the fertile ground of his grey matter. These impressions go a long way in channeling the mental faculties making them responsive and expressive. It's this impression that becomes the starting point for the flow of ideas; and it is the poet, endowed with marvelous powers of expression, who starts putting down these impressions in a more effective fashion. Poetry is simply a vehicle for the expression of ideals, which server to guide the human being to the highest pinnacles of glory.

Voice Against Torture, a human rights organization, in collaboration with *Zavia*, planned a *Mushaira* to commemorate the International Human Rights Day, 10 December' 2004.

Renowned poets from Rawalpindi and Islamabad participated in the *Mushaira*, Mr. Ahmed Faraz was the chief guest, and Mr.

Mehboob Zafar acted as the stage secretary. The *Mushaira* got started with the words of Mr. Mehboob Zafar, thanking the *School of Human Rights* for organizing a function from where human rights could be projected. Dr. Wajid H. Pirzada was invited for the introduction of the Organization. Dr Wajid introduced the Voice Against Torture (VAT) and all of its projects. The verses recited during the *Mushaira* inspired the public in its true sense, encouraging them to work for the cause of human rights in a more vigorous and forceful way.

The following poets participated and recited their verses:

- ✍ Mr. Ahmed Faraz, (*Chief guest*)
- ✍ Mr. Mehboob Zafar, (*President*)
- ✍ Mr. Ali Yasir
- ✍ Dr. Hamid Saleem
- ✍ Ms. Dur-ray Shehwar Tauseef
- ✍ Ms. Narjis Afroaz Zaidi
- ✍ Mr. Manzar Naqvi
- ✍ Mr. Tariq Naeem
- ✍ Dr. Waheed Ahmed
- ✍ Mr. Jaleel Aali
- ✍ Mr. Ahsan Akbar
- ✍ Mr. Syed Nusrat Zaidi
- ✍ Mr. Aftab Iqbal Shamim
- ✍ Mr. Tauseef Tabassum

Towards the end of *Mushaira*, Mr. Ahmed Faraz simply bewitched the audience by his marvelous verses. He recited some exquisite poems from his latest volume. Towards the end of *Mushaira*, Mr. Mehboob Zafar invited Dr. Farooq Mehdi, The Chair Person, school of Human Rights, who thanked everybody for gracing the occasion through the active participation. Guests were offered shield at the end of the session; and then the invitees had a hearty dinner, while discussions still continued.

Compiled by Lubna Nazneen

Body to Investigate Tribesman's Death
 Quetta: The chief minister has ordered the formation of a five-member committee to investigate a man's death after the Shahwani tribesmen staged a demonstration in front of the provincial assembly accusing the police of an extra-judicial killing.

The security had been beefed up to counter any eventuality. The issue was also taken up in the assembly by the leader of the opposition on the first day of its current session here on Tuesday.

HR Activists Slam Proposed Honor Killing Law

Islamabad. There are several flaws in the draft of the proposed bill on honor killing. It is not acceptable and movement will be launched if it is passed in its present shape.

The HR activist said the law of land, instead of safeguarding the lives and honors of women, provides protection to the criminals who kill their close family members in honor killing.

According to the present law the heirs of the victim could absolve the culprits. She said in most of the cases of honor killing culprits are close relatives of girls and get absolved by the heirs.

Earlier, rights activists staged a rally, demanding of the government to impose laws against honor killings, which claimed more than 4,000 lives of women since 1998.

The marchers, who also included victims of sexual violence, staged demo outside the Parliament building. The rally passed a resolution denouncing the government's lack of action and demanded immediate enactment of laws to protect rights of women.

Teacher Succumbs to Burn Injuries

Kasur: A school teacher of Mandi Usmanwala, who was allegedly burnt after rape by four people, succumbed to her injuries at the Mayo Hospital, Lahore, on Sunday night.

Woman, Daughter Commit Suicide

Dadu. A girl and her mother committed suicide in the Garibi village of Johi taluka on Thursday night because of refusal of the girl's father to let her marry the man of her own choice.

Rapist-killer Posts 'confession' Letter

Faisalabad. The murder of a minor girl after rape and dropping of 'confessional statement' by the alleged unidentified rapist spread panic in a village of Thikriwala on Saturday.

Four Fall Prey to Karo-kari

Khairpur. Four persons, three of them women, were killed on the pretext of karo-kari in upper Sindh and in a nearby village of Balochistan on Sunday.

'Hizb Man Still in Custody of Unknown Agency

Rahimyar Khan An activist of the outlawed Hizbul Tehreer is still in the custody of some unknown agency. This was claimed by wife of Mian Abdul Rauf and other family members while talking to newsmen here.

The wife of the missing man said that some 12 days had passed and her children asked me about the whereabouts of their father. She said that her husband was a diabetic patient and was always in need of balanced diet and medicines.

Torture Case: DPO Told to Produce Policemen

Islamabad. Supreme Court (SC) on Monday summoned the District Police Officer Sheikhupura on a suo motu notice in a police excess case and asked him to produce the police officials involved in torturing a citizen, on Thursday.

LHC Reintroduces Death Penalty for Juveniles

Lahore: A full bench of the Lahore High Court struck down the Juvenile Justice System Ordinance 2000, declaring it "unconstitutional, unreasonable and impracticable". The LHC also abolished the juvenile courts with immediate effect and ordered that all cases pending before them be transferred to ordinary courts. Children will once again be tried in the same system as adults and can be sentenced to death. [The News, 7 Dec, 2004]

HRCP says Police Running Torture Cells

KARACHI: The Human Rights Commission of Pakistan (HRCP) claimed here on Friday that the police indulged in all kinds of illegal practices such as running torture cells providing protection to criminals and extortion.

Victims' Mother Threatens to Immolate Herself : Tando Bahawal case

Mai Jindo of Tando Bahawal, whose two sons and a son-in-law were killed by security forces along with seven other villagers in 1992 and whose two daughters committed self-immolation in protest against delay in dispensation of justice in the case, has threatened to immolate herself if her demands are not accepted in two days.

Case against Seven Policemen - Torture of Trader

On September 21, 2004, police on the orders of judicial magistrate in district Sahiwal registered a case against the Kassowal SHO, an ASI and five constables for illegally detaining a trader and subjecting him to torture.

Boy Kills Sister on Suspicion

A boy axed to death his sister on suspicion of illicit relations in Kehkashan Colony, Faisalabad on September 21, 2004. Reports said Iqbal attacked his sister 'S' with an axe when she was sitting in the house. The girl was shifted to a nearby hospital where she died. The accused managed his escape.

Thousands Displaced, Civilians Killed: Bar Commission's Report on Wana Action

A fact-finding commission of the Peshawar High Court Bar Association has reported displacement of thousands of tribal people and deaths of innocent civilians during the ongoing military operation in South Waziristan.

Ten Women Subjected to Physical Abuse Daily

In the first eight months of the current year, as many as 2,367 women were reportedly tortured, physically abused, or killed. Of these, 940 were cases of murder, 259 of torture, 271 of bodily mutilation, 19 cases of stripping, 69 cases of physical drubbing, and 99 cases of harassment in public places.

According to the data collected by an NGO, Madadgar, Lawyers for Human Rights and Legal Aid, said that 10 women were being subjected to physical abuse in the country daily.

Woman, Daughter Raped

A woman and her daughter were allegedly gang-raped by four armed men, who also snatched Rs10,000 from the head of their family near Mitha Luk, about 21 kilometres from Sargodha on September 27, 2004.

Madrassa Maulvi Assaults and Kills Boy

Multan, November 4: A teacher at a religious seminary, Maulvi Faqir Muhammad, sexually assaulted and killed a 10-year-old student, Bashir Ahmed, on November 4. After sexually assaulting the boy, he beheaded him and buried his body in the religious seminary in Rahimyar Khan. He told people that the boy had escaped

from the institution. Bashir's parents, however, got alarmed when he did not show up at home and started searching for him. Other students at the seminary told the victim's parents that they had seen him with Maulvi in a room before he disappeared. Police arrested Maulvi who confessed to his crime and recovered the boy's body

Functioning of Private Torture Cells

Lahore. Reports that at least one person died recently as a result of severe torture inflicted at a private torture cell in the city again provide a shocking reminder of the state of anarchy in the country.

News

International News

Compiled by Lubna Nazneen

Ten Palestinians were killed in Gaza city by Israeli fire on Sunday as the Palestinians appealed for urgent international action.

Sixty-nine people have been killed during the five-day unrest-the heaviest in the impoverished Gaza Strip since the start four years ago of the Palestinian protests against Israel's occupation.

Most of those killed on Sunday by Israeli troops or in missile strikes from combat helicopters, according to Israel, were members of militant groups, although one of the dead was a Palestinian deaf-mute man.

A Palestinian teenager died of his injuries after being seriously wounded in an Israeli air strike on Sunday on Jabaliya refugee camp in the northern Gaza Strip, Palestinian hospital.

Dr Bakr Abu Sufiya, head of the emergency room at Gaza City's Shifa hospital, named the latest victim as 14-year-old Nidal al-Madhoun. The boy died from serious injuries sustained in an Israeli air strike on Jabaliya camp several hours earlier, in which one alleged Palestinian militant was killed, the doctor told AFP. Two more Palestinian teenagers died of their injuries after being seriously wounded by Israeli army gunfire in Jabaliya, Palestinian medics said.

'Darfur Villagers in Danger of Starvation

Khartoum. Thousands of villagers in Sudan's Darfur region could starve this year because they are not receiving aid and poor rains have damaged the harvest.

The United Nations calls the situation in Darfur one of the world's worst humanitarian crisis.

Policemen Accused of Gang Rape

Khairpur. Two girls here on Tuesday alleged that they were arrested few days ago by Gambet police and the policemen gang-raped them in a lock-up and released them after taking Rs 30,000 bribe.

UN Criticizes Israel for Human Rights Violations in West Bank

Jerusalem. Israel is guilty of severe human rights violations in the West Bank and Gaza Strip, including "wanton destruction" of houses and infrastructure, according to a United Nations report obtained on late Thursday by AP. The annual human rights report is to be presented to the UN General Assembly later this month.

Child Sold into Slavery for the Price of a Calf

Sarh, Chad. Samson, 10 years, was sold by his black African parents in southern Chad to Arab herdsman for the price of a calf.

Iran: Fear of Imminent Execution

December 23, 2004, Hajieh Esmailvand has been granted a stay of execution. She was reportedly due to be stoned to death on 21 December, for having an adulterous relationship with a 17-year-old boy, now named as Ruhollah G. He has been sentenced to death by hanging,

and there is no further information about him.

Indonesia: Death Threat to Campaigner's Family

The family of the deceased human rights campaigner Munir must be protected, said Amnesty International after his wife received a death threat at their family home.

A decapitated and dismembered chicken was sent to Munir's wife Sucawati on Saturday 20 November, along with a note warning, "*Be careful!!!! Do not connect the TNI [Indonesian military] to the death of Munir. Do you want to end up like this?*"

Mexico: Violence Against Indigenous Women & Military Injustice

Mexico City Community of Barranca Tecuani, Guerrero, México. A 27-year-old Tlapaneca indigenous woman was in her kitchen with her children when three soldiers came into her home and interrogated her about some food outside on the patio, which they claimed was stolen. She did not reply to the questions as she speaks little Spanish. Her children ran off to a relative's home. She was then raped by the soldiers. Two years on, the crime of rape remains unpunished. The investigation was claimed by the military legal system and many flaws have been reported in the proceedings.

Review - RAHAT Medical Journal
(November 2004, Vol. 2, No. 4)

RAHAT Medical Journal is a regular feature of Voice Against Torture and is aimed at instructing medical and allied practitioners about torture, its consequences, and treatment. RMJ always comprises of Articles, Research papers and Reports from all over the world addressing human rights issues, focusing on torture and instigating the medical professional to think about the significant role they can play in helping the torture survivors and also avoiding the infliction of torture.

The November 2004 issue included four articles and two researches. First article written by Dr. Asad Ali, focused on the "Impact of Victimization." It does give a comprehensive overview of the hazardous impacts of victimization on both the psychological and the physical health of the victims. The most moving fact shared in the article remains the slow recovery of sexual assault victims than victims of emotional disturbances, sleep or eating disorders, feelings of insecurity or low self-esteem, or troubled interpersonal relationships.

Second article was about a serious social issue i.e., divorce, written by Tehmeed Razvi. The article is a very sensitive reflection of feelings of a woman who has to undergo experience of divorce. It also highlighted various other related problems that a woman has to face after divorce e.g., social rejection, economic problems, various forms of psychological pressures etc. Reading about the coping methods usually used by divorced people, was interesting. The most beautiful part of this article was that a few psychotherapeutic techniques have been suggested for those who are going through the divorce-related problems. It may really be help for those who are going through all this, helping them to face the situation without much loss of psychological and physical health.

"Community-based Psychological Support Services for the Torture Survivors in Bangladesh: A BRCT Model." This gives a comprehensive introduction to how this program works and provides support services to the torture survivors.

Last of the articles was on "Police Torture: Prevention and Monitoring." Shujaat Ali gave a detailed picture of police culture in Pakistan. Author discusses that police torture measures are the result of many factors, like lack of governance reforms and lack of social and economic reforms. Prevention and monitoring framework has been discussed at length by the author followed by another detailed note on institutional reforms.

Two researches published in this issue are equally interesting. First research has been contributed by an Indian author, Ravichandran on STD/HIV Cases on the Rise in India. The research focuses on social, clinical, and the hygiene conditions existing in the country and their impacts on the general health of public.

Another research conducted by Ms. Uzma Ishaque and Mr. Tariq Zubair on torture infliction upon women in NWFP prisons is a good effort to bring in peoples' notice the conditions of jail and the treatment the unfortunate women get there. Such researches can inspire other researchers to work on similar issues at a larger scale so that measures may be taken to help improve the conditions of imprisoned women.

It is hoped that RMJ continues with these productive efforts and keeps on raising awareness and sharing of knowledge about torture, its impacts and the methods of rehabilitation.

Call for Articles

Voice Against Torture an interdisciplinary human rights organization, aims at making methodical efforts in order to combat serious problems of torture in any part of the globe. It does strive to raise consciousness within the general public, regarding their rights.

Quarterly Newsletter is one of the publications of Voice Against Torture, for which contributions are invited in the form of articles, researches, reports, comments on current issues, news items, poems or short stories, relating either to the issue of torture or to human rights infringements, in any part of the world. It thus serves as a nexus amongst those living poles apart, in distant lands, for exchanging and sharing of the views, thus minimizing the psychic, social, and, physical boundaries.

Manuscripts must be from 3000-5000 words, typed in English language, double-spaced, and sent via e-mails. References/bibliography need be numbered, if provided with the article. Similarly, brief biographical details must be supplied, including the author's name, designation, qualifications, etc. The editor however, retains the right to suggest any change in style, if required.

Final date for submission: 28th February, 2005

We would highly appreciate your contribution.

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