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# VOICES Against Torture

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[shazia@vast-vancouver.ca](mailto:shazia@vast-vancouver.ca)

Hammad Ahmed Hashmi, Pakistan  
[hammad@vast-vancouver.ca](mailto:hammad@vast-vancouver.ca)

## Land Acknowledgment

*Voices Against Torture is published on the Unceded Homelands of the displaced xwməθkwəy̓əm (Musqueam), seli'lw'itulh (TsleilWaututh), and skwxw̓ú7mesh (Squamish) Coast Salish peoples. We pay respect to the Elders past and present and are grateful for the many diverse Indigenous peoples who, over generations, cared for these shared Traditional Territories. We recognize the truth of violence, the painful history of genocide, and the forced removal that took place on this Ancestral Land. We are committed to the everyday actions that can help transform colonial impacts and help us move towards a culture of healing. This also means to us deeper alignment with the values rooted in anti-oppression and universal trauma-informed care, supporting a society based on equity, equality, and justice. We hold ourselves globally accountable to all human rights and to all Traditional Custodians of the Land wherever they now exist or compelled to co-exist. We comprehend that this Land Acknowledgment is a small but essential step in our ongoing process of remaining in right relations and continuum towards transparency and accountability.*

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## **Editorial**

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On 8th October 2022, the United Nations Human Rights Council passed a resolution recognizing a clean, healthy, and sustainable environment as a human right, a landmark achievement. It took a decades-long movement to see this day. The Council, through this resolution, further recognized that environmental degradation and climate change (CC) are interconnected human rights-related concerns, as these impacted negatively on the lives of millions of people. It is worth mentioning that UN World Health Organization reports that 24 percent of global death, roughly 13.7 million deaths a year, are somehow linked to air pollution and chemical exposure.

On this occasion, UN High Commissioner for human rights Michelle Bachelet called upon the Member States “Bold action is now required to ensure this resolution on the right to healthy environment serves as a springboard to push for transformative economic, social and environmental policies that will protect people and nature.” This Resolution of UN Human Rights Council will now be tabled before UN General Assembly for consideration and approval.

Given the importance of the subject, VAT has dedicated its current issue to the noble cause of the right to a clean and healthy environment and is sharing with its readership a comprehensive review ‘The Evolution of International Environmental Law’ with the understanding that it will help inform the approval of the resolution by the UN General Assembly, through wider outreach and broader ownership.

Since the Issue of the Journal in Hand is the first one of the years 2022, it is befitting to reflect back on the human rights and torture situation in the preceding year, with the intent to reinvigorate collaborative efforts for its improvement. Therefore, the current issue also carries the Human Rights Index -2021, which unfortunately paints a gloomy picture despite rhetoric for efforts to improve global human rights.

In addition, yet in another UN Report 2021 - ‘Lack of Accountability for Torture Worldwide due to Systemic Denial, Evasion by Public Authorities’ Special Rapporteur Tells 3rd Committee(Social, Humanitarian and Cultural) that “There is a persistent accountability gap for torture and ill-treatment worldwide, caused in part by the systemic denial, deliberate obstruction and purposeful evasion of responsibility by public authorities,” as delegates began their consideration of broad human rights questions.” This implies that we need to double our efforts in 2022 to cultivate respect for human rights and eliminate torture in the ranks of societies and nations across the globe.

Farooq Mehdi and Frank Cohn

**HUMAN RIGHTS  
OUTLOOK**

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# The Human Freedom Index 2021: Global Measurement of Personal, Civil, and Economic Freedom

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**Ian Vasquez, Fred McMahon, Ryan Murphy, and Guillermina Sutter Schneider**

## Executive Summary

The Human Freedom Index (HFI) presents a broad measure of human freedom, understood as the absence of coercive constraint. This seventh annual index uses 82 distinct indicators of personal and economic freedom in the following areas:

- Rule of law
- Security and safety
- Movement
- Religion
- Association, assembly, and civil society
- Expression and information
- Relationships
- Size of government
- Legal system and property rights
- Sound money
- Freedom to trade internationally
- Regulation

The HFI is the most comprehensive freedom index so far created for a globally meaningful set of countries and jurisdictions representing

98.1 percent of the world's population. The HFI covers 165 jurisdictions for 2019, the most recent year for which sufficient data are available. The index ranks jurisdictions beginning in 2008, the earliest year for which a robust enough index could be produced.

On a scale of 0 to 10, where 10 represents more freedom, the average human freedom rating for 165 jurisdictions in 2019 was 7.12. Among the 162 jurisdictions for which we have data for 2018 and 2019, the overall level of freedom (weighing all jurisdictions equally) remained unchanged, with 82 jurisdictions decreasing their ratings and 67 improving. Comparing all the jurisdictions for which we have the same data available since 2008, the level of global freedom has decreased slightly (-0.01), with more jurisdictions in the index decreasing their ratings (71) than increasing (67). By the same measure, fully 83 percent of the global population lives in

jurisdictions that have seen a fall in human freedom since 2008. That includes decreases in overall freedom in the 10 most populous countries in the world. Only 17 percent of the global population lives in countries that have seen increases in freedom over the same time period. The data show that there is an unequal distribution of freedom in the world, with only 14.6 percent of the world's population living in the top quartile of jurisdictions in the HFI and 40.3 percent living in the bottom quartile. The gap in human freedom between the most-free and the least-free jurisdictions has widened since 2008, increasing by 6.6 percent when comparing the top and bottom quartile of nations in the HFI.

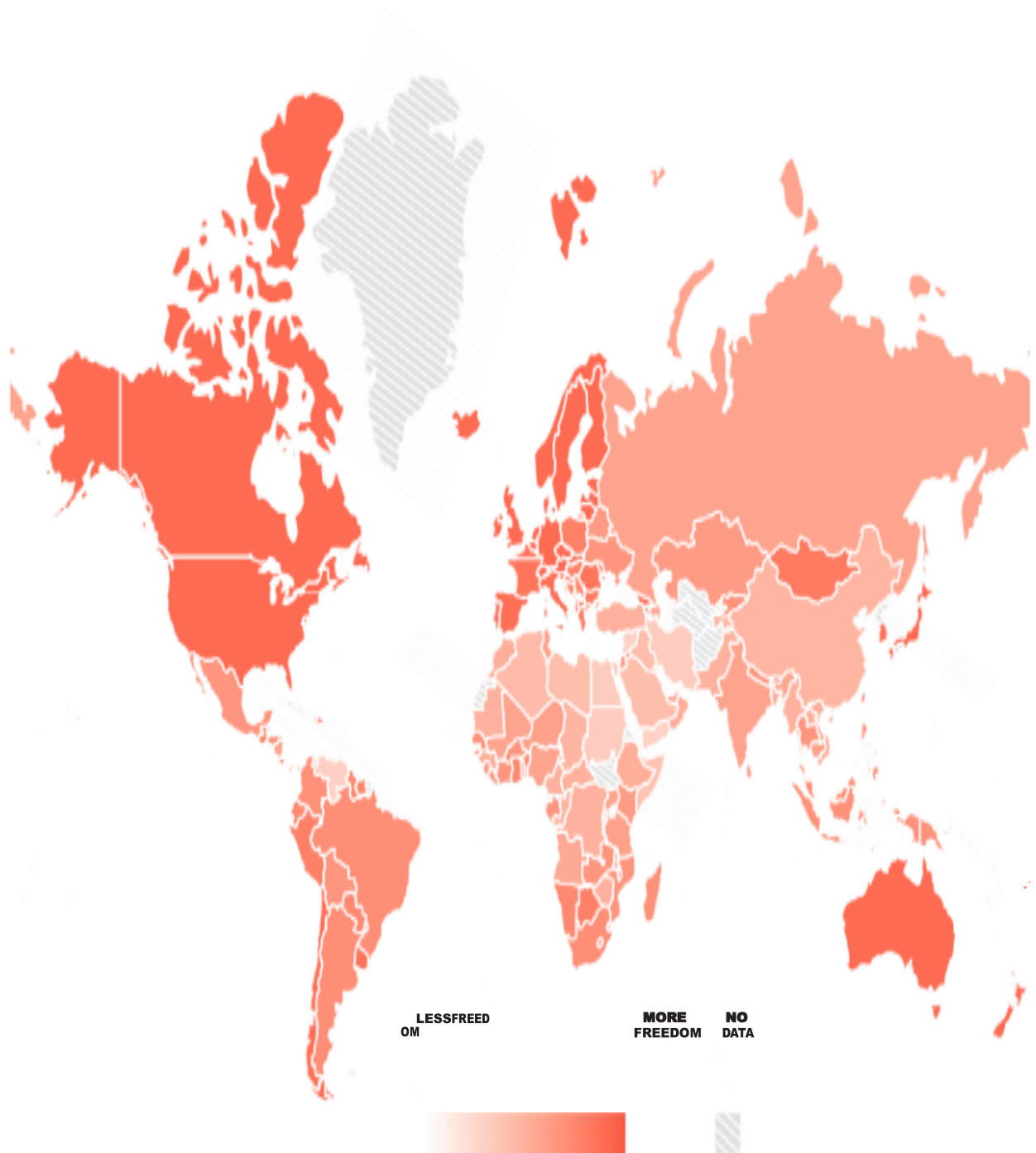
The countries that took the top 10 places, in order, were Switzerland, New Zealand, Denmark, Estonia, Ireland, Canada and Finland (tied at 6), Australia, Sweden, and Luxembourg. Selected jurisdictions rank as follows: United Kingdom (14), Germany, Japan, and the United States (tied at 15), Taiwan (19), Chile (28), Hong Kong (30), South Korea (31), France (34), Argentina (74), South Africa (77), Brazil (78), Mexico (93), India (119), Nigeria (123), Russia (126), Turkey (139), China (150), Saudi Arabia (155), Iran (160), Venezuela (164), and Syria (165).

Out of 10 regions, the regions with the highest levels of freedom are North America (Canada and the United States), Western Europe, and Oceania. The lowest levels are in the Middle East and North Africa, sub-Saharan Africa, and South Asia. Women-specific freedoms, as measured by five indicators in the index, are strongest in North America, Western Europe, and East Asia and are least protected in the Middle East and North Africa, South Asia, and sub-Saharan Africa.

Jurisdictions in the top quartile of freedom enjoy a significantly higher average per capita income (\$48,748) than those in other quartiles; the average per capita income in the least free quartile is \$11,259. The HFI also finds a strong relationship between human freedom and democracy.

This year's report is the product of a top-down review resulting in methodological improvements and the use of new variables and sources in addition to, or in replacement of, ones we previously used for what we believe is a more rigorous and robust index. The findings in the HFI suggest that freedom plays an important role

in human well-being, and they offer opportunities for further research into the complex ways in which freedom influences, and can be influenced by, political regimes, economic development, and the whole range of indicators of human well-being.





**The Human Freedom Index**

Freedom rank change		Country/Territory	Personal	Economic	Human	Freedom score change
Rank	(2018–2019)		Freedom	Freedom	Freedom	(2018–2019)
1	0	Switzerland	9.56	8.48	9.11	▼0.03
2	0	New Zealand	9.33	8.56	9.01	▼0.11
3	0	Denmark	9.56	8.17	8.98	▼0.01
4	▲1	Estonia	9.48	8.11	8.91	▼0.01
5	▲1	Ireland	9.40	8.21	8.90	▲0.01
6	0	Finland	9.52	7.92	8.85	▼0.04
6	▲3	Canada	9.40	8.06	8.85	▲0.02
8	▼4	Australia	9.30	8.20	8.84	▼0.10
9	▼1	Sweden	9.63	7.72	8.83	▼0.01
10	0	Luxembourg	9.48	7.84	8.80	▼0.01
11	▲3	Netherlands	9.36	7.96	8.78	▲0.02
12	▲1	Iceland	9.40	7.90	8.77	▲0.00
13	▼1	Norway	9.50	7.72	8.76	▼0.03
14	▼3	United Kingdom	9.19	8.15	8.75	▼0.05
15	0	United States	9.09	8.24	8.73	▼0.02
15	▲1	Germany	9.32	7.91	8.73	▲0.00
15	▲1	Japan	9.26	7.98	8.73	▲0.00
18	▲1	Portugal	9.33	7.79	8.69	▲0.02
19	▲1	Taiwan	9.14	8.02	8.68	▲0.02
19	▲3	Lithuania	9.01	8.21	8.68	▲0.04
21	▼3	Austria	9.25	7.86	8.67	▼0.01
21	▲1	Latvia	9.18	7.94	8.67	▲0.03
23	▲1	Czech Republic	9.14	7.87	8.61	▼0.01
23	▲3	Belgium	9.31	7.62	8.61	▲0.01
25	▲2	Spain	9.04	7.89	8.56	▲0.03
26	▲2	Italy	9.12	7.61	8.49	▲0.00
27	▲2	Malta	8.75	8.03	8.45	▼0.01
28	▼3	Chile	8.86	7.85	8.44	▼0.17
29	▲2	Cyprus	8.80	7.89	8.42	▼0.01
30	▼10	Hong Kong SAR, China	8.06	8.91	8.41	▼0.25
31	▼1	Korea, Rep.	8.94	7.61	8.39	▼0.06
32	0	Slovenia	9.04	7.43	8.37	▼0.03
33	0	Uruguay	9.08	7.36	8.36	▲0.01
34	0	France	8.91	7.55	8.34	▲0.01
35	0	Romania	8.65	7.88	8.33	▲0.08
36	▼1	Cabo Verde	8.70	7.65	8.26	▲0.01
37	▲1	Costa Rica	8.66	7.68	8.25	▲0.02
38	▼3	Bahamas, the	8.69	7.56	8.22	▼0.03
39	▲2	Slovak Republic	8.63	7.61	8.21	▲0.03
40	▼1	Georgia	8.15	8.26	8.20	▼0.02
40	▲7	Armenia	8.32	8.03	8.20	▲0.19
42	▼2	Croatia	8.73	7.36	8.16	▼0.05

THE HUMAN FREEDOM INDEX

Rank	Freedom rank change (2018–2019)	Country/Territory	Personal freedom	Economic freedom	Human freedom	Freedom score change (2018–2019)
43	▼1	Albania	8.38	7.81	8.14	▼0.02
44	▼1	Panama	8.35	7.79	8.12	▼0.03
45	▼1	Bulgaria	8.30	7.76	8.08	▼0.05
46	▼2	Mauritius	8.01	8.16	8.07	▼0.06
47	▼1	Mongolia	8.45	7.38	8.00	▼0.06
48	0	Singapore	7.39	8.81	7.98	▲0.02
49	0	Poland	8.50	7.2	7.96	▲0.03
50	0	Peru	8.03	7.78	7.93	▲0.02
51	▲9	Barbados	8.65	6.91	7.92	▲0.23
52	0	Jamaica	8.06	7.71	7.91	▲0.01
53	▲6	Botswana	8.10	7.62	7.90	▲0.20
54	▼4	Dominican Republic	8.09	7.58	7.88	▼0.03
54	▲1	Montenegro	8.05	7.64	7.88	▲0.10
56	▼2	Greece	8.37	7.15	7.86	▲0.04
57	▼4	Seychelles	7.99	7.63	7.84	▼0.01
58	▲4	North Macedonia	8.18	7.13	7.75	▲0.15
59	▼3	Hungary	7.88	7.53	7.73	0.00
60	▼2	Trinidad and Tobago	8.01	7.27	7.70	▼0.02
61	▲3	Moldova	7.95	7.30	7.68	▲0.10
62	▲6	Israel	7.69	7.63	7.66	▲0.11
63	▼7	Suriname	8.63	6.14	7.64	▼0.09
63	▲6	Belize	8.31	6.70	7.64	▲0.10
65	▼2	Guatemala	7.51	7.80	7.63	▲0.04
66	▼5	Namibia	8.12	6.76	7.56	▼0.06
67	▼2	Bosnia and Herzegovina	8.03	6.86	7.54	▼0.03
67	▲4	Paraguay	7.78	7.22	7.54	▲0.03
67	▲4	Serbia	7.77	7.22	7.54	▲0.03
70	▼3	Guyana	8.06	6.52	7.49	▼0.07
70	0	Ghana	8.07	6.69	7.49	▼0.04
72	▲1	Ecuador	7.96	6.68	7.43	▼0.06
73	▲1	El Salvador	7.39	7.39	7.39	▼0.09
74	▼9	Argentina	8.73	5.50	7.38	▼0.19
75	▲1	Fiji	7.90	6.54	7.36	▼0.01
76	0	Benin	7.83	6.62	7.32	▼0.05
77	▼2	South Africa	7.53	6.97	7.30	▼0.10
78	0	Brazil	7.64	6.63	7.22	▼0.14
78	▲1	Timor-Leste	7.97	6.19	7.22	▼0.07
80	0	Haiti	7.71	6.51	7.21	▼0.03
81	▼1	Kyrgyz Republic	7.18	7.17	7.18	▼0.06
82	▲3	Papua New Guinea	7.72	6.23	7.17	▲0.06
82	▲4	Malaysia	6.92	7.52	7.17	▲0.07
84	0	Nepal	7.41	6.71	7.12	0.00
85	▼3	Indonesia	6.98	7.26	7.10	▼0.12
86	▼3	Honduras	6.97	7.26	7.09	▼0.04

## THE HUMAN FREEDOM INDEX

Rank	Freedom rank change (2018–2019)	Country/Territory	Personal freedom	Economic freedom	Human freedom	Freedom score change (2018–2019)
87	▲3	Senegal	7.66	6.25	7.07	▲0.01
88	▲3	Madagascar	7.51	6.33	7.02	▲0.00
89	0	Colombia	7.14	6.82	7.01	▼0.06
89	▲3	Lesotho	7.32	6.57	7.01	▲0.00
91	▼4	Malawi	7.72	5.96	6.99	▼0.10
92	▼4	Bolivia	7.41	6.28	6.94	▼0.14
93	▲3	Mexico	6.72	7.20	6.92	▼0.02
94	▲5	Jordan	6.42	7.59	6.91	▲0.04
95	▲3	Côte d'Ivoire	7.42	6.18	6.90	0.00
96	▲16	Thailand	6.90	6.87	6.89	▲0.33
97	0	The Gambia	6.77	7.04	6.88	▼0.05
98	▲7	Bhutan	6.90	6.82	6.86	▲0.05
98	▲8	Ukraine	7.33	6.20	6.86	▲0.08
100	▼6	Burkina Faso	7.44	6.04	6.85	▼0.12
101	▲1	Philippines	6.42	7.42	6.83	0.00
102	▼9	Zambia	6.62	7.09	6.82	▼0.18
103	▼1	Liberia	7.14	6.35	6.81	▼0.02
104	▼3	Gabon	7.51	5.80	6.80	▼0.04
104	▼2	Mozambique	7.27	6.15	6.80	▼0.03
106	▲2	Kazakhstan	6.24	7.52	6.77	▲0.09
106	▲5	Guinea-Bissau	7.29	6.06	6.77	▲0.15
108	▼8	Lebanon	6.76	6.76	6.76	▼0.10
109	▼2	Kenya	6.59	6.94	6.73	▲0.01
109	0	Belarus	6.62	6.88	6.73	▲0.08
111	▼1	Sierra Leone	7.12	6.15	6.70	▲0.07
112	▼18	Sri Lanka	6.44	6.78	6.58	▼0.39
113	▲2	Togo	6.60	6.35	6.50	▼0.02
114	▼1	Tanzania	6.29	6.75	6.48	▼0.07
115	▲3	Cambodia	5.94	7.22	6.47	▲0.01
116	0	Tunisia	6.82	5.97	6.46	▼0.03
116	▲4	Brunei Darussalam	5.87	7.30	6.46	▲0.02
118	0	Niger	6.78	5.97	6.41	▼0.05
119	▼5	India	6.20	6.66	6.39	▼0.15
120	▼4	Rwanda	5.65	7.35	6.36	▼0.13
121	▲4	Kuwait	6.07	6.72	6.34	▲0.07
122	▼1	Uganda	5.54	7.42	6.32	▼0.07
123	0	Nigeria	5.79	6.97	6.28	▼0.02
124	▲2	Mali	6.55	5.83	6.25	0.00
125	▼1	Nicaragua	5.67	7.04	6.24	▼0.04
126	▼4	Russian Federation	5.90	6.70	6.23	▼0.10
127	0	Azerbaijan	5.96	6.44	6.16	▲0.02
128	0	Qatar	5.48	7.09	6.15	▲0.05
129	▲7	Angola	6.50	5.50	6.09	▲0.29
130	-	Comoros	5.73	6.55	6.07	-

THEHUMANFREEDOMINDEX

Rank	Freedom rank change (2018–2019)	Country/Territory	Personal freedom	Economic freedom	Human freedom	Freedom score change (2018–2019)
131	▼2	United Arab Emirates	5.20	7.28	6.06	▲0.06
132	▲15	Ethiopia	6.00	5.87	5.95	▲0.42
133	▼2	Oman	5.36	6.69	5.92	▲0.01
134	▼4	Morocco	5.33	6.69	5.90	▼0.09
134	▼3	Vietnam	5.63	6.26	5.90	▼0.01
136	0	Lao PDR	5.30	6.60	5.85	▲0.05
137	-	Djibouti	5.24	6.68	5.84	-
138	▼4	Guinea	5.96	5.62	5.82	0.00
139	▼6	Turkey	5.25	6.54	5.79	▼0.06
139	▲2	Eswatini	5.60	6.05	5.79	▲0.06
141	▼1	Myanmar	5.72	5.94	5.78	▲0.04
142	▼6	Bangladesh	5.52	6.05	5.75	▼0.05
143	1	Bahrain	4.59	7.33	5.73	▲0.11
143	▲6	Mauritania	5.18	6.49	5.73	▲0.29
145	▼3	Pakistan	5.41	5.95	5.63	▼0.02
145	▼2	Cameroon	5.47	5.86	5.63	0.00
147	▼8	Central African Republic	5.81	5.36	5.62	▼0.14
147	▲4	Congo, Demo Rep.	5.81	5.36	5.62	▲0.32
149	▼15	Zimbabwe	6.07	4.94	5.60	▼0.22
150	▼5	China	4.87	6.53	5.57	▼0.03
150	▼4	Chad	5.54	5.60	5.57	▼0.01
152	▼4	Congo, Rep.	5.88	5.08	5.55	▲0.09
153	▼3	Tajikistan	4.83	6.50	5.52	▲0.09
154	▼2	Algeria	5.51	4.90	5.26	▲0.05
155	▲1	Saudi Arabia	3.89	6.85	5.12	▲0.20
156	▼3	Libya	5.17	4.79	5.05	▼0.09
157	▼3	Iraq	4.49	5.74	5.02	▲0.04
157	▼2	Burundi	4.57	5.65	5.02	▲0.05
159	-	Somalia	3.68	6.67	4.93	-
160	▼3	Iran, Islamic Rep.	4.14	5.06	4.53	▼0.11
161	▼3	Egypt, Arab Rep.	3.63	5.68	4.49	▲0.08
162	▼1	Sudan	4.74	4.19	4.48	▲0.53
163	▼3	Yemen, Rep.	3.11	5.45	4.08	▲0.01
164	▼5	Venezuela, RB	4.90	2.83	4.03	▼0.22
165	▼3	Syrian Arab Republic	2.60	5.19	3.66	▼0.17

Note: “-” denotes lack of data for countries first appearing in the index for the year 2019 and whose indicators for previous years are not available.

## **THE HUMAN FREEDOM INDEX 2021**

### **THE SEVENTH ANNUAL REPORT**

This seventh annual report presents a broad measure of human freedom around the world. It builds on a multiyear program of research and discussions held in Europe and North

America involving scholars from many disciplines and countries. It uses, adapts, and evolves the methodologies that emerged from the decades-long work of the Fraser Institute to define and measure economic freedom with the Economic Freedom of the World index.<sup>1</sup> The economic freedom project has demonstrated the power of such measurements to increase understanding about the concept of freedom and its contribution to human well-being.

A central purpose of this report is to paint a broad but reasonably accurate picture of the extent of overall freedom in the world. A larger purpose is to more carefully explore what we mean by freedom and to better understand its relationship to any number of other social and economic phenomena. This research could also help us more objectively observe the ways in which various freedoms—be they economic or civil, for example—interact with one another. We hope that this index will become a resource for scholars, policymakers, and interested laypeople alike and that its value will increase as it is annually updated, thus allowing us to observe numerous relationships through time.

The Human Freedom Index casts a wide net in an attempt to capture as broad a set of freedoms as could be clearly identified and measured. Some freedoms that could be clearly identified, such as the freedom to use drugs, could not be included because internationally comparable data could not be found. In other cases, data and clarity could be achieved for too few countries to satisfy the goal of making a global index.

That said, we and the authors of the other preliminary papers and indexes that have contributed to the creation of this index recognize that the global characterization of the state of human freedom published here is a work in progress.<sup>2</sup> It is published with satisfaction but also with humility. We believe that we have constructed an index that provides a solid foundation for the ensuing work of refinement and recalibration in the face of new data sources or improved understanding as time passes. In that spirit, we welcome feedback, which may be appropriate in further consideration of the data found in the index and published in this volume.

### **DEFINING AND MEASURING FREEDOM**

The contest between liberty and power has been ongoing for millennia. For just as long, it has inspired competing

conceptions of freedom. Plato and Hobbes, for example, thought that extensive or absolutist rule over society was compatible with their definition of freedom because in their view, it would prevent society from descending into violence or chaos, which they considered more detrimental to freedom than a powerful state.

Others, such as the 6th-century BCE Chinese philosopher Lao-tzu and the 16th-century Spanish scholastics, expressed and developed ideas consistent with the view of the father of modern political philosophy, John Locke, that freedom implies that an individual not “be subject to the arbitrary Will of another, but freely follow his own.”<sup>3</sup>

This index follows that latter tradition, which in the past several hundred years has shaped the modern liberal world. Freedom in our usage is a social concept that recognizes the dignity of individuals and is defined by the absence of coercive constraint.<sup>4</sup> (That contrasts with a mechanistic concept whereby anything that limits a person’s ability to do what they want—be it a natural, physical barrier or another person who happens to be standing in their way—is considered an infringement on their freedom.) Freedom thus implies that individuals have the right to lead their lives as they wish as long as they respect the equal rights of others. Isaiah Berlin best elucidated this notion of freedom, commonly known as negative liberty.<sup>5</sup> In the simplest terms, negative liberty means noninterference by others. Berlin contrasts that type of liberty with positive liberty, which requires the removal of constraints that impede one’s personal improvement or the fulfillment of his or her potential as the individual understands it. When positive liberty, however, is imposed by others, it undermines negative liberty because individuals naturally have conflicting views on whether and how to achieve self-improvement. As in the case of the totalitarian systems of the 20th century, this discrepancy allows rulers to ignore the wishes of people and commit torture and other atrocities in the name of some higher form of freedom. Berlin further warned, as did F. A. Hayek, against the common tendency to call other good things—think of income or housing, for example—“freedom,” because this merely causes confusion.<sup>6</sup> Negative liberty “comes in only one flavor—the lack of constraint imposed on the individual”<sup>7</sup>

—whereas positive freedom is far more likely to mean different things to different people and thus cannot be measured independent of the goals that conflicting ideologies or groups might identify with freedom.

This index is thus an attempt to measure the extent to which the negative rights of individuals are respected in

the countries and jurisdictions observed. By negative rights, we mean freedom from interference—predominantly by government—in people’s right to choose to do, say, or think anything they want, provided that it does not infringe on the rights of others to do likewise. The rule of law is thus essential to protect freedoms such as freedom of religion, freedom of speech, freedom of assembly, sexual freedom, economic freedom, and so on. Indeed, some of the rights that individuals legitimately claim depend partially or wholly on action by government to be realized. The right to personal security is the most important, but security in one’s property rights and the rule of law also require government action.

While aspects of liberty associated with democracy and political freedom—freedom of speech, assembly, and public demonstration—are included in this index, democracy or political freedom is not. Political freedom is important, but it does not mean democracy alone or unrestrained democracy. It is ideally some combination of the division of power, limited government, decentralization, and structural characteristics designed to control the powers of the majority. For example, countries such as Canada and the United States have democratic elections and constitutional constraint as well as separation of powers and decentralization. The United Kingdom has checks and balances and other limits on power, but it has no written constitution. The issue of how political freedom can best be determined and which of its forms is most consistent with personal, economic, and civil freedom is a major area of ongoing research. This report does not address that topic directly. However, it is hoped that the data provided here will assist researchers as they seek to determine the political structure most consistent with political freedom and the sustainability of personal, economic, and civil freedom. In that spirit, we look at the relationship between human freedom and democracy in the final section of this report.<sup>8</sup>

We use the following criteria to select data for the index: the data come from credible external sources and, for the sake of objectivity, are not generated by us; the index is transparent on methodology and sources, and the report covers as large a number of jurisdictions over as long a time period as is possible given the data available. As previously noted, we generally measure official restrictions on freedom, although some measures capture social or nonofficial violations of liberty (e.g., violence or conflict measures). This index fills a gap in the literature by examining overall freedom, including economic and other human freedoms. Existing economic freedom indexes examine only the former, of course. Similarly, other surveys of freedom focus on subsets of

freedom that exclude economic freedom. Yet all these freedoms are crucial.

In fact, early systemic writings on freedom in the Enlightenment often focused on economic liberalism, or what we would identify with economic freedom, as an intrinsic part of overall freedom. This index thus for the first time develops a broad measure of human freedom rather than select aspects of it. We combine economic freedom measures from the Economic Freedom of the World index with measures of what we call personal freedoms. Our definition of economic freedom is that of James Gwaltney, Robert Lawson, and Walter Block: “Individuals have economic freedom when property they acquire without the use of force, fraud, or theft is protected from physical invasions by others and they are free to use, exchange, or give their property as long as their actions do not violate the identical rights of others.”<sup>9</sup> Economic freedom thus exists when there is voluntary exchange, competition, personal choice, and protection of persons and their property.

One of the biggest challenges in constructing any index is the organization and weighting of the variables.<sup>10</sup> Our guiding principle is that the structure should be simple and transparent. All the data that we use in the index are available and their organization clearly presented. This means that other researchers may restructure the index to their own preferences. We believe the structure and weighting we have chosen—slightly revised this year—if not perfect for everyone is consistent with the literature on freedom.<sup>11</sup>

The 12 broad areas measured in the index each receive equal weight. This strikes a reasonable balance between the two areas comprising the rule of law and security and safety, and the other five areas each in personal freedom and economic freedom that we measure.<sup>12</sup> We weigh economic freedoms and the remaining personal freedoms that are not related to legal protection or security equally for two reasons. First, economic activities arguably predominate in the everyday lives of most people as they seek, at a minimum, to survive and to otherwise improve their welfare. Thus, the strong weighting for economic freedom reflects this consideration about how we live our lives.

Second, economic freedom decreases the dependence of individuals on government or other potential forces in society that would restrict liberty or attempt to centralize power. As such, economic freedom is not just inherently valuable; it empowers individuals to exercise other freedoms. Thus, the weighting reflects how economic freedom interacts with other freedoms. This point is illustrated by a remark of F. A. Hayek’s: A complete monopoly of employment . . . would possess unlimited powers of coercion. As Leon Trotsky discovered: “In a

country where the sole employer is the state, opposition means death by slow starvation. The old principle, who does not work shall not eat, has been replaced by a new one: who does not obey shall not eat.”<sup>13</sup>

That is an extreme case, but it illustrates the broader point that where economic freedom is limited, the government or powerful cliques possess great control over where you work, how much you are paid, whether you are able to find employment in the formal economy (with many attendant benefits), whether you get a promotion, where you live (and whether you are subsidized), what kind of job you have, whether you are able to adequately feed and clothe your family, and so on. In the absence of economic freedom, the powers that have many tools of coercion to block other freedoms. These tools of coercion fade as people gain the power to make their own economic decisions.

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We use 2019 as the latest year in our index because it is the most recent year for which sufficient data are available. As such, this year’s report does not capture the effects of the coronavirus pandemic on freedom. We use 40 personal freedom variables covering 141 jurisdictions for the year 2008. The index covers an increasing number of countries for subsequent years. For the year 2019, we use the same number of personal freedom variables but cover 165 jurisdictions that represent 98.1 percent of the world’s population. In selecting the jurisdictions, we limit ourselves to those that are presented in the Economic Freedom of the World report. In selecting time periods, we use 2008 as the earliest year for which we are able to produce a robust enough index; many indexes of civil or other liberties are relatively new for a large number of jurisdictions.

The personal freedom variables we use thus include measures of legal protection and security, made up of rule of law and security and safety, with the remaining

personal freedom measures made up of specific personal freedoms: movement; religion; association, assembly, and civil society; expression and information; and relationships.

This selection of variables, we believe, also provides an advance over other freedom indexes, which fail to account for the interaction between the rule of law and security on the one hand and specific freedoms on the other. Without the rule of law and security, specific freedoms cannot, in a practical sense, be lived out. The rule of law and security are essential to provide reasonable assurance that life is protected. Security and safety are fundamental for survival and for the exercise of a vast array of freedoms. The rule of law, by providing predictable order and reducing arbitrary conduct by the authorities, further facilitates an environment in which freedoms are safeguarded. Without security or the rule of law, liberty is degraded or even meaningless. The most famous expression of this is perhaps found in Locke, who conceptualized the rule of law and security as a unified bundle, just as we do:

The end of law is not to abolish or restrain, but to preserve and enlarge freedom: for in all the states of created beings capable of laws, “where there is no law, there is no freedom;” for liberty is to be free from restraint and violence from others; which cannot be where there is not law: but freedom is not, as we are told, “a liberty for every man to do what he lists:” (for who could be free, when every other man’s humor might domineer over him?) but a liberty to dispose, and order as he lists, his person, actions, possessions, and his whole property, within the allowance of those laws under which he is, and therein not to be subject to the arbitrary will of another, but freely follow his own.<sup>14</sup>

A security state may increase or appear to increase some aspects of safety, but it would curtail freedoms by empowering the state to violate rights. Thus, legal security and specific personal freedoms are both necessary conditions for high levels of personal freedom.

The index is derived from a total of 82 distinct indicators (40 personal freedom variables and 42 economic freedom variables, along with a Gender Legal Rights Adjustment to measure the extent to which women have the same level of economic freedom as men<sup>15</sup>) covering 165 jurisdictions. (Table 1 outlines the categories and their components in the two sub-indexes: personal freedom and economic freedom.) Each indicator is rated on a 0–10 scale, with 10 representing the most freedom. We average the main components in each category to produce a rating for each of the categories. To produce a final rating for the Human Freedom Index, we average each of the 12 categories equally, including the 5

categories of economic freedom: size of government, legal system and property rights, sound money, freedom to trade internationally, and regulation.

### **WHAT THE INDEX MEASURES**

The HFI measures economic freedoms such as the freedom to trade or to use sound money, and it captures the degree to which people are free to enjoy the major freedoms often referred to as civil liberties—freedom of speech, religion, association, and assembly—in the jurisdictions in the survey. In addition, it includes indicators on rule of law, crime and violence, freedom of movement, and legal discrimination against same-sex relationships. We also include five variables pertaining to women-specific freedoms that are found in various categories of the index.

We would have liked to have included other important indicators, such as those quantifying drug and alcohol prohibition, but we found no reliable data sources that conformed to our methodological principles. What follows is a brief description and justification of the data we use in the personal freedom sub-index, as well as a summary of the economic freedom indicators that make up the rest of the Human Freedom Index.

#### **Rule of Law**

The rule of law is an essential condition of freedom that protects the individual from coercion by others. John Locke's emphasis on the importance of law in securing and enlarging freedom, cited previously, is an early formulation of that concept. A society ruled "by law, not men" implies that laws apply to everybody, including the authorities; that they are publicly known and understood; and that they limit the arbitrary decisions of rulers. To further increase the scope of individual freedom and reduce potential rule by personal will, Hayek proposed that laws be general and abstract—that is, that they be ignorant of particular cases and "not single out any particular persons or group of persons."<sup>16</sup> The stated attributes also provide a social order that allows people to more easily pursue their individual ends. Individual freedom is therefore dependent on the rule of law, a broad concept that encompasses due process, equal treatment under the law, accountability of government officials, and notions of fairness, predictability, and justice.

We use indicators from the World Justice Project's (WJP) Rule of Law Index that is consistent with our definition of freedom.<sup>17</sup> For the countries not included in the WJP index, we derive the rule of law ratings by regressing the WJP measures we constructed with the rule of law measures from the World Bank's Worldwide Governance Indicators.<sup>18</sup>

It should be noted that the Economic Freedom of the World index includes eight components in the legal system and property rights category that seek to measure "how effectively the protective functions of government are performed." Thus, the rule of law measures included in the economic freedom sub-index add to those in the personal freedom sub-index.

The first component rates what we have termed procedural justice. It is composed of the average of three indicators measuring "the right to life and security" of a person; "due process of law and rights of the accused"; and "freedom from arbitrary interference with privacy." The first of those indicators refer to violations by the police or government when conducting an arrest or a search, for example.

The second indicator refers to such issues as the extent to which police or the authorities respect the presumption of innocence, arrest people on genuine and formally declared charges, treat suspects humanely in custody, provide the accused full access to evidence, and the like. The third indicator refers to such violations as governments wiretapping private communications without judicial authorization. The second component rates civil justice on such issues as whether it is free of discrimination, corruption, and improper government influence. It also measures the extent to which alternative dispute resolution mechanisms are accessible, impartial, and effective. The third component measures the criminal justice system on such issues as its impartiality, its level of corruption, and the degree to which improper government influence is present.

By including the rule of law category, the index more fully captures the extent to which people are exposed to abuse by the authorities, and therefore it provides a measure of whether and by how much one is "subject to another man's will,"<sup>19</sup> to use Hayek's expression. The indicators we use not only rate the degree to which the rule of law may be undermined; they also measure negative rights. Like security and safety, explained next, the rule of law concept included here significantly expands the scope of freedom by limiting coercion from a diversity of potential sources, including the most powerful entities or individuals in society, thus encouraging other freedoms to flourish.

#### **Security and Safety**

The rights to life and to safety from physical aggression have long been recognized as fundamental to liberty. The violence of any kind, except in self-defense or in the administration of justice, reduces personal freedom or, in the case of violence that results in death, eliminates it altogether. In societies with low levels of personal safety and physical security from harm, it is difficult to exercise



other freedoms, or even to survive. Like the rule of law, security and safety are thus important in safeguarding overall freedom. (Indeed, the provision of domestic and national security is a service that most classical liberals consider a proper function of government.) Unlike the rule of law category, which concerns rules that seek to reduce coercion, the security and safety category measures actual crimes committed. It attempts to measure the degree to which people who have not violated the equal rights of others are physically assaulted, kidnapped, or killed, or their physical integrity or safety is otherwise violated.

Whether perpetrated by ordinary criminals, governments, organized gangs, political groups, or individuals following tradition, crime and physical transgressions reduce personal freedom in any society. The first component measures the homicide rate. Here we ignore optimal-level-of-crime considerations or, as with the rule of law category, any account of the use of public resources to provide a public good intended to enhance freedom but that by its nature (taxation) represents a reduction in freedom.<sup>20</sup>

The second component measures disappearances, conflicts, and terrorism. It is made up of a number of variables. The first measures politically motivated disappearances. The following two indicators—violent conflicts and organized conflicts—measure the extent to which war or armed conflict with internal or external aggressors impinges on personal freedom in observed jurisdictions. The violent conflicts variable reflects battle-related deaths per capita. For the level of organized conflict, we use a “qualitative assessment of the intensity of conflicts within” each country used by the Institute for Economics and Peace’s Global Peace Index but created by the Economist Intelligence Unit (EIU). The next two indicators rate the level of fatalities and injuries that result from terrorism. Those figures, from the University of Maryland’s Global Terrorism Database, include deaths and injuries of both perpetrators and victims. Freedom from torture is the next variable. It measures the degree to which torture is practiced, incited, or approved by government. The last indicator measures the extent to which political killings are practiced and the degree to which they are incited and approved by government.

### **Movement**

The freedom to travel is a basic human right and essential to a free society. Governments that restrict people’s movement greatly limit the scope of overall liberty because those limits severely reduce the ability of people to engage in a wide range of peaceful activities of their choosing. We average the first three indicators: freedom of foreign movement (the freedom to travel outside the country and to emigrate), freedom of movement for men,

and freedom of movement for women within the jurisdiction. We average this result with another broad component measuring freedom of movement within a jurisdiction and the freedom to leave it.<sup>21</sup>

### **Religion**

Free societies respect the right to practice a religion of one’s choosing. The exercise of religion can be both a supremely private matter involving a person’s strongest beliefs and a social affair practiced in an organized way among larger groups. Restrictions on that fundamental freedom have been the source of some of the bloodiest and most drawn-out conflicts throughout history, and they continue to animate discord in numerous countries today.

Two components make up our measure of religious freedom. The first is based on two indicators that broadly rate the extent of freedom of religion in society, including the right to practice and choose one’s religion, to proselytize peacefully, and to change religions. The second component gauges the repression of religious organizations by the government.

### **Association, Assembly, and Civil Society**

The freedom to associate and assemble with peaceful individuals or organizations of one’s choice and to form or join organizations for political, commercial, or other ends is an essential part of individual freedom and a basis of civil society. This category is made up of the following components: the freedom of civil society organizations to enter and exit public life; freedom of assembly, including the ability to carry out peaceful protests; freedom to form and run political parties, including the extent to which parties are banned or face barriers and the degree of autonomy of opposition parties; and government repression of civil society.

### **Expression and Information**

This category measures a broad range of freedoms, including that affecting personal expression, the press, and use of the internet. The press killed component refers to murders of journalists “in retribution for, or to prevent, news coverage or commentary” and journalists killed on dangerous assignments as documented by the Committee to Protect Journalists. The press jailed component refers to the number of journalists imprisoned, as documented by the same source.

Other components in this category include freedom of academic and cultural expression; harassment of journalists, including threats of libel and beatings; and government attempts to censor print and broadcast media (government censorship effort) and the internet. A media self-censorship component gauges the degree to which

journalists censor themselves on politically sensitive issues.

Next is a media freedom indicator. It is an assessment by Freedom House of a range of issues, including the extent of censorship and self-censorship among journalists and the press, the use of security or other laws to punish journalists, and other laws and regulations that influence media content. It also captures the degree to which political pressure comes to bear on media coverage and takes into account state and non-state harassment of, and violence toward, journalists.

Finally, we average two broad measures in the category of freedom of expression.

### **Relationships**

We measure what we broadly categorize as freedoms to have intimate and familial relationships with others and that those be based on equal rights between males and females. One of the most personal decisions individuals can make regards their sexual choices.<sup>22</sup> Thus, the first component rates the freedom of individuals to establish same-sex relationships. It is composed of two variables: a male-to-male relationship indicator that gauges the extent to which sexual relationships between men are legal and a female-to-female indicator that gauges the same for relationships between women. The next component, divorce, measures “whether women and men have the same legal rights to initiate divorce and have the same requirements for divorce or annulment.”

The final two components relate to girls and women. One component, inheritance rights, measures whether either the legal system or religious and traditional laws and practices favor males over widows and daughters in inheritance matters. Favoring males is an infringement on the liberty of widows and of parents and the daughters to whom they might otherwise choose to bequeath their assets; in many countries women are subordinate to the power of men, often putting them in economically

precarious or physically vulnerable situations. The last component measures the prevalence of female genital mutilation among the population of women aged 15–49 years in a given country.

### **Economic Freedom Measures**

The 42 indicators that make up the economic freedom subindex fall into five broad categories. A complete description of the economic freedom structure and index methodology can be found in the Fraser Institute’s Economic Freedom of the World annual reports. The first category is size of the government. It measures government consumption, transfers and subsidies, government investment, the top marginal tax rate, and state ownership of assets. An increase in those components reduces economic freedom because it crowds out individual choices. The second category regards the legal system and property rights; it gauges the level of protection of people and their property rights through components of judicial independence, impartial courts, and the legal enforcement of contracts, among others.

Sound money constitutes the third category. To the extent that a country’s money is not a reliable store of value, it undermines exchange, hinders economic planning, distorts prices, and, through inflation, serves as a tax. The inflation rate and its volatility are among the components measured here. The fourth category is freedom to trade internationally; it measures tariff rates, non-tariff trade barriers, and controls on capital movement, among other indicators. The fifth category regards the regulation of business, labor, and credit. To the extent that government restricts competition in business, voluntary arrangements among employers and employees, and freedom of exchange in credit markets, economic freedom is reduced. Indicators measured include interest rate controls, hiring and firing regulations, and licensing restrictions, among others



# The Evolution of International Environmental Law

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**Edith Brown Weiss**

## **Introduction**

In the last forty years, international environmental law has evolved rapidly, as environmental risks have become more apparent and their assessment and management more complex. In 1972, there were only a few dozen multilateral agreements, and most countries lacked environmental legislation. In 2011, there are hundreds of multilateral and bilateral environmental agreements and all countries have one or more environmental statutes and/or regulations. Many actors in addition to States shape the development, implementation of, and compliance with international environmental law. Moreover, the environment is increasingly integrated with economic development, human rights, trade, and national security. Analyzing the evolution of international environmental law helps us understand the possibilities and the limitations of the law in addressing environmental problems, whether globally, regionally, or locally.

The evolution of international environmental law can be separated into three distinct periods: from 1900-1972; from 1972-1992; and 1992-2012. These correspond roughly to the period of early glimmers of international environmental law; basic framework development; and maturation and linkage with other areas of international law. The periods are demarcated by two international conferences: the 1972 United Nations Stockholm Conference on the Human Environment (Stockholm Conference) and the 1992 Rio de Janeiro Conference on Environment and Development (Rio Conference). In June 2012, the Rio+20 Conference will be held, again in Rio de Janeiro. Both the prior Stockholm and Rio Conferences were path breaking. Their work products and the events surrounding them laid the basis for significant leaps forward in developing and implementing international environmental law.

## **From 1900-1972: Early Glimmers**

Concern for the environment is ancient and embedded in the major religious traditions. In the Judea-Christian tradition, for example, God gave the earth to his people and their offspring as an everlasting possession to be

Passed down to each generation and exhorted people not to cut down fruit-bearing trees during war- fare. (1) Other religions similarly show respect for nature. (2) For Centuries, countries have developed rules for the use of shared watercourses and rights to water. However, before 1900 few international agreements were concerned with international environmental issues. The prevailing rule of international law was that of national sovereignty over natural resources within a country's territory or jurisdiction. The few international agreements focused primarily on boundary waters, navigation, and fishing rights. With few exceptions, they did not address pollution issues. (3)

In the early twentieth century, countries concluded at least four agreements to protect species of commercial value, including migratory birds, birds useful to agriculture, fur seals, and wild animals, birds, and fish in Africa.(4) During the 1930s and 1940s, countries concluded several agreements aimed at protecting fauna and flora in specific regions, namely the Western Hemisphere and Africa.(5) They also negotiated agreements concerned with marine fisheries and concluded the landmark International Convention for the Regulation of Whaling.(6) In the period between 1950 and 1970, States focused on two environmental problems, marine pollution from oil and damage from the civilian use of nuclear energy, and negotiated several agreements .(7) By the late 1960s, environmental concerns had broadened. States concluded an African Convention on the Conservation of Nature and Natural Resources in 1968 and the Ramsar Convention on Wetlands in 1971. (8) Still, there were few international environmental agreements concluded before 1972.

During these early years in international environmental law, there was little development of international environmental rules or principles. Two famous arbitrations took place, the Trail Smelter Arbitration (9) between Canada and the United States, and the Lac Lanoux Arbitration between France and Spain. (10) The former dealt with the obligation not to cause transboundary harm, and the latter with procedural obligations of prior notification, consultation, and

negotiation. These decisions have been cited repeatedly in later writings on international environmental law, in part because few other relevant decisions exist during this period.

### **From 1972-1992: Development of Basic Framework**

This period begins with the 1972 United Nations Conference on the Human Environment and includes the many developments that took place up until the 1992 United Nations Conference on Environment and Development.

1972: The United Nations Stockholm Conference on the Human Environment The year 1972 was historic because for the first-time countries across the world came together to identify and address environmental problems. The United Nations Conference on the Human Environment, held in Stockholm in 1972, was the first international intergovernmental conference to focus on environmental problems. The preparations for the Conference, the Conference, and the period immediately following the Conference had lasting consequences for the course of international environmental law. Perhaps the most central issue that arose in the preparations for the Stockholm Conference was the need to address the potential conflict between economic development and environmental protection. Developing countries were especially concerned that an international effort to protect the environment would come at the expense of their own development. Shortly before the Conference, a group of experts from governments, academia, and nongovernmental organizations met in Founex, Switzerland, to discuss the conflicts and develop a conceptual framework for reconciling environmental protection and economic development. The Founex report recognized that environmental protection and economic development could and should proceed in tandem. (11) It laid a foundation for later acceptance of the concept of sustainable development, which governments confirmed as an overarching policy twenty years later at the Rio Conference on Environment and Development.

The Stockholm Conference also resulted in the adoption by governments of the U.N. Stockholm Declaration on the Human Environment. This document set the stage for the further development of principles of international environmental law. (12) In particular, Principle 21, which provides that "States have the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other State of area beyond the limits of national jurisdiction," sets forth a basic obligation, which the International Court of Justice subsequently recognized as part of international law. (13) As a result of the Stockholm Conference, countries

established the first international intergovernmental organization focused on environmental protection: the United Nations Environment Program (UNEP) in Nairobi, Kenya. The organization was not established as a United Nations specialized agency, however, and thus lacks the status of other United Nations organizations such as the United Nations Food and Agricultural Organization (FAO) or the United Nations Educational, Scientific, and Cultural Organization (UNESCO). (14) The issue of institutional governance is one of the key issues in preparations for the Rio+ 20 conference in June 2012. The decision to locate UNEP in Kenya was especially significant because the specialized United Nations agencies were all located in developed countries. UNEP's location sent a signal that environmental problems were endemic to all countries.

The Stockholm Conference also heralded the emergence of non-governmental organizations, and to a lesser extent another element of the private sector, as concerned participants in the discussion of international environmental issues and in the development of international environmental law. The United Nations accredited 250 nongovernmental organizations for the Stockholm Conference, which at that time was noteworthy. (15)

Several important multilateral agreements are associated with the Stockholm Conference, namely the 1972 Convention for the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, the 1972 Convention for the Protection of World Cultural and Natural Heritage, and the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). (16) These agreements have been early pillars of international environmental law. Most countries are parties to CITES and to the World Heritage Convention, and many to the one on marine pollution by dumping.

In every field of international law, one can point to catalytic events for the growth of the field. The developments highlighted above, together with the UN Conference itself, set the stage for the rapid expansion in international environmental law during the next two decades.

### **After the Stockholm Conference**

In the two decades that followed the Stockholm Conference, international environmental agreements proliferated. By the end of the period, there were more than 1100 international legal instruments that were either fully concerned with the environment or had important provisions relating to the environment. This number includes both binding agreements and nonbinding legal

instruments, such as the U.N. Stockholm Declaration on the Human Environment. (17)

In this period, countries became adept at negotiating new agreements in a relatively short time frame, often less than two years. Even the intergovernmental negotiations for the U.N. Framework Convention on Climate Change took only 16 months to reach an agreement. (18) Generally, it took longer for the agreements to come into effect than to negotiate. The pattern of international environmental agreements was one of the separate agreements for specific problems, each with its own system of monitoring and reporting, own secretariat, and often its own, separate, financing facility to assist countries in implementing the agreement. This led to the observation by 1993 that there was "treaty congestion" and the system needed to become more efficient. (19)

The concept of a framework agreement, supplemented by one or more protocols to address specific problems, also emerged during this period. Soon after UNEP was established, States concluded agreements under UNEP to protect specific regional seas. The agreements took the form of a framework agreement setting forth general provisions, with one or more protocols addressing specific aspects of protecting the regional sea. (20) If a State were to become party to the framework agreement, it also had to join one or more of the protocols attached to it. This procedure was intended to ensure that the agreements would have "teeth" in protecting the regional sea. The pattern of a framework agreement with separate protocols subsequently became the prototype for the negotiation of many other international agreements, including for long-range transboundary air pollution, (21) ozone, (22) climate, (23) and tobacco control. (24) However, the requirement that a State must join a protocol when becoming a party to the framework agreement did not survive. As developed elsewhere in detail, the period between 1972-1992 witnessed changes in the themes and in the focus of international environmental agreements.(25) The scope expanded from agreements controlling transboundary pollution to ones addressed to global pollution problems, such as depletion of the ozone layer; from a focus on protecting certain kinds of wildlife to conserving ecosystems; from controlling trade across borders to controlling activities within national borders that threatened the environment, as by protecting natural world heritage sites, wetlands, and biologically diverse areas. The obligations in the new agreements were generally more detailed and intrusive on national sovereignty than in previous agreements. There is no instance in which provisions in existing agreements have been weakened. Rather they have been strengthened and changes made to make them more effective.

International environmental law also developed significantly in several other areas. Foremost is the 1982 Law of the Sea Convention, which provides unequivocally in Article 192 that states are to protect and preserve the marine environment and in subsequent articles sets forth detailed measures to be taken in order to do so.(26) Protection of the environment during warfare also emerged as an important subject of international law, as exemplified by the Convention on the Prohibition of Military or any Other Hostile Use of Environmental Modification Techniques, which prohibits the use of those techniques "having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party."(27)

Scientific uncertainty regarding the natural system, our interactions with it, and the effect of our products on it is inherent in international environmental law. Our scientific understanding is always changing. Early international agreements generally did not provide for adjusting to changes in our scientific knowledge of and understanding of environmental issues. Those negotiated after 1970 increasingly made such provisions. Sometimes this took the form of provision for regular technical assessments by experts, for simplified procedures for phasing out harmful chemicals more rapidly than initially agreed, for providing for annexes and simplified procedures for adding to annexes, and for regular meetings of the parties to address changes in scientific understandings. A major challenge is to identify, assess and manage risks to the environment and to human health. Some international agreements thus have provided for monitoring, early warning systems of dangers, and prioritization of risks. Similarly, some of the agreements during this period were directed to conserving ecosystems, rather than only specific pollutants or sources of pollution. For example, the 1978 Great Lakes Water Quality Agreement broadened the focus of the 1972 Agreement from specific kinds of pollution to the protection of basin-wide ecosystems in the Great Lakes. (28) This led to the inclusion of a Protocol in 1987 to address groundwater pollution and atmospheric transport of pollution as issues central to protecting the Great Lakes basin ecosystem.(29)

#### **From 1992-2012: Maturation and Linkage**

This period begins with the United Nations Conference on Environment and Development and then analyzes developments during the almost two decades following the Conference.

1992: The United Nations Rio Conference on Environment and Development in June 1992, countries met in Rio de Janeiro, Brazil, to commemorate the Twentieth anniversary of the 1972 Stockholm Conference on the Human Environment. The location of

the conference in Brazil sent an important message that environment and development were the concerns of all countries, regardless of their stage of economic development. The Rio Conference became an important milestone in the development of international environmental law and policy. The World Commission on Environment and Development (also called the Brundtland Commission), created by the United Nations General Assembly, prepared a report for the Rio Conference, *Our Common Future*, which made the concept of sustainable development the leitmotif of international environmental policy. States confirmed that the guiding paradigm was sustainable development and thus officially ratified the process of reconciling environment and development that had been begun twenty years previously in Founex, Switzerland.

The Brundtland Commission defined sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." (30). While the concept is nearly universally accepted, there is no officially agreed definition of sustainable development. One can identify generally accepted characteristics, but still, the concept is a fluid one and provides considerable latitude in its implementation. (31)

The Rio Conference produced four important documents for international environmental law: the Rio Declaration on Environment and Development, (32) which laid the basis for the rapid development of new principles and rules of international environmental law; the U.N. Framework Convention on Climate Change; (33) the Convention on Biodiversity (34); and the very detailed Agenda 21, (35) which set forth a comprehensive list of actions that States were to take. The Conference also adopted a "Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of all types of Forests," (36) and led to the subsequent negotiation of a Convention on Desertification. (37) It resulted in the establishment of a new institution at the United Nations, the Commission on Sustainable Development, to review progress in implementing Agenda 21. While governments were the formal actors in reaching agreement on these measures, the Rio Conference is especially noteworthy for the roles that non-governmental organizations (NGOs) and the business sector played. These groups held a parallel forum in Rio, and the NGOs published a daily newsletter, which kept all participants apprised of the events of the previous day. NGOs met actively with government delegations. An NGO had represented the small island states in the negotiations for the United Nations Framework Convention on Climate Change. In the private sector, the Swiss businessman Stephan Schmieding founded the

World Business Council for Sustainable Development, (38) which blazed the path for other business groups to become important global players in developing environmental standards, codes, and practices. (The concern of business with sustainable development in turn contributed to the focus ten years later at the Johannesburg World Summit on Sustainable Development on public-private partnerships to address environment and development problems.)

### **After the Rio Conference**

The years since Rio have witnessed major developments in international environmental law and policy. The field has become more robust and more comprehensive. International intergovernmental organizations, civil society, and industry associations, as well as other groups, have become more important participants. International environmental law has developed close links to trade, human rights, and national security. New principles and rules have emerged and been refined. The focus has shifted from a near-exclusive concern with negotiating new legal instruments to one concerned with implementing and complying with international agreements.

These developments can be grouped as follows: 1) the linkage of international environmental law with other areas of law - namely, international economic law, human rights law, and national security law; 2) the rise of actors other than States in shaping international environmental law, namely the multilateral development banks through their policies and procedures, the private sector through voluntary codes of conduct and green standards, public-private partnerships, and stockholder efforts, and nongovernmental organizations and civil society generally through diverse means; 3) the development and refinement of new international principles and rules of international environmental law and the increase in non-legally binding instruments; and 4) a new emphasis on implementation of and compliance with international environmental agreements. In addition, new concerns with institutional and environmental governance issues have emerged. (39)

### **Linkages**

#### **Economic Law: Trade and Investment**

For more than a decade before the World Trade Organization was formed, the General Agreement on Tariffs and Trade had recognized environmental concerns in its article XX (b) and (g) exceptions, though the language does not contain the word "environment." (40) In 1971, the GATT Council of Representatives agreed to establish a Group on Environmental Measures and International Trade, though it did not meet until 1991. When the WTO was negotiated

in 1994, it contained in its preamble reference to the aim of "sustainable development." (41) Since then, major disputes have come before the WTO Dispute Settlement Panels and Appellate Body that raise the potential conflict of national legislation allegedly directed to protecting the environment with the rules of the WTO. (42) The WTO has a Committee on Trade and Environment, which is studying, among other topics, the relationship between multilateral environmental agreements and the WTO. It has not reached agreement on this or other issues. (43)

The North American Free Trade Agreement (NAFTA) between Canada, Mexico and, the United States demonstrates the linkage between trade and the environment. The agreement contains a historic provision in Article 104 that if there is an inconsistency between NAFTA and trade provisions in certain environmental agreements, the latter can trump the NAFTA provisions. (44) The three multilateral environmental agreements that the countries have listed are those dealing with trade in endangered species, in hazardous wastes, and in substances that deplete the ozone layer. (45)

A North American Agreement on Environmental Cooperation between Canada, Mexico and the United States was negotiated at nearly the same time as NAFTA as a way to accommodate countries' concerns about environmental protection and to ensure that the trajectory of national protection of the environment would be upward rather than a race to the bottom. (46) Under the Agreement, a resident of any of the three countries can complain to the Secretariat that a country is not enforcing its environmental laws. If the Commission approves by a two-thirds vote, the Secretariat can prepare a factual record on the complaint, which will be made public by a two-thirds vote of the Commission. As of July 2011, the Commission had received more than 75 complaints and prepared 16 factual records. (47) Under the Agreement, countries can also decide by a two-thirds vote to institute a dispute settlement process if one country is believed to be engaged in a persistent pattern of failing to enforce its environmental law. This could ultimately lead to trade sanctions. As of July 2011, there were no claims under the latter process.

On the environmental side, the Rio Declaration on Environment and Development addresses in Principle 12 the trade concerns. It provides, *inter alia*, that "unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided." The language uses "should," rather than "shall," which was a nod to the importance of environmental concerns in order to provide a little flexibility in addressing them. Some agreements concluded in 1992 or thereafter include

specific provisions addressed to trade concerns. The U.N. Framework Convention on Climate Change, for example, provides in Article 3(5) that "[measures taken to combat climate change, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade." (48)

Under the Organization for Economic Cooperation and Development (OECD), States approached the linkage between environment and trade by developing formats for a trade review of environmental agreements and for an environmental review of trade agreements. (49) Government delegations included officials' experts in both trade and in the environment.

One of the most significant linkages of environment and trade concerns occurs in bilateral free trade agreements. The first United States bilateral free trade agreement to incorporate environmental issues was that between Jordan and the United States. (50) The pattern has been followed in other United States bilateral free trade agreements, though not necessarily in those between other countries. There have also been efforts to include environment in investment agreements. Under the auspices of the OECD, States tried to conclude a multilateral investment agreement, but were unsuccessful in doing so. One of the contentious issues in the negotiations was the treatment of environmental issues.<sup>51</sup>

There is now substantial and growing literature on trade and environment (or environment and trade) issues. (52) The linkage between the two has become highly significant in the debates about national actions to prevent or mitigate climate change. (53) We can anticipate that discussion of environment and trade issues will expand in coming years.

### **Human Rights and Environment**

During the last two decades, environmental law has become increasingly linked with human rights. Some scholars advocate a separate human right to a clean, decent, or healthy environment. (54) Others argue that existing international human rights law encompasses environment, as in the right to life. (55) At the national level, a growing number of constitutions recognize such a right, although the exact formulation varies among countries. (56)

In international environmental law, the 1972 Stockholm Declaration on the Human Environment provides a basis for linking human rights to the quality of the environment. Principle 1 provides that "man has the fundamental right to freedom, equality, and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being." Principle 1 of the 1992 Rio Declaration on Environment and

Development provides that human beings "are entitled to a healthy and productive life in harmony with nature," but the principle does not refer to a right. At the regional level, the 1981 African Charter of Human and People's Rights, which became effective in 1986, provides that "all peoples shall have the right to a general satisfactory environment favorable to their development,"(57) and the Additional Protocol to the American Convention on Human Rights in 1988 provides that "everyone shall have the right to live in a healthy environment."(58) The European Convention on Human Rights does not explicitly provide for a right to environment, though the European Court of Justice has drawn links between protection of human rights and protection of the environment. (59) In the United Nations, a draft Declaration of Principles on Human Rights and the Environment was prepared more than 15 years ago, but it was never adopted. (60) Recently, the United Nations Human Rights Council adopted two resolutions relating to climate change and human rights (61) and, in 2010, a resolution on a right to water and sanitation. (62) States have yet to declare that the right to environment exists as a human right. During the last two decades, the literature regarding a human right to environment has expanded significantly. (63) Moreover, certain national tribunals have recognized a right to environment as implicit in other provisions of human rights incorporated in their own national constitutions. (64)

### **National Security and Environment**

As indicated previously, agreements governing the military or hostile use of techniques for modifying the environment were concluded before 1992. In the two decades since, there has been growing recognition that national security requires a robust environment. Thus, protection of the environment has been increasing included as an aspect of national security. (65) With projected climate change and anticipated shortages of freshwater resources in such areas as the Middle East, northern and eastern Africa, South Asia, among others, water is increasingly viewed within the lens of national security.<sup>66</sup>

One aspect of the linkage between environment and security relates to the conditions by which environmental agreements must be respected during armed conflict. During the conflict in the Balkans, for example, World Heritage sites were threatened or destroyed. The 1996 Advisory Opinion of the International Court of Justice on Legality of the Threat or Use by a State of nuclear weapons observed that the issue was not whether the treaties applied during armed conflict but "rather whether the obligations stemming from these treaties were intended to be obligations of total restraint during military conflict."(67) This question remains. Another

linkage between environment and national security arises during peacetime. Some of the policies adopted by governments during peace time to enhance national security may be harmful to the environment. (68) These include ones relating to nuclear energy, disposal and storage of wastes related to weapons, etc. This points to the importance of integrating environmental concerns into the design and implementation of these laws and policies. For purposes of examining the evolution of international law, it suffices to recognize that there is a longstanding link between environment and armed conflict, that this link continues to be relevant and to grow, that the link also exists during peacetime, and that the environment, and especially water resources, has become part of the prism of national security for some, if not all, States.

### **The Role of Actors Beyond States**

Some of the most important developments in international environmental law in the last two decades have occurred in multilateral development banks and in the private sector, including both the business sector and nongovernmental organizations. While the environmental measures have not taken the form of agreements negotiated between States, they nonetheless form part of the broader corpus of international environmental law. These actors have significantly shaped all aspects of international environmental law.

### **Multilateral Development Banks**

***Some of the most important developments in international environmental law in the last two decades have occurred in multilateral development banks and in the private sector, including both the business sector and non-governmental organizations.***

In the 1970s, the World Bank initiated policies and procedures that covered specific environmental impacts of Bank-financed projects and hired an Environmental Advisor. These efforts substantially increased after 1992, when the World Bank adopted a broad range of policies and procedures intended to protect the environment and to ensure that economic development is sustainable.



These new policies and procedures were developed to guide the choice and design of projects and national policies over and above the specific environmental impact of Bank-financed projects. The so-called "safeguard" policies included policies on environmental assessment, natural habitat, forests, pesticides, dams, indigenous peoples, cultural properties, and resettlement. (69) Some have been revised at least once during this period. Other regional development banks and the International Finance Corporation have adopted their own versions of some of these policies. (70) These policies and procedures provide a common template of requirements that apply across countries. Some scholars have identified an emergence more broadly of "global administrative law."71

### **The Private Sector**

Since 1992, the private sector has launched significant efforts to develop its own transnational environmental standards and practices. These may, in effect, pre-empt what governments might otherwise undertake. Private codes of environmental practice include the International Organization for Standardization (ISO) environmental management standards, (72) the standard sustainable tropical timber trade and sustainable fisheries, (73) the International Chamber of Commerce's (ICC) Business Charter for Sustainable Development, (74) the Responsible Care Program of the Chemical Manufacturers Association, (75) the Coalition for Environmentally Responsible Economies (CERES) principles, (76) the Equator Principles for private international banks, (77) and numerous private code initiatives, particularly within Europe. There have also been several important international initiatives under U.N. auspices that are aimed at the private sector, including the 1999 Global Compact, (78) the 1997 Global Responsibilities Index and Sustainability Report Guidelines of 2002, (79) the United Nations Environment Program Finance Initiative to promote links between sustainability and financial performance, (80) and the 2006 Principles for Responsible Investment. (81) In 2002, the World Summit on Sustainable Development in Johannesburg called for public-private partnerships to promote sustainable development. These partnerships have become central to the mission. They are numerous and becoming more organized and ambitious in their programs, although information about them has been scattered. (82) As these initiatives demonstrate, in the twenty years since the Rio Conference, the private sector has become an important factor in implementing sustainable development.

### **Nongovernmental Organizations (NGOs) and Civil Society**

While States continue to be central to the development and implementation of international environmental agreements, nongovernmental organizations have also become very important, both internationally, nationally, and locally, in protecting the environment and ensuring sustainable development. The number of active NGOs has increased dramatically during this period in nearly all countries. At the 2002 Johannesburg Summit, 3,200 NGOs were accredited to participate. (83) NGOs have participated in meetings of parties for many of the international environmental agreements, assisted countries in developing positions by providing information, analysis, and even draft treaty text, alerted secretariats to violations of the agreements, and brought complaints to bodies set up under certain agreements to monitor and ensure compliance with the provisions of the agreement. With advances in information technology, which permit informal *ad hoc* groups to form almost instantaneously around certain issues and to disband as quickly, individuals will likely play an increasingly visible role in drawing attention to environmental problems, in using law to address the problem, and in seeking compliance with international environmental agreements (or potentially in avoiding compliance).

Advances in Principles and Obligations in International Environmental Law the 1992 Rio Declaration on Environment and Development provided a basis for further development of principles and obligations in international environmental law. Some of these developments are highlighted below.

Principle 7 of the Rio Declaration provided that "in view of the different contributions to global environmental degradation, States have common but differentiated responsibilities." References to "common but differentiated responsibilities," while new then, have become common in international legal parlance. The concept underlies the negotiations on climate change.

Other principles that have become common in international legal parlance in the last two decades include intergenerational equity, precautionary principle or approach, polluter pays principle, and, according to some scholars, sustainable development. A principle of solidarity recently was proposed. (84) One of the most significant developments since 1992 is that the International Court of Justice recognized the essence of Principle 21 of the 1972 Stockholm Declaration on the Human Environment as part of international law. (85) In effect, a state's responsibility includes an obligation related to protecting the environment.

There are also procedural obligations that have developed into obligations in international law in the years since the Rio Declaration or are in the process of becoming obligations. These include notice, consultation, environmental impact assessment, access to information, public participation, effective access to judicial and administrative redress and remedy, and prior informed consent for some activities.<sup>(86)</sup> In 2010, the International Court of Justice stated that there is now an obligation under general international law for States "to undertake an environmental impact assessment where it is a risk that the proposed industrial activities may have a significant adverse impact in a transboundary context, in particular, on a shared resource."<sup>(87)</sup> The Court further noted, however, that general international law did not "specify the scope and content of an environmental impact assessment."<sup>(88)</sup> In 1992, States acknowledged in the Rio Declaration on Environment and Development that little progress had been made since 1972 in developing international law regarding liability and compensation for "adverse effects of environmental damage" and urged States to "cooperate in an expeditious and more determined manner" to develop it. However, international environmental law related to liability has still languished, with a few notable exceptions: the Basel Protocol on Liability and Compensation,<sup>(89)</sup> the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety,<sup>(90)</sup> the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters (to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes and the Convention on the Transboundary Effects of Industrial Accidents),<sup>(91)</sup> and the International Law Commission's 2006 Principles on the Allocation of Loss in the case of Transboundary Harm Arising out of Hazardous Activities.<sup>(92)</sup> As of September 2011, none of the Protocols had gone into effect.

Within the last decade, discussions regarding accountability and good governance have raised the question of whether international law may be expanding to encompass these concepts as obligations. To date, there is no consensus on what constitutes good governance, although some core aspects can be identified.<sup>(93)</sup> While the term "accountability" appears increasingly in legal literature and is a goal in many international agreements, there is not a consensus on its origin or form. Civil law legal scholars may view accountability as an aspect of responsibility, and hence question separate treatment of it. Within the last two decades, soft law instruments (or non-legally binding instruments) related wholly or in part to environmental concerns have also increased significantly in number.

This reflects a broader trend in certain areas of international law. The Arctic Council, for example, was established by a non-legally binding instrument: the Declaration of the Establishment of the Arctic Council, 1996.<sup>(94)</sup> There is still no treaty on the Arctic.

There are many reasons to use "soft law." In some cases, events unfold so quickly that it is preferable to agree upon a non-legally binding instrument than to endure the long process of negotiating a binding one. In other cases, soft law may be a prelude to a later binding agreement. Usually, it is easier to reach agreement when the provisions are non-binding and do not have to be consented to by a parliamentary body.<sup>(95)</sup>

### **A Focus on Implementation and Compliance with Legal Instruments**

Until 1992, states focused primarily on negotiating new legal instruments. By 1993, as previously mentioned, there were many multilateral agreements, with separate reporting systems, separate secretariats, and with the notable exception of the UN Framework Convention on Climate Change and the Convention on Biodiversity, usually separate financing mechanisms. There was also concern about overlap and inconsistencies between provisions in different agreements, as evidenced by the Convention on Biological Diversity's provision relating to this issue. UNEP tried to address these issues by holding several meetings with the secretariats of various multilateral environmental agreements, by housing some secretariats together in a common building in Geneva, and by other measures. As countries approach Rio+20, some of the same issues remain, and there is again talk about "treaty congestion." "Partly as a result of the negotiation of many new agreements during the previous decade before the Rio Conference, a new focus emerged in the scholarly literature and within the United Nations Environment Program on strengthening implementation of and compliance with existing agreements and on providing ways to do so with future agreements."<sup>(96)</sup> The United Nations Environment Program adopted Guidelines on Compliance with and Enforcement of Multilateral Environmental Agreements and in 2006 published a Manual on the subject.<sup>(97)</sup> Increasingly parties to multilateral environmental agreements have established implementation and compliance committees to address problems of noncompliance. They generally let parties address specific cases in flexible ways to meet the underlying reasons for noncompliance and to bring the party into compliance.

Another new approach to strengthening the implementation of multilateral environmental agreements has been the use of market mechanisms. This is especially apparent in the measures available for implementing the Kyoto Protocol to the UN Framework

Convention on Climate Change: joint implementation, clean development mechanism, and emissions trading. (98) The underlying assumption is that by using market mechanisms, countries may be able to implement and comply with the obligations in the agreement with less cost and greater efficiency. Twenty years ago, countries other than the United States were quite skeptical about the use of such market mechanisms. Now, market mechanisms have become part of the implementation armor for international environmental agreements, though they remain controversial, especially on grounds of whether the burden of pollution reduction is borne equitably and of whether they in fact are effective in reducing the targeted pollution.

In June 2012, countries will again meet in Rio to celebrate the 20th anniversary of the 1992 U.N. Conference on Environment and Development. Countries will focus on two aspects: 1) development and use of green technology and 2) governance and institutional issues. The field has come far since 1972. Forty years ago, environment was still a relatively obscure subject, and unknown in many countries. In the United States, the first major piece of federal environmental legislation, the National Environmental Policy Act, which initiated the environmental impact assessment, was adopted only in 1969. Most countries had yet to adopt domestic environmental legislation and, as indicated, international agreements were few. This echoed the relatively rudimentary understanding of the environmental system and the impacts that our actions had on the environment. For example, Rachel Carson published her famous book *Silent Spring*, which alerted the public to the internationally devastating effects of certain chemicals on wildlife, only in 1962.<sup>9)</sup> The subject of human ecology was only beginning to emerge and did not become fully ensconced as a scientific discipline until the next decade or so. Effects on economic development were only beginning to be identified and appreciated. Thus, it is not surprising that there was little international (or national) environmental law before 1972, and that much of it focused on the use and conservation of particular species. The Ramsar Convention on Wetlands in 1971 was a sharp departure from the more traditional approach at that time. To the surprise of some, in just forty years, environment has become an important component of international law, and of domestic laws within countries. Every country now has one or more pieces of environmental legislation or regulation. And as indicated previously, there are now hundreds of bilateral and multilateral environmental agreements or significant non-legally binding instruments concerned with environment. This reflects advances in scientific understanding of the environment, both globally and locally, a recognition of the economic

costs of environmental damage and the competitive advantages of environmentally sound production, and an appreciation of the social, health, and economic costs to communities and individuals from degraded environments. The environment has as its constituency the public worldwide.

It is an issue to which people can relate at the most local level, and in this sense, it is an issue that has both top-down and bottom-up elements.

Some have noted the limits of environmental law. Certainly, one can argue that our accomplishments in ensuring a sustainable human environment lag far behind the enormous task confronting us. While international environmental law is much better, the environment is, at least in some respects, worse. This leads some to question the value of international environmental agreements.

Others would note that with environmental law, some aspects, such as air pollution and the robustness of the ozone layer, have considerably improved, and that the environment is better than it would be if we did not have environmental law. There is a strong push for implementing and complying with the laws that we already have, both internationally and domestically. The need to strengthen implementation and compliance is an important item on the international legal agenda.

None of this should obscure the observation that from an historical perspective, international environmental law has evolved rapidly, and continues to do so. The same applies generally to national environmental laws. I would argue further that international environmental law continues to have significant impact in helping shape countries' actions in addressing environmental problems and promoting sustainable development.

As we look to the future, we can anticipate that climate change is likely to dominate the environmental legal agenda, whether explicitly or implicitly. International environmental law will become of necessity more concerned with long-term risks and their assessment and management, and with issues of both inter-generational and intra-generational equity. All of this will take place in a kaleidoscopic world, (100) in which individuals and *ad hoc* groupings as well as States, international organizations, nongovernmental organization, private sector actors, and networks will co-exist. Change will be rapid and constant, requiring new measures to accommodate it in order to ensure sustainable and equitable development for both present and future generations.

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Francis Cabell Brown Professor of International Law, Georgetown Law, Washington, D.C., USA. The author thanks Alice Bullard, Ph.D., for research assistance.

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1 Genesis 1: 1-31, 17: 7-8, and Deuteronomy 20: 19.

2 The nontheistic tradition of Shinto stresses respect for nature, a view for which there is resonance in Buddhism, Hinduism and Jainism. Japan has a reverence for nature that is displayed in symbolic representations, such as flying cranes on wedding kimonos. For recent discussion, see Bruce Rich, *To Uphold the World: A Call for a New Global Ethic from Ancient India* (2010), pp. 168-169. Islamic law regards each generation as having inherited "all the resources of life and nature" and having certain duties to God in using them. See Abou Bakr Ahmed Ba Kadar *et al.*, *Islamic Principles for the Conservation of the Natural Environment* (2nd ed., 1983), pp. 13-14.

<sup>3</sup> A notable exception is the 1909 United States-United Kingdom Boundary Waters Treaty, which provided in Article IV that water "shall not be polluted on either side to the injury of health or property on the other." Washington Treaty Relating to Boundary Waters between the United States and Canada, January 11, 1909, Charles Bevans, *Treaties and Other International Agreements of the United States of America 1776-1949*, Vol. 12, p. 319 (Treaty Series No. 548).

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9 *Trail Smelter Case (United States v. Canada)*, Ad Hoc International Arbitral Tribunal, March 11, 1941, *United Nations Reports of International Arbitral Awards*, Vol. 3 (1949), p. 1938.

<sup>10</sup> *Lake Lanoux Case (France -v. Spain)*, Ad Hoc International Arbitral Tribunal, November 16, 1957, *United Nations Reports of International Arbitral Awards*, Vol. 12 (1963), p. 281.

<sup>11</sup> *Founex Report on Development and Environment* (1971). The report is reprinted in Miguel Ozorio de Almeida *et al.*, *Environment and Development; the Founex Report on Development and Environment, with Commentaries* (1972).

<sup>12</sup> Stockholm Declaration of the United Nations Conference on the Human Environment, *Report of the United Nations Conference on the Human Environment*, U.N. Doc. A/ CONF.48/14/Rev.1 (1973), p. 3; U.N. Doc. A/CONF.48/14 (1972), pp. 2-65. And Corr. 1.

<sup>13</sup> *Legality of the Threat or Use of nuclear weapons*, Advisory Opinion, *I.C.J. Reports 1996*, p. 226; and *Gabcikovo-Nagymaros Project (Hungary v. Slovakia)*, Judgment, *I.C.J. Reports 1997*, p. 7.

<sup>14</sup> All member countries belong to the governing body of the specialized agencies, while UNEP's Governing Council includes only some of the member countries.

The specialized agencies are established by international agreement and by Articles 57 and 63 of the United Nations Charter and are linked to the U.N. Economic and Social Council. UNEP was established by U.N. General Assembly Resolution 2997 (XXVII) of December 15, 1972, and reaffirmed by U.N. General Assembly Resolution, U.N. Doc. A/RES/31/112, December 16, 1976. UNEP is linked to the United Nations General Assembly.

- <sup>15</sup> Michele M. Betsill and Elisabeth Corell, eds., *NGO Diplomacy: IbelnjluenceojNongovernmental Organizations in International Environmental Negotiations* (2008), p. viii.
- <sup>16</sup> International Maritime Organization Convention for the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, December 29, 1972, *United Nations Treaty Series*, Vol. 1046, p. 120 (No. 15749) and London Protocol, November 7, 1996, IMO LC/SML/6 0996), reprinted in *International Legal Materials*, Vol. 36 (1997), p. 1; UNESCO Convention for the Protection of World Cultural and Natural Heritage, November 16, 1972, *United Nations Treaty Series*, Vol. 1037, p. 151 (15511); and Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), March 3, 1973, *United Nations Treaty Series*, Vol. 993, p. 243 (No. 14537), amended in Bonn on June 22, 1979.
- <sup>17</sup> Stockholm Declaration of the United Nations Conference on the Human Environment, June 16, 1972, *supra* note 12.
- <sup>18</sup> United Nations Framework Convention Climate Change (UNFCCC), May 21, 1992, *United Nations Treaty Series*, Vol. 1771, p. 107 (No. 30822).
- <sup>19</sup> Edith Brown Weiss, "International Environmental Law: Contemporary Issues and the Emergence of a New World Order," *Georgetown Law Journal*, Vol. 81, No. 3 (0993), pp. 675-710.
- <sup>20</sup> *E.g.*, Barcelona Convention for the Protection of the Mediterranean Sea against Pollution, February 16, 1976, *United Nations Treaty Series*, Vol.1102, p. 27 (No 16908).
- <sup>21</sup> Economic Commission for Europe Convention on Long-Range Transboundary Air Pollution (LRTAP), November 13, 1979, E/ECE/1010 0979), *United Nations Treaty Series*, Vol. 1302, p. 217 (No. 21623); Helsinki Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on the Reduction of Sulphur Emissions or their Transboundary Fluxes by at Least 30 Percent, July 8, 1985, *United Nations Treaty Series*, Vol. 1480, p. 215 (No. 25247); Sofia Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution Concerning the Control of Emissions of Nitrogen Oxides or Their Transboundary Fluxes, October 31, 1988, *United Nations Treaty Series*, Vol. 1593, p. 287 (No. 27874); Geneva Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution Concerning the Control of Emissions of Volatile Organic Compounds or Their Trans boundary Fluxes, November 18, 1991, *United Nations Treaty Series*, Vol. 2001, p. 187 (No. 34322); Oslo Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Further Reduction of Sulfur Emissions, June 14, 1994, U.N. Doc. ECE/EB.AIR/40 0994), *United Nations Treaty Series*, Vol. 2030, p. 122 (No. 21623); Aarhus Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Heavy Metals, June 24, 1998, *United Nations Treaty Series*, Vol. 2237, p. 4 (No. 21623); Aarhus Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Chemicals, June 24, 1998, *United Nations Treaty Series*, Vol. 2230, p. 79 (No. 21623).
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- <sup>23</sup> United Nations Framework Convention Climate Change, *supra* note 18: The Kyoto Protocol to the United Nations Framework Convention on Climate Change, December 10, 1997, *United Nations Treaty Series*, Vol. 2303, p. 162 (No. 30822).
- <sup>24</sup> World Health Organization Framework Convention on Tobacco Control, June 16, 2003, *United Nations Treaty Series*, Vol. 2302, p. 166 (No. 41032).
- <sup>25</sup> Edith Brown Weiss, *supra* note 19.
- <sup>26</sup> United Nations Convention on the Law of the Sea, with Annexes and Index, December 10, 1982, *United Nations Treaty Series*, Vol. 1833, p. 3 (No. 31363).
- <sup>27</sup> Article 1, Convention on the Prohibition of Military or any Hostile Use of Environmental Modification Techniques (ENMOD Convention), May 18, 1977, *United Nations Treaty Series*, Vol. 1108, p. 151 (No. 17119). The Convention covers techniques that change "through the deliberate manipulation of natural processes, the dynamics, composition or Structure of the Earth." Article 35.3, Protocol Additional to the Geneva Conventions of 1949(Protocol I), June 8, 1977, *United Nations Treaty Series*, Vol. 1125, p. 3 (No. 17512) also bans the use of techniques that have "widespread, long-lasting and severe damage to the natural environment," but in contrast to the ENMOD Convention, uses the connecting word "and" rather than "or." More recently, the International Committee of the Red Cross compiled relevant international environmental law in the *Guidelines for Military Manuals and Instructions on the Protection of the Environment in Times of Armed Conflict*, *International Review of the Red Cross*, No. 311 (April 30, 1996), available at <<http://www.icrc.org/eng/>

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- 30 World Commission on Environment and Development, *Our Common Future* (1987), pp. 8-9.
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*Materials*, Vol. 32 (1993), p. 1480.

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- 57 Article 24, Banjul Charter of Human and Peoples Rights (1981), *International Legal Materials*, Vol. 21, (1982) p. 58; available at <[http://www.achpr.org/english/\\_info/charter\\_en.html](http://www.achpr.org/english/_info/charter_en.html)> (accessed June 29, 2011). The SERAC case holding by the African Commission on Human and Peoples' Rights provides a powerful precedent for interpreting this Charter provision. See, *Social and Economic Rights Action Center & the Center for Economic and Social Rights v. Nigeria*, Communication No. 155/96, available at <[http://www.esrcr-net.org/usr\\_doc/serac.pdf](http://www.esrcr-net.org/usr_doc/serac.pdf)> accessed June 29, 2011.
- 58 Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, *International Legal Materials*, Vol. 28 (1988), p. 156. Article 11, "Right to a healthy environment," proclaims "(1.) Everyone shall have the right to live in a healthy environment and to have access to basic public services and (2.) The States parties shall promote the protection, preservation and improvement of the environment."
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Rights prepared a study on the relationship between climate change and human rights (U.N. Doc. NHRC/10/61 (2009)) for the Council meeting in March 2009. On March 25, 2009, the Council adopted resolution 10/4 "Human rights and climate change." See,

<<http://www2.ohchr.org/english/issues/climatechange/index.htm>> for analysis and link to the resolutions; (accessed June 29, 2008). The Center for International Environmental Law also maintains a website dedicated to human rights and climate change, with discussion of the U.N. Human Rights Council resolutions; see, <[http://www.ciel.org/Hre/UN\\_Resolution\\_26Mar08.html](http://www.ciel.org/Hre/UN_Resolution_26Mar08.html)>, accessed June 29, 2011.

62 U.N. General Assembly Resolution, U.N. Doc. NRES/64/292 (July 28, 2010), available at <<http://www.un.org/en/ga/64/resolutions.shtml>>, accessed June 29, 2011; and Human Rights Council Resolution, U.N. Doc. NHRC/RES/15/9 (October 6, 2010), available at <[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/HRC/RES/15/9](http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/RES/15/9)>, accessed June 29, 2011.

63 See, for example, Dinah Shelton, "Human Rights and the Environment: What Specific Environmental Rights Have Been Recognized?" *Denver Journal of International Law & Policy*, Vol. 35 (2007), pp. 129-172; Stephen Humphreys, ed., *Human Rights and Climate Change* (2010); Tyler Gianni and Jed Greer, *Earth Rights: Linking the Quests for Human Rights and Environmental Protection* (1999).

64 The Indian Supreme Court found, for example, that, "[the] right to live is a fundamental right under Article 21 of the Constitution and it includes the right of enjoyment of pollution free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws, a citizen has right to have recourse to Article 32 of the constitution for removing the pollution of water or air which may be detrimental to the quality of life." *Subhash Kumar v. State of Bihar*, (1991) 1 S.C.R. 5, 13. See also, *Indian Council for Enviro-Legal Action v. Union of India*, (1996) 2 S.C.R. 503, 536-37 and C. M. Abraham, *Environmental jurisprudence in India* (1999), p. 136. There are similar decisions in Pakistan, Nepal, and Bangladesh.

65 See, for example, Thomas Homer-Dixon and Jessica Blitt, eds., *Eco violence: Links among Environment, Population and Security*, (1998); and In-Take Hyun and Miranda Schreurs, eds., *The Environmental Dimension of Asian Security: Conflict and Cooperation over Energy, Resources and Pollution* (2007).

66 Intergovernmental Panel on Climate Change (IPCC), *Fourth Assessment Report: Climate Change 2007 (AR4)* (2007), available at <[www.ipcc.ch](http://www.ipcc.ch)>, (accessed July 13, 2011). See, Jutta Brunnee and Stephen Toope, "Environmental Security and Freshwater Resources: Ecosystem Regime Building,"

*American journal of International Law*, Vol. 91 (1997), pp. 26-59.

67 Legality of the Threat or Use of nuclear weapons, *supra* note 13, pp. 241-242, para. 30.

68 John McNeil and Paul Kennedy, *Something New Under the Sun: An Environmental History of the Twentieth Century World* (2000).

69 World Bank safeguard policies include *Environmental Assessment, Operational Policy 4.01* (1999), available at <<http://go.worldbank.org/K7F3DCUDD0>>; *Natural Habitat, Operational Policy 4.04* (2001), available at <<http://go.worldbank.org/PS1EF2UHYO>>; *Forests, Operational Policy 4.36* (2002), available at <<http://go.worldbank.org/T22VSH6ZEO>>; *Pest Management, Operational Policy 4.09* (1998), available at <<http://go.worldbank.org/B7525J6000>>; *Safety of Dams, Operational Policy 4.37* (2001), available at <<http://go.worldbank.org/6G6AB69P30>>; *Indigenous Peoples, Operational Policy 4.10* (2005), available at <<http://go.worldbank.org/IBZABS9UU0>>; *Physical Cultural Resources, Operational Policy 4.11* (2006), available at <<http://go.worldbank.org/UBUBZD7NA0>>; and *Involuntary Resettlement, Operational Policy 4.12* (2001), available at <<http://go.worldbank.org/ZDIJXP7TQ0>>, all accessed June 29, 2011.

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- 78 United Nations, *United Nations Global Compact* (1999), available at <<http://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/index.html>>, accessed June 29, 2011.
- 79 The Global Responsibilities Index (GRI), started in 1997, and is now the publisher of the *Sustainability Reporting Guidelines*. See GRI's 2006 version of the Guidelines, available at <[http://www.globalreporting.org/NR/rdonlyres/ED9E9B36-AB54-4DE1-BFF2-5F735235CA44/0/G3\\_GuidelinesENU.pdf](http://www.globalreporting.org/NR/rdonlyres/ED9E9B36-AB54-4DE1-BFF2-5F735235CA44/0/G3_GuidelinesENU.pdf)>, accessed June 29, 2011.
- 80 United Nations Environment Programme, *United Nations Environment Program Finance Initiative* (1992), available at <<http://www.unepfi.org/>>, accessed June 29, 2011.
- 81 United Nations Environment Programme, *Principles for Responsible Investment* (2005), available at <<http://www.unpri.org/>>, accessed June 29, 2011.
- 82 Marc Levy and Marina Chernyak, "Sustainable Development Partnerships," *Environment: Science and Policy for Sustainable Development*, Vol. 48 (2006), pp. 3-4.
- 83 Michele M. Betsill and Elisabeth Corell, eds., *NGO Diplomacy: The Influence of Nongovernmental Organizations in International Environmental Negotiations* (2008), p. viii. For related analysis of the growth of environmental groups in Japan, see Pradyum Prasad Karan and Unryu Suganuma, eds., *Local Environmental Movements: A Comparative Study of the United States and Japan* (2008).
- 84 Rudiger Wolfram and Chie Kojima, eds., *Solidarity: A Structural Principle of International Law* (2010).
- 85 Legality of the Threat or the Use of nuclear weapons, *supra* note 13, pp. 241-242, para. 29. The Court stated that "the general obligation of States to ensure that activities within their jurisdiction and control respect the environment of other States or of areas beyond national control is now part of the corpus of international law relating to the environment." The Court reaffirmed this in Gabcikovo-Nagymaros Project, *supra* note 13, p. 41, para. 53. The Court's language differs slightly from the Stockholm and Rio Declarations language. It uses the term "respect the environment of other States or of areas beyond national control," while Stockholm Principle 21 (and Rio Principle 2) refer to "the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of Other States or of areas beyond the limits of national jurisdiction." For related analyses, see Djamchild Momtaz, "Le recours à l'arme nucléaire et la protection de l'environnement," in Laurence Boisson de Chazournes and Philippe Sands, eds., *International Law, the International Court of Justice and nuclear weapons* (1999), pp. 355-374, and Edith Brown Weiss, "Opening the Door to the Environment and to Future Generations," *ibid.*, pp. 338-353.
- 86 For Japanese scholarship on this development, see, e.g., Toru Iwama, "The Principle of Public Participation in the Management of Natural Resources Embodied in International Environmental Instruments," *Seinan-gakuin Daigaku Hogaku Ronshu* [Seinan Law Review], Vol. 33 (2001), pp. 33-66.
- 87 *Pulp Mills on the River Uruguay* (Argentina/Uruguay), *I.C.J. Reports 2010*, para. 204.
- 88 *Ibid.*, para. 205.
- 89 Basel Protocol on Liability and Compensation, December 10, 1999, available at <<http://www.basel.int/pub/protocol.html>>, accessed July 23, 2011. It is not yet in effect.
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92 International Law Commission, *Draft Principles on the Allocation of Loss in the Case of Transboundary Harm Arising out of Hazardous Activities* (2006), submitted to the United Nations General Assembly, which recommended them to governments. *Report of the International Law Commission*, U.N. Doc. A/61/10 (2006), pp. 106-110.

93 See Edith Brown Weiss and Ahila Sornarajah, "Good Governance," in Rudiger Wolfrum, ed., *Max Planck Encyclopedia of Public International Law* (Online ed., 2010).

94 Declaration on the Establishment of the Arctic Council, September 19, 1996, *International Legal Materials*, Vol. 35 (1966), p. 1382.

95 For discussion of the role of non-legally binding instruments, see Edith Brown Weiss, ed., *International Compliance with Nonbinding Accords* (1997); and Dinah Shelton, ed., *Commitment and Compliance: The Role of Non-binding Norms in the International Legal System* (2000).

96 See, e.g., Abram Chayes and Antonia Chayes, *The New Sovereignty: Compliance with Treaties in International Regulatory Regimes* (1995); Edith Brown Weiss and Harold K. Jacobson, eds., *Engaging Countries: Strengthening Compliance with International Environmental Accords* (1998), see especially for Japan, James Feinerman and Koichiro Fujikura, "Japan: Consensus-Based Compliance," *ibid.*, pp. 253-290.

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100 Edith Brown Weiss, "International Law in a Kaleidoscopic World," *Asian Journal of International Law*, Vol. 1, No. 1 (2011), pp. 21-32



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***Candle does not burn for us, but for all those whom we failed to rescue from the prison, who were shot on the way to prison, who were tortured, who were kidnapped, who 'disappeared'. That is what candle is for.***

***Peter Beneson***



# Adverse Life Events and Behaviors of Slum Areas Adolescents

**Rubina Hanif**

## **Abstract**

A sample of 200 male adolescents in the age range of 13-19 years ( $M = 16.12$ ;  $SD = 1.55$ ) was selected from slum areas of Rawalpindi and Islamabad (Pakistan). To measure adverse life events, aggressive reactions and delinquent behaviors, three scales i.e., Adverse Life Events Scale (Rehana & Hanif, 2017), Commit Aggression (CA; George, 2003), and Self Report Delinquency Scale (SRDS; Naqvi & Kamal, 2008) were used. Findings show that adverse life experiences, aggression, and delinquency are significantly correlated. The negative life experiences lead to high aggression and delinquency. The results are discussed from a cultural and social perspective.

## **Introduction**

Slums or informal urban settlements are a unique environment to examine the behavioral ramifications of exposure to adverse life events. Slum settlements are characterized by insecurity, extreme deprivation, lack of basic infrastructure, limited socio-economic and educational opportunities, and high levels of violence (United Nations Population Fund (UNFPA): *Growing up Urban: State of World Population 2007*). As noted by Ompad (2007), "slum dwellers are often a particularly vulnerable group for a variety of reasons including precarious or nonexistent land tenure, lack of urban resource infrastructure, and tenuous relationships with governments and law enforcement.

Previous research has shown that adolescents growing up in slum settings encounter a number of adverse life events, including extreme poverty, poor housing, and persistent exposure to neighborhood crime and violence, which are significantly associated with delinquency (Farrington, 2003; Farrington, Coid, & West, 2009; Hawkins et al., 2000; Sampson & Laub, 2005; Simons, & Burt, 2011). One study conducted in the urban slums of Nairobi, Kenya, for example, found a strong association between self-reported coerced sexual activity and alcohol use among young people aged 12–24 years (Mugisha et al., 2003). Similarly, Kabiru et al. (2014) found that adversity was positively and significantly associated with delinquency. Furthermore, Blum et al. (2019) found high rates of Adverse Child Experiences (ACEs) exposure experienced by young adolescents in resource-poor neighborhoods in low-and middle-income

countries and strong associations between ACEs and depressive symptoms and violence perpetration.

A large body of research on crime and delinquency has been conducted using Agnew's (1992) General Strain Theory (GST). Research has generally shown that youth who experience negative life events are more likely to engage in delinquent behaviors (Baron, 2009; Vowell et al., 2000; Varano et al., 2011). Cho and Galehan (2019) found that Korean adolescents who experienced bullying victimization, child abuse, and poor conflicts in previous years were more likely to commit later delinquent behaviors. Being victims of child abuse, neglect (Maschi et al., 2008; Cepeda et al., 2016; Yun et al., 2011) and bullying (Bradshaw et al., 2013; Decamp et al., 2014; Higgins et al., 2012) are all positively associated with criminal and delinquent acts in children and adolescents. Also, youth are known to engage in more delinquent activity when their peers have rejected them. (Higgins et al., 2011; Hayes, 1997). Additionally, negative life events can trigger negative emotions causing adolescents to engage in drug use (Agnew 2015). The explanation of the mediating role of negative emotions on the link between negative life events and delinquency has received considerable empirical support in the literature (Cho et al., 2019; Jang et al., 2012), concluding that prior experiences of negative life events caused a greater likelihood of delinquent behavior later due to negative emotions, for example, aggression. Angela, Robertson, Judith, Stein, and Schaefer-Rohleder (2010) found that adverse life events were associated with increased anger, anxiety, and maladaptive coping. Anger mediated the relationship between adverse life events and serious delinquency. Anxiety mediated the relationship between adverse life events and minor delinquency. Maladaptive coping strategies were associated with minor delinquency and juvenile justice involvement. Findings lend support to GST.

Preliminary findings indicate that stressful life events are more strongly linked to reactive aggression than proactive aggression (Brown et al., 2016; Fite et al., 2015), which is likely attributable to the mechanisms believed to underlie these associations. Reactive aggression is thought to develop through a lack of security and an inconsistent environment, which likely underlie many stressful life events (Fite et al., 2012). In their aftermath, stressful life events may result in an

inability to respond to situations appropriately, due in part to poorly regulated emotions, which likely lead to reactive aggression (Fite et al., 2012). Within the theoretical framework of the socio-cultural perspective, the correlates of any adversity can be easily understood. This is well established that social and personal circumstances have a great influence on one's behaviors and learning. Traumatic events expose adolescents to the risk of aggravation of depressive, anxiety, and somatic disorders. At the reactive level, anger, aggression, behavioral disorders, and abuse of psychoactive substances occur most often. In safe conditions, young people suffering from complex trauma often display aggressive behaviors (e.g., Reactive episodes of rage, aggressive or destructive behavior), resulting in significant social, educational, and economic costs (Foster, 2005; Zakireh et al. 2008). Julian et al. (2012) state that adolescents in juvenile facilities often have a complicated history of traumatic events, resulting in a significant number of biopsychosocial problems leading to reactive aggressiveness. Ang et al., (2016) examined the relationships between two functions of aggression (i.e., reactive and proactive) and delinquency, in a sample of adolescents. Findings suggested that both reactive aggression and proactive aggression significantly and positively predicted delinquency (after controlling for proactive aggression and reactive aggression, respectively), with proactive aggression being a stronger predictor.

Multiple pathways through which adverse life events lead to delinquency and behavioral problems have been suggested in the literature. Simons and Burt (2011), for example, postulate that adverse conditions, including community disadvantage and neighborhood crime, promote social schemas—a hostile, distrustful view of people, the need for immediate gratification, and a cynical view of social norms and codes of conduct—that support delinquent or criminal behavior. Traumatic experiences and PTSD put youth at increased risk for involvement in violence, aggressive behavior, and delinquency. Youth exposed to community violence manifest an increased risk for both PTSD and aggressive/delinquent behaviors (Fehon et al., 2001), as do those with histories of abuse and maltreatment (Cullerton-Sen, et al., 2008; Boxer, 2010). Middle and high school students with histories of abuse, witnessed domestic violence or parental substance abuse engage in more physical fighting, bullying, weapon carrying, and dating violence than their peers who have not experienced such adversity (Duke et al., 2010). The etiology of this association between trauma and aggressive behavior is multifactorial. Youth with trauma histories may be at an increased risk for reactive aggression due to trauma's neurobiological effects, such as autonomic dysregulation and easy triggering of the

fight or flight response dysregulation (Gordis et al., 2010; Dale et al., 2009). Moreover, Gerson and Rappaport (2013) suggest that exposure to violence can lead to reactive aggression.

Collaboration with families and service providers is particularly crucial for adolescents with significant aggressive or delinquent behaviors. Clinicians will want to ascertain when aggression is reactive (in response to environmental or interpersonal triggers), related to psychiatric symptoms (such as dissociation or emotional reactivity), or more antisocial. Intensive family-directed treatments such as multisystem therapy (MST) and family-focused therapy (FFT) are likely to be most effective in treating aggression. These treatments try to understand the individual, family, and environmental factors contributing to symptoms and provide integrated wraparound care. Studies of MST and FFT demonstrate effectiveness in reducing aggression and delinquency (Butler et al, 2011; Sexton & Turner, 2011). It can be assumed that in slum areas, residents have their own problems due to geographical and social situations. Further, the adolescent's life span development and socialization

The present study has been designed to measure adverse life events experienced by adolescents living in slum areas. The objective was to find out the impact of these adversities on adolescents' aggressive reactions and antisocial or delinquent behaviors. The particular objective was to find out the impact of adverse life events on aggressive reactions and delinquent behaviors.

### **Hypothesis**

1. Adverse life events will show a positive relationship between aggression and delinquency.
2. Adolescents experiencing more adverse life events will show the high level of social, physical, and violent aggression
3. Adolescents experiencing more adverse life events will show more delinquent behaviors.

### **Method**

#### **Sample**

A sample of 200 male adolescents in the age range of 13-19 years ( $M = 16.12$ ;  $SD = 1.55$ ) was selected from slum areas of Rawalpindi and Islamabad (Pakistan). All the participants were working as laborer in workshops ( $n = 70$ ), beggars ( $n = 42$ ), general stores ( $n = 20$ ) and trash collector ( $n = 68$ ). None of the participants has higher education. Their Education Level was under high/Secondary school.

**Instruments**

Following instruments were used to measure study variables.

**Adverse Life Events Scale (ALES).** It was developed by Rehana and Hanif (2017). consists of 85 items under six theoretically derived categories ‘Health-related events’, ‘School-related events’, ‘Residence-related events’, ‘Personal & Social events’, Family & Friends related events’, and ‘Natural Disasters’. ALES is a checklist-cum-rating scale on which adolescents first indicate whether they have experienced the event or not (with a dichotomous response i.e., Yes/No) and then they rate the level of the stress they experienced because of that event on a 4-point rating scale (i.e., not at all = 1, slightly = 2, to a greater level = 3, very much = 4). Total score of ALES is calculated by summing up the impact rating of all the items of the scale, and a higher score means more experience of traumatic events.

**Commit Aggression Inventory (CA).** The commit Aggression Inventory (George, 2003) was used to determine levels of aggressive behavior. 28 self-report items measure Social, Physical, and Violent aggression, which are divided into three subscales i.e., Social Aggression, Moderate Aggression (Physical), and Violent Aggression. Responses to this scale are based on a five-point Likert scale (1 = never in the past year, 2 = almost never in the past year, 3 = sometimes in the past year, 4 = often in the past year, 5 = all the time. For the present research, overall high scores on total and each subscale were taken as highly aggressive behavior.

**Self-Reported Delinquency Scale (SRDS).** It was developed by Naqvi and Kamal (2008), SRDS contains 27 positive statements regarding different delinquents' acts like stealing, drugs, lying, violence, gambling, police encounter, and disobedience. Response format is a 5-point Likert type scale which measures the frequency of committing delinquent acts where 0 = never, 1 = once, 2

= 2-5 times, 3 = 5-10 times, and 4 = more than 10 times. The possible scoring range is 0- 108, where a high score represents high delinquency. Alpha reliability of SRDS is reported to be .92 (Naqvi & Kamal, 2008, 2013). This is a unit-dimensional scale that measures patterns of Risk-Taking Delinquent Tendency (RTDT), Sex Related Delinquent Tendency (SRDT), Stealing Related Delinquent Tendency (SDT), Police Encountering Delinquent Tendency (PEDT), Drugs Related Delinquent Tendency (DRDT), and Attention Seeking Delinquent Tendency (ASDT).

**Procedure**

Participants of the study were approached at their residential and workplaces. Informed consent was taken. They were requested to volunteer for participation only if they were willing to do. They were briefed about study objectives. They were asked to answer all the questions with honesty, and their responses' confidentiality was assured. They were also given the right to withdraw during interviews as participants were not literate, so the questions of instruments were asked as structured interviews, and their responses were recorded by writing on forms. Although structured interviews restrict the participant from choosing the option only provided to them, this technique is useful in quantitative research. Initially, 260 adolescents were approached, only 206 agreed to respond. Six adolescents withdrew during the survey interview, so their data were discarded.

**Results & Discussion**

Data was analyzed SPSS 22 VERSION. Initially, alpha coefficients of study instruments were found i.e., ALES (.92); SRDS (.89); and CA (.86). There was no missing data. Further correlation and aggression were calculated to test hypotheses. Some supplementary analyses were done and have been shown in graphs.

Table 1. Correlation of study variables (N=200)

Variables	1	2	3	4	5	6
1. SRDS	-	.43**	.358**	.56**	.52**	.47**
2. CA		-	.71**	.61**	.47**	.24*
3. Social			-	.42**	.49**	.21*
4. Physical				-	.53**	.29*
5. Violent					-	.68**
6. ALES						-

Note. \*p ≤ .05, \*\* p ≤ .01SRDS = self -reported delinquency scale; CA=Commit Aggression; ALES= adverse life events

Table 1 depicts the correlations among the study variables. It shows that all the variables have a significant positive correlation. Adverse life events are strongly correlated with aggression and delinquent behaviors.

**Table 2.** Regression Analysis on Aggressive Behaviors and Delinquency by Adverse Life Events (N=200)

Adverse Life Events	B	SE B	B	95% CI	
				LL	UL
Delinquency					
	.08	.01	.33**	.06	.10
<i>R</i> = .33, <i>R</i> <sup>2</sup> = .11, $\Delta R^2$ = .11 ( <i>F</i> = 80.15**)					
Aggression					
	.04	.005	.31**	.03	.05
<i>R</i> = .31, <i>R</i> <sup>2</sup> = .09, $\Delta R^2$ = .09 ( <i>F</i> = 67.71**)					
Social Aggression					
	.04	.005	.32**	.03	.05
<i>R</i> = .32, <i>R</i> <sup>2</sup> = .10, $\Delta R^2$ = .10 ( <i>F</i> = 76.53**)					
Physical Aggression					
	.03	.003	.30**	.02	.03
<i>R</i> = .30, <i>R</i> <sup>2</sup> = .09, $\Delta R^2$ = .09 ( <i>F</i> = 66.55**)					
Violent Aggression					
	.05	.01	.29**	.04	.07
<i>R</i> = .29, <i>R</i> <sup>2</sup> = .08, $\Delta R^2$ = .08 ( <i>F</i> = 60.14**)					
Feelings of Rejection					
	.03	.004	.30**	.03	.04
<i>R</i> = .30, <i>R</i> <sup>2</sup> = .09, $\Delta R^2$ = .09 ( <i>F</i> = 65.69**)					

\*\**p* < .001

Table 2 shows the impact of the adverse life events on delinquent behaviors and aggression and its subscales. Findings indicated that by taking the experience of adverse life events as the predictor of delinquent behaviors the magnitude of the model fit ( $\Delta R^2 = .11$ ) revealed a significant relationship (*F* = 80.15, *p* < .001) by contributing 11% of the variability in delinquent behaviors. This implies that one unit increase in the experience of adverse life events will result in .33 increase in delinquent behaviors (*B* = .33). The value of Adjusted *R*<sup>2</sup> ( $\Delta R^2 = .09$ ) with a significant *F* ratio (*F* = 67.71, *p* < .001) reflects that experience of adverse life events accounts for 9% variance in aggression. For subscales, social aggression, physical aggression and violent aggression, experience of adverse life events explained 10% of variability with significant *F* ratio ( $\Delta R^2 = .10$ , *F* = 66.55, *p* < .001); 9 % variability ( $\Delta R^2 = .09$ , *F* = 66.55, *p* < .001), and 8% of variance ( $\Delta R^2 = .08$ , *F* = 60.14, *p* < .001) respectively.

**Descriptive Analysis.** To find out the descriptive understanding of study variables, a graphic representation of adverse life events was done. The figure shows that financial issues are the highest in comparison to other issues.

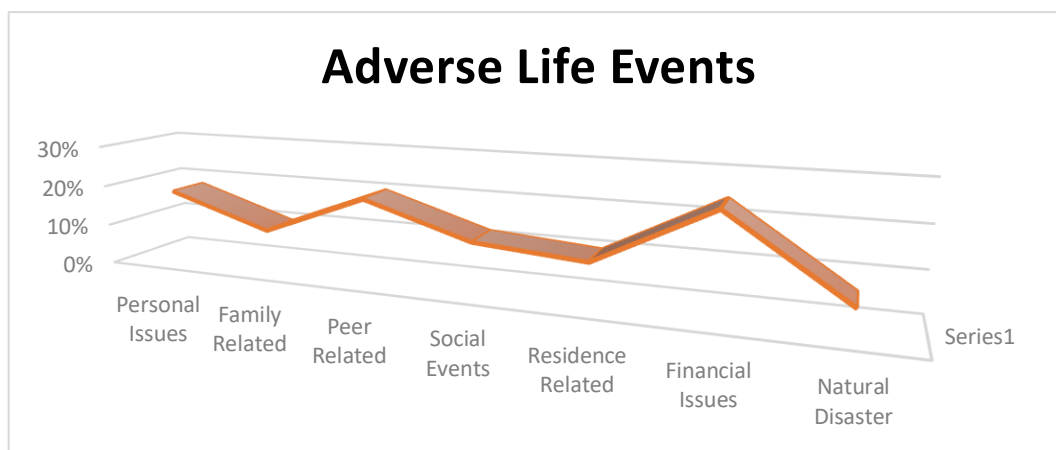


Fig1. Experience of Adverse Life Events



Aggressive reactions were measured, and aggressive social reactions were found highest following physical and violent reactions.

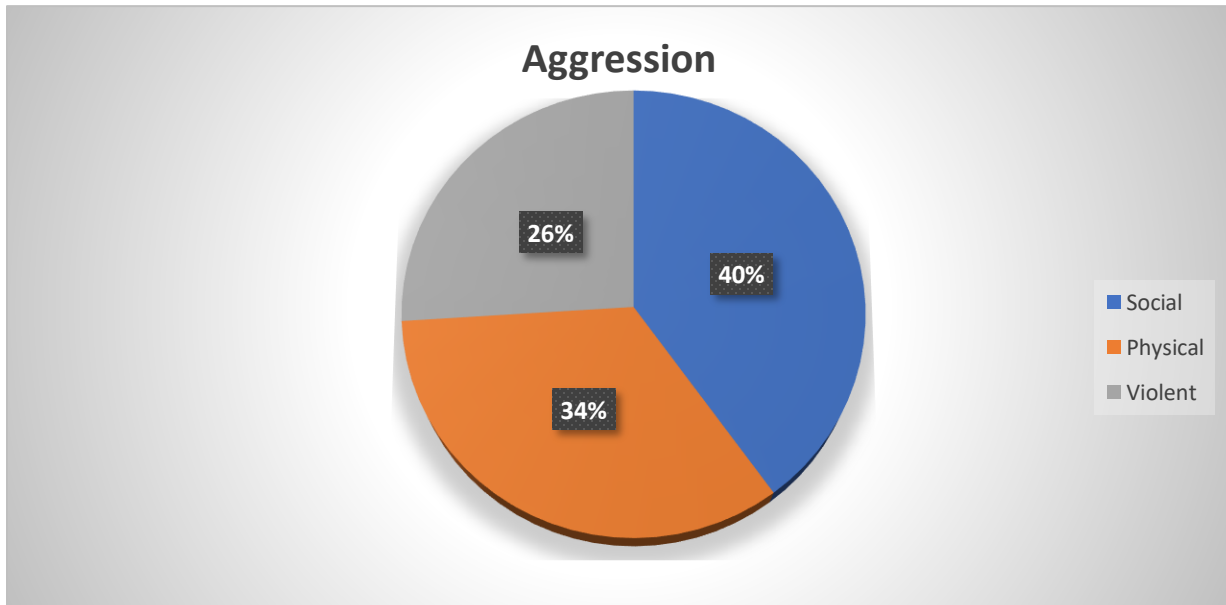


Fig 2. Type of aggressive behaviors

Further, graphic representation of delinquent behaviors shows that around 20 % sample has multiple behaviors. Among all, stealing tendencies followed by risk-taking and drug-related tendencies were found.

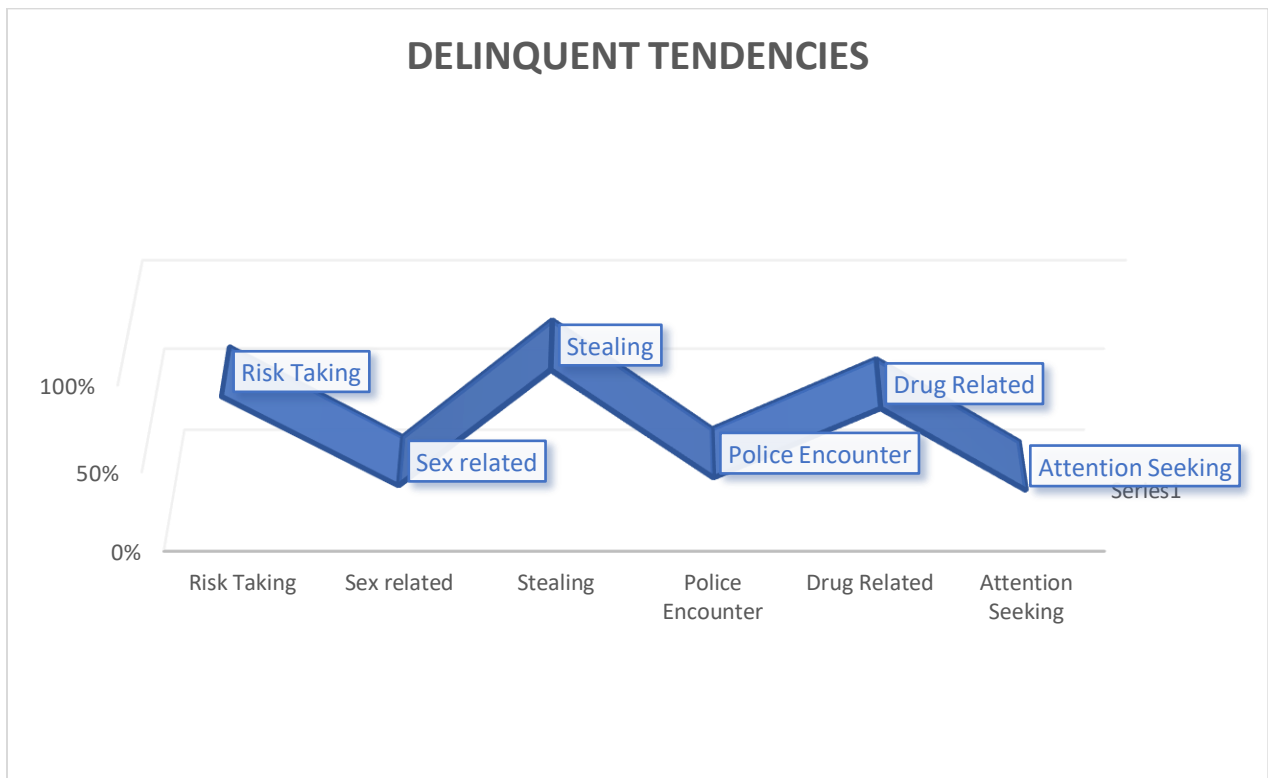


Figure 3. Patterns of Delinquent Tendencies

## Conclusion

The present study's findings depicted that adolescent living in slum areas face multiple adverse and traumatic events in their lives. The most-reported events are financial crises, residential-related and peer-related issues. These adverse issues influence their aggressive reactions, and ultimately, adolescents show delinquent behaviors like stealing, risk-taking, and drug-related issues. Findings highlight the need to provide attention to the living standards of slum areas. The intervention strategies may be planned for the improvement of adolescents' behaviors. The findings have a great social and cultural impact on existing literature.

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#### About Author

Rubina Hanif is a Tenured Professor at National Institute of Psychology, Centre of Excellence, Quaid e Azam University Islamabad. Correspondence: [drubinahanif@nip.edu.pk](mailto:drubinahanif@nip.edu.pk)

# Experiences of Vicarious Trauma Among Journalists: A Preliminary Analysis

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**Noreeta Suleman**

## **Abstract**

The current study measured experiences of vicarious trauma among Journalists. Vicarious trauma ( $M=41.90$ ,  $SD= 7.28$ ) eight-item scale, 7-point, Likert scoring was administered on 300 journalists working on the crime beat. Data were collected in April and May 2021. Findings portrayed that journalists experience trouble at work, focus, sensations of weakness, difficulty managing work content, exposure to traumatic material and narratives. There are gender-wise differences observed in the sample. The present study's findings will help design an intervention plan for journalists, which is helpful for them to minimize the adverse effects of traumatic experiences. For developing a targeted intervention plan, an initial analysis was conducted to observe the existing vicarious traumatization among journalists. For preliminary analysis research, the administration of the vicarious trauma scale for preliminary analysis research is poised directly to measure whether the target sample is experiencing the vicarious traumatization to lead to intervention development

Keywords. Trauma, Journalists, exposure.

## **Introduction**

Cross-media integration has increased the demand for new abilities, expertise, and insight among news journalists in the last fifteen years. The source of further information and communication technologies increases the demand for new skills, knowledge, and understanding (Hermida, 2014). From the comfort of their desk, journalists may get exposed to secondary trauma due to growing reliance on fast, cost-effective digital tools that have created such situations where they view horrific content all day on their desks. Journalists who are working in the office, on desks are majorly ignored considering their work does not require primary experience to trauma, whereas they have the secondary experience to trauma while writing the columns on trauma stories and editing horrific raw content, which itself becomes the source of vicarious traumatization. Journalists vicariously exposed to trauma events ultimately develop cognitive alterations that lead to work-related traumatization, also known as vicarious trauma among those who cover violence as part of their employment on a routine basis (Foa et al., 1999).

Similarly, journalists have been documented to suffer from work-related trauma. Those who work as editors and spend a lot of time at their desks reading, writing, and seeing terrible images suffer from work-related trauma. Work-related distress vicarious trauma has been associated with a negative impact on work-related functioning over a long period. Due to the nature of their work, which expects them to be available at the crime location of an awful event, journalists are recognized to be a high-hazard populace for being damaged and encountering hurtful impacts on their expert execution of the nature of their employment.

According to researchers, the unique effect working with traumatized individuals has on trauma workers is vicarious trauma (McCann & Pearlman, 1990). Through an empathic connection with the trauma survivors' traumatic experiences, vicarious trauma explains the process and method by which the trauma worker's inner experience is profoundly and permanently changed (McCann & Pearlman, 1990; Pearlman & Saakvitne, 1995).

Exposure to work-related traumatic content has a profound negative impact on trauma worker work-related functions. (Sprang, Craig, & Clark, 2011). Emotional tiredness, a lack of work motivation, and poor job performance are all symptoms of persistent exposure to stressful situations at work (Bell, Kulkarni, & Dalton, 2003). There's a decrease in the general nature of the professional's work functioning life. When such an expert is over and over presented with traumatic material, their patterns, world perspectives, mental convictions are upset. Additionally, they sense a deficiency of control which has extreme outcomes in their work environment (Dombo & Gray, 2013). Individuals indicate reduced employee productivity, signs of burnout, poor work functioning, and job dissatisfaction for those who work in demanding environments where traumatic content is frequently exposed (Sprang, Craig, & Clark, 2011). There is a negative link between work stress and work functioning consistent in several studies (Middleton & Potter, 2015).

According to one study linking vicarious trauma with journalism, there's a bad influence on the professional health of those who cover stories or interview trauma survivors regularly and get vicariously traumatized (Melzer, 2018). Being a victim of violence is a terrible experience; the discovery that traumatic suffering might arise from an innocuous act of witnessing violence, which includes vicarious traumatization, was a breakthrough. It steered the conversation about trauma in journalism in the direction of local journalists (Specht, Tsilman, 2008). Weidmann and Papsdorf (2010) investigated on broadcast journalists how viewing footage of the incident of violent occurrences affected them. According to studies, the risk is more among journalists dispatched to cover horrific events in the field than employees in TV newsrooms; this group does not appear to be at a higher risk for psychological disorders or posttraumatic symptoms. Only four years later, it was concluded journalists could develop signs of vicarious stress due to working on eyewitness media (Dworznik & Grubb, 2007).

**Materials and method**

A total sample of 300 journalists (n= 256 men; n=44 women) was selected from media houses of Lahore and Multan (Pakistan). Purposive sampling technique was used for data collection, self-reported questionnaires are given to participants. The inclusion criteria for sample selection were to ensure two years' work experience, Only Pakistani nationals, and working on job assignments relevant to trauma experiences. The exclusion criteria were any disability (Physical or psychological); individuals working on administrative tasks or any other task not related to trauma etc. The study sample was approached at their media houses where they were employed. At first, permission from the high authorities of the relevant media houses was taken,

then the individuals were approached and ensured about the confidentiality of information.

**Instrument**

**Vicarious trauma scale.** Vicarious Trauma Scale (Vrklevski & Franklin, 2008), an eight-item self-administered scale with 7-point Likert responses ranging from 1 (strongly disagree) to 7 (*strongly agree*). The items measure participants' indications of vicarious traumatization related to exposure to work-related traumatic material. Examples of items include, "My job involves exposure to traumatized and distressed individuals" and "It is hard to stay positive and optimistic given some of the things I encounter in my work." The measure has demonstrated adequate reliability in the original sample (Cronbach's  $\alpha = .88$ ). This scale was developed to measure the experience of vicarious traumatization among professionals who deal with traumatic material secondarily in the context of their work. It does not have reversed coded items. It includes items indicating vicarious traumatization among professionals i.e., thinking of uncomfortable material at home, problem dealing with work content, exposure to traumatic material at work. SPSS-23 version is used for analysis.

**Procedure**

The sample of the study was approached at their media houses where they are employed. At first, permission from the high authorities of the relevant media house was taken for data collection. Then, participants were briefed about the study; then, they were provided with an informed consent form to sign if they agreed to participate in the study; after this, participants were provided with a booklet comprising the demographic sheet and questionnaires. After the completion of booklets, participants were thanked for their participation in the study. The collected questionnaires were numbered and then put to analysis.

**Results and Discussion**

**Table 1**

**Cronbach Alpha and Descriptive Statistics on Measures of the Study (N=300)**

Scale	Alpha coefficient	M	SD	Range		Skewness	Kurtosis
				Potential	Actual		
VTrauma	.76	41.90	7.28	8-56	24-54	-.85	-.45

Note. VTrauma= Vicarious Trauma

Table 1 shows the descriptive statistics of the scale. The alpha coefficient of Vicarious Trauma scale is .76 of the sample. The scale has demonstrated a satisfactory level of reliability. The mean value indicates that the average value of the sample. The value of SD= 7.28 indicates the disparity of the data.

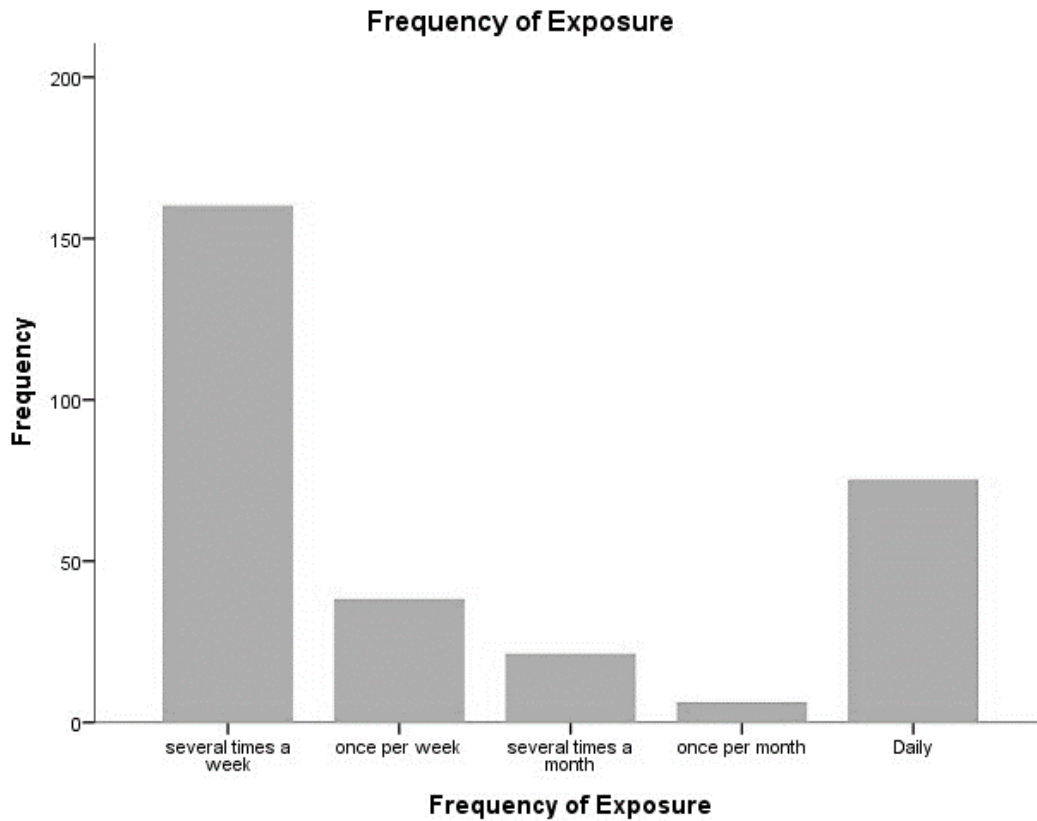


Figure 1: Frequency of Exposure to Traumatic Material among Journalists (N=300)

- 1= Several times a week
- 2= Once per week
- 3= Several times a month
- 4= Once per month
- 5= Daily

Graphical representation reflects that the journalists have mostly several times a week exposure to traumatic material, and very few of them have exposure of once per month to traumatic material. However, some of the journalists have exposure once per week to traumatic material. Such journalists also cover other beats along with the crime beat.

The responses depict the percentage of journalists agreeing to respond. The percentage of journalists

agreeing to respond illustrates the percentage of journalists agreeing to respond to the indicators of vicarious traumatization. 90% of journalists agreed that they thought about distressing material at home. In addition, 78% of journalists in our study agreed to experience the feeling of helplessness to assist the individual they would like to. Similarly, 80.3% of journalists agreed to be exposed to traumatized individuals. In addition, 82.7% of journalists agreed to be exposed to the distressing material at work. In addition, 70% of journalists responded having difficulty dealing with the content of work. 66.3% of journalists agreed to be distressed by listening to individuals' stories. 58% felt overwhelmed by the workload 55.3% of journalists responded to difficulty staying positive at work.

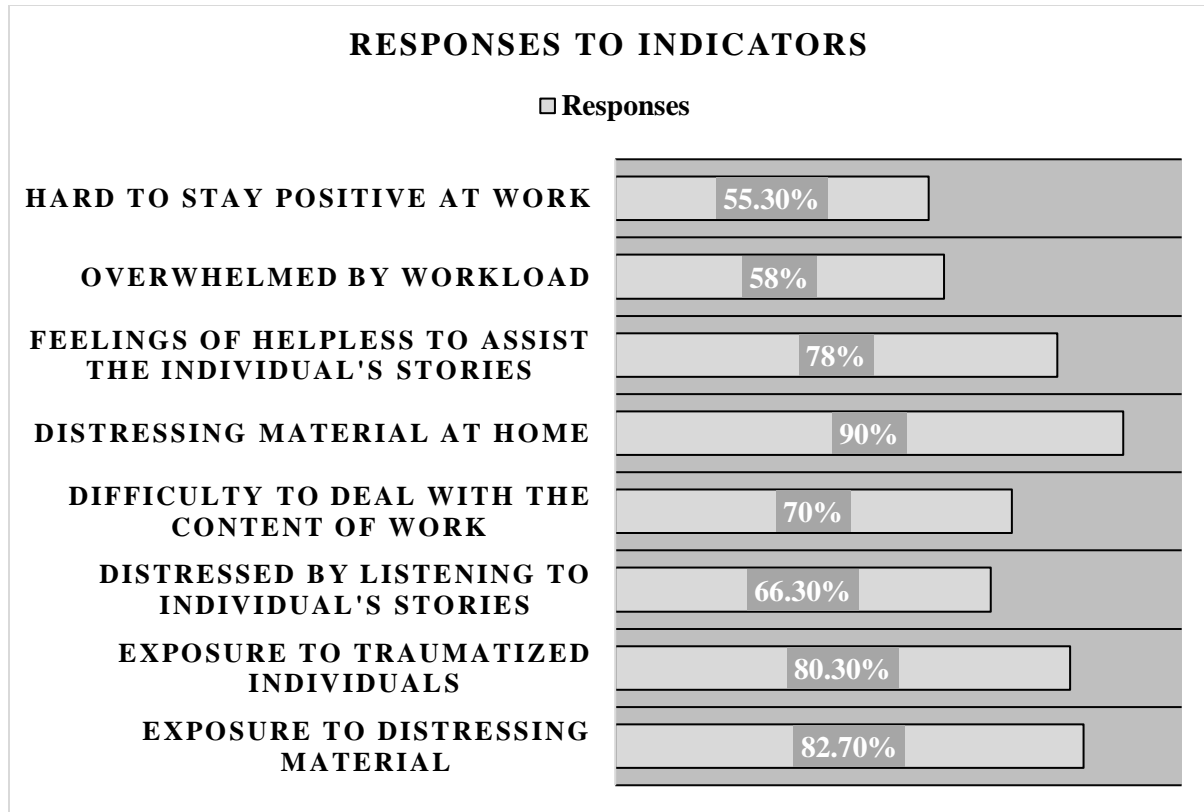


Figure 2: Percentages of responses of participants to the vicarious trauma related indicators (N=300)

**Table 2 Means Comparison of Males and Females on Vicarious Trauma, Work Related Functioning Impairment, Perceived Social Support and Grit (N=300).**

Variables	Men (n=256)		Women (n=44)		t	p	95% CI		Cohen's d
	M	SD	M	SD			LL	UL	
VTrauma	41.40	6.90	44.82	8.09	-2.96	.00	-5.69	-1.14	.34
Distressing material	5.66	1.30	5.66	1.45	-.03		-.42	.42	-
Traumatized individuals	5.54	1.22	5.75	1.14	-1.08		-.60	.17	-
Distressing stories	5.80	1.14	6.36	.75	-3.51	.00	-.91	-.21	.32
Difficult content of work	4.94	1.32	5.73	.92	-3.78	.00	-1.19	-.37	.24
Distress thoughts at home	5.08	1.29	4.73	1.87	1.55		-.09	.80	-
Feelings of helplessness	5.43	1.44	6.14	1.34	-3.02	.00	-1.16	-.24	.26
Workload	4.66	1.61	5.25	1.86	-2.17	.03	-1.11	-.05	.25
Hard to stay positive	4.29	2.04	5.20	2.21	-2.57	.00	-1.58	-.25	.32

Note. Trauma= Vicarious Trauma, CI= Confidence Interval, LL= Lower Limit, UL= Upper Limit.

Table 2 indicates the gender differences in study variables. The analysis depicts significant difference for Vicarious Trauma (t= -2.9, p< .001). The findings suggest that women report higher vicarious trauma

(M=44.82) than men (M=41.40). Women scored high on vicarious trauma. Women tend to report higher vicarious trauma than men. A review demonstrated that both male and female legal officials are bound to encounter mental pain due to damaging cases however the impact might be higher among females as females have an enthusiastic part because of that, they display higher wistful reactions to awful circumstances experienced either directly or vicariously (Muchemi, 2017; Bremer & Caskie, 2003). Item no. 1 indicates exposure to distressing material; there's no significant gender difference on that similarly on exposure to traumatized individuals, we could not achieve significant difference among men and women. Troubled by paying attention to people's stories, difficulty managing the substance of work, sensations of misery, overpowered by responsibility, and difficulty remaining positive are indicators in the vicarious trauma scale; there's a critical contrast for people. In all cases, women report high reactions. There's no critical gender distinction for indicator (item no. 5), pondering troubling material at home.

### Conclusion

We have found the effects of vicarious trauma as per the available literature. Results illustrate that despite women being few participants, they report higher vicarious trauma than men, which led to significant differences. It has implications in theoretical, practical, and contextual domains for both psychology and journalism. It plays a vital role in extending the literature of vicarious trauma in Pakistani culture and specifically in journalism. There's an insight into newsroom culture regarding vicarious trauma among journalists working in crime departments. The findings of vicarious trauma will be helpful for intervention programs that will be useful for facilitating proper occupational health and work functioning of journalists in Pakistan. Concerned authorities must train the journalists working on crime beats to enable them to deal with trauma-related material and enhance their work functioning. It is suggested that vicarious trauma among journalists should be studied with the longitudinal research design to incorporate the journalists' personal stressors. Utilizing the vicarious trauma scale, we notice the reactions to the indicators of vicarious trauma to which maximum participants responded in a positive direction, which means indicated high levels of VT. Journalists are neglected experiencing high vicarious traumatization according to the percentage of responses. These initial analyses are fruitful to further assess and design intervention plans with effectiveness while incorporating strategies more global, relevant to the tasks of journalists and the context in which they work., which may reduce their vulnerability to vicarious traumatization.

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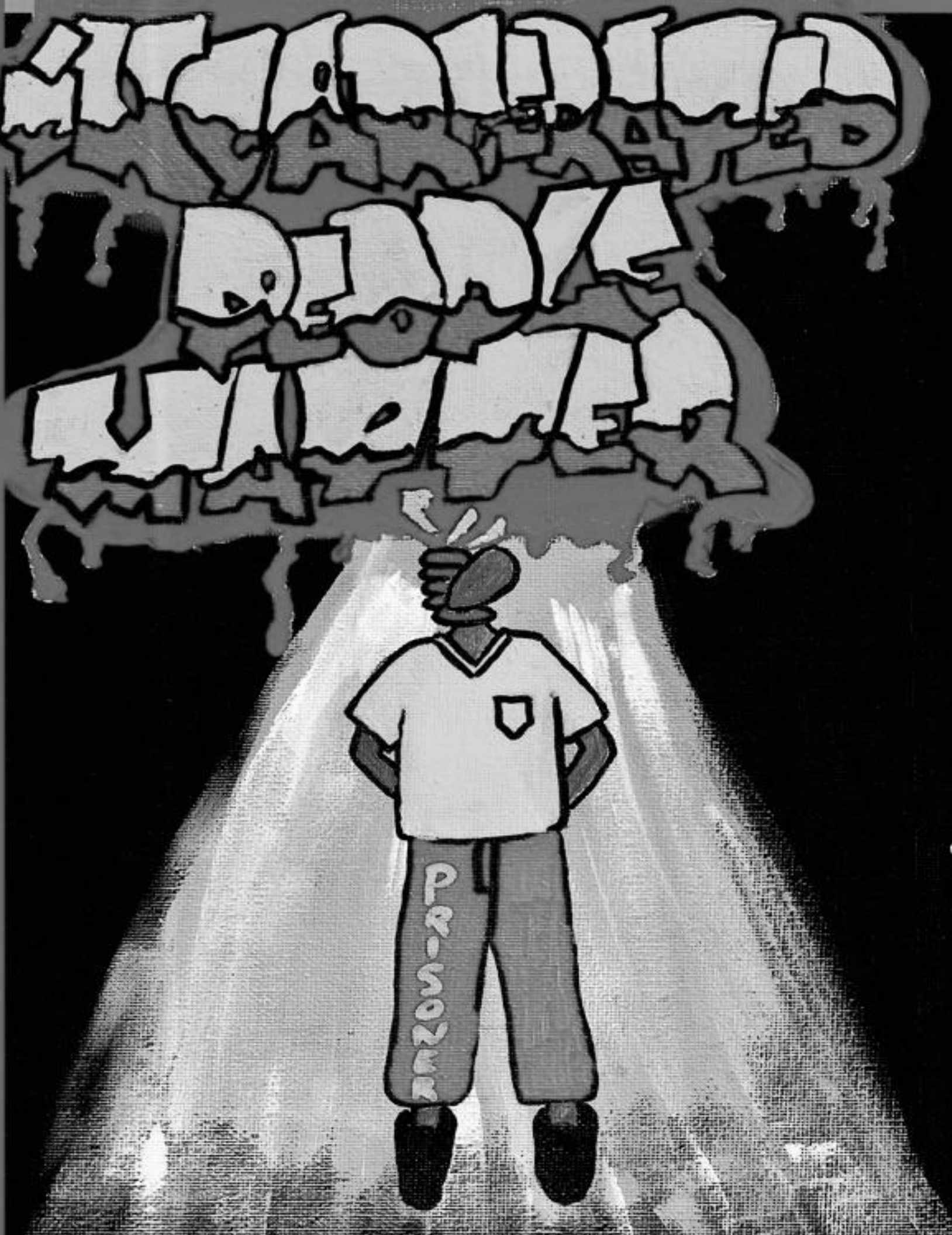
### About Author

Noreeta Suleman is a PhD scholar at National Institute of Psychology, Centre of Excellence, Quaid e Azam University Islamabad. Correspondence: [noreetamphil19@nip.edu.pk](mailto:noreetamphil19@nip.edu.pk)





# CASE STUDIES



# The Root Cause(s) of Homelessness, COVID 19, Social Housing and Support Services:

Harjit Singh Ludu<sup>1</sup>

Since 2019, the need-felt demand for social housing in Canada has grown substantially, and more than 550 social and supportive homes have since been opened in Vancouver, and there were approximately 1,900 more under construction. Over the past three years, more than 650 temporary modular supportive homes have been created, providing immediate relief to hundreds of people living without a home.

Individuals, communities, and organizations in Canada have joined their heads and hands to help end homelessness, realizing that the right to housing was one of the fundamental rights. While there is a growing recognition that ending homelessness in Canada is possible, the challenge, however, remains to provide those in need with safe descent and stable housing, with the target that no one should be homeless for more than ten days. This challenge has been further precipitated during Contagion COVID 19, for there is an attending additional risk of contracting infection, like that of OMICRON during homelessness.

***Everyone deserves a safe place to call home. That is why our government has been making historical investments and working with all orders of government to end chronic homelessness in Canada—Prime Minister Justin Trudeau***

Supportive housing is one such non-profit affordable home that provides a range of on-site supports to residents, such as life-skills training and connections to

off-site services such as primary health care, mental health, or substance use.

I have worked in the social housing field for over ten years and have traveled to Asia and the Middle East and realized that social housing and homelessness are an epidemic on many levels. It does not matter if you are from India or Egypt, or even here in Canada; it is a process that one does not choose. There is no "one size fits for all." You cannot just throw money at the problem. This is a socio-economic problem that is somewhat generational in its roots. In order to begin to tackle these complicated issues, we have to address the source. The root of the problem, in my opinion, stems from years of trauma, abuse, and neglect. This is so powerful that it often takes people's lives dealing with these issues. Our communities have to invest in multiple levels of social programs like harm reduction and low-income housing.



John Stuart Mill's 'Harm Principle' states that the only actions that can be prevented are ones that create harm. In other words, a person can do whatever he wants as long as his actions do not harm others. If a person's actions only affect himself, then society, which includes the government, should not be able to stop a person from doing what he wants. This even includes actions that a person may do that would harm the person himself.

<sup>1</sup> Donny Ludu, Program/Site Manager, Peterson Place, Surrey, BC. donnyl@fraserside.bc.ca

However, we cannot just stop there and think that Mill makes things seem so simple because he doesn't. If we were to stop our discussion of the harm principle, ' anyone can do whatever they want just so long as it doesn't affect anyone else,' problems would arise. One such problem may be what to do with people who want to end their own life. Interestingly, Mill would actually say it would not be okay for this to happen.

For this to make the most sense, we need to understand three important ideas that helped shape the harm principle. The first is that the harm principle comes from another principle called the principle of utility. The principle of utility states that people should only do those things that bring the greatest amount of happiness to the greatest number of people. So, if a person is trying to decide between two things, he should choose the option that makes the most people happy.

The second idea is that Mill says there is a difference between harm and offense. Harm is something that would injure the rights of someone else or set back important interests that benefit others. An example of harm would be not paying taxes because cities rely on the money to take care of their citizens. An offense, according to Mill, is something which we would say 'hurt our feelings.' These are less serious and should not be prevented because what may hurt one person's feelings may not hurt another's, and so offenses are not universal.

The third idea to understand is that it is very rare for an action to only affect the individual himself. Mill argues that no person is truly isolated from others. Most actions affect other people in important ways ( [John Stuart Mill's Harm Principle: Definition & Examples - Video & Lesson Transcript | Study.com](#)).

Physical and mental health needs to be addressed first foremost. Once a person has been physically/mentally diagnosed, he or she can begin the process of healing, which can take a lifetime.

Social Cost of homelessness and Economics of Homelessness

Those without affordable housing options often end up elsewhere, like homeless shelters. Many homeless may also suffer from other things than simply not having a place to live. They may need medical assistance and/or have mental issues that need attention.

A research project conducted for the Corporation of Supportive Housing (CSH) in 2004 detailed some of the daily costs of these alternatives. The [study focused on nine major metropolitan areas](#) with similar results.

In Chicago, for example, the daily cost of supporting affordable housing was \$33.45. Every "alternative" was more expensive.

Shelter: \$40.28/day

Jail: \$91.78/day

Prison: \$117.08/day

Mental Hospital \$541.00/day

Hospital: \$1,770.00/day

[\(The Economic Arguments for Supporting Affordable Housing | MHSA\)](#)

Once stable housing has been achieved, a person can work on themselves through medical care and counseling. This involves several levels of support from healthcare workers and professionals. We cannot put up more barriers; this does not work but creates more unforeseen problems. Social housing programs are a step in the right direction where one has a safe place to live, food to eat, and medical/psychiatric supports to address his or her issues. Family and friends are often involved, which complicates the matter on a whole different level. But the work must begin with the individual and carry on from that point. We have to meet the person where they are currently at in their life.



## 215 - Injustice is one

And death takes many forms  
The result is one  
Of no shape, color, or conscience  
Inside the eyes of oppressed I saw it  
Telling the tales of the long night.  
The night is one  
No moon and no stars  
No dreams or rainbows  
It is one  
And it has many shapes  
I saw it in the Syrians' eyes  
In my home  
And I still see it  
Here, there, and everywhere.  
Between days and seconds  
Between dreams and wishes  
Wearing his killer hood  
It is one  
And it has many sizes

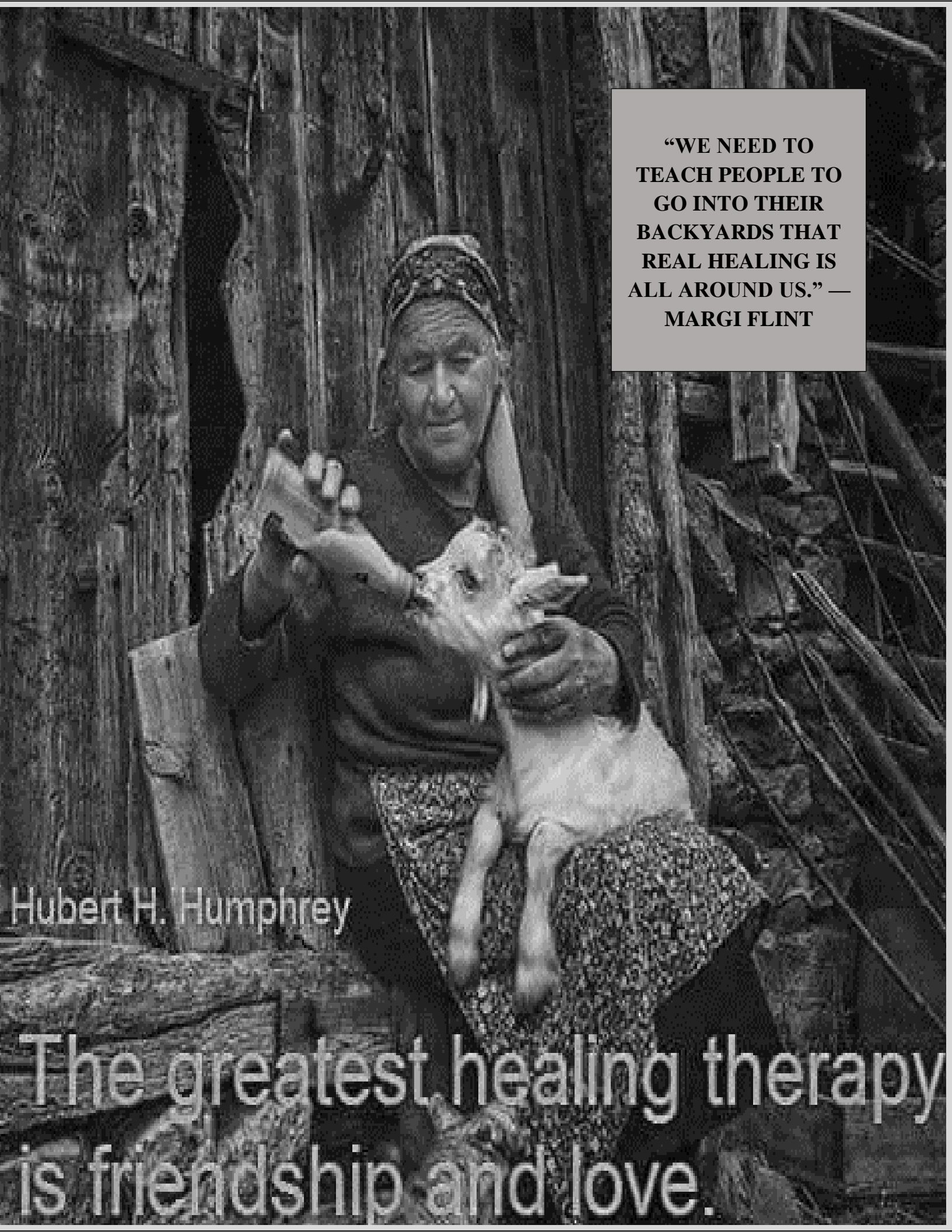
215  
This is not a number,  
It is 215 stories of injustices,  
Slain flowers  
Nightmares... Screams... Wounds...  
215 knife stabs  
Kamloops  
What have you done to spring flowers?  
Have you forgotten the groans of childhood?  
The pens and notebooks?  
The late night shifts.  
Don't worry,  
This humanity reads its homework's daily.  
Every day, Kamloops.  
This homework was made eternal  
Without pens  
But with bodies.  
With bodies...  
Not pens...

**RAWAN**



A grayscale photograph of a person's silhouette with their arms raised in a gesture of praise or prayer. The person is positioned in the center-right of the frame, facing away from the camera towards a large, bright, circular light source, likely the sun or moon, which creates a strong backlighting effect. The background is a soft, hazy landscape. The overall mood is serene and spiritual.

ART & SCIENCE  
OF HEALING



**“WE NEED TO  
TEACH PEOPLE TO  
GO INTO THEIR  
BACKYARDS THAT  
REAL HEALING IS  
ALL AROUND US.” —  
MARGI FLINT**

Hubert H. Humphrey

The greatest healing therapy  
is friendship and love.

# Safe Connection using Polyvagal Theory: Pathways of Self-Regulation & Co-Regulation

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**Mindy Levine**

## **Introduction**

In this article, I discuss my experience as a Trauma Center Trauma Sensitive Yoga (TCTSY) facilitator, set within the wider Western Yoga teacher community, and my recommendation of using Polyvagal Theory practices, as a relational resource, as well as a tool to combat burn-out/vicarious trauma. The concept of neuroception, how we unconsciously surveil someone as safe or unsafe, can help facilitators embody compassion, an anchor for co-regulating energy.

## **Yoga in the West**

The practice of Yoga, and more specifically to my experience, the practice of Yoga in the West, has become embedded within the wellness world as having benefits for body and mind. (John Hopkin's Medicine, n.d.) Yoga Alliance (YA), as quoted on their website, "...is the largest nonprofit association representing the yoga community, with over 7,000 Registered Yoga Schools (RYS) and more than 100,000 Registered Yoga Teachers (RYT) as of April 2020. We foster and support the high quality, safe, accessible, and equitable teaching of yoga." (Yoga Alliance, 2020) Two-hundred-hour teacher training that is registered with YA, is accredited by their organization, yet YA is an unregulated body, and so what is considered standard teaching is created from within, without feedback loops or outside licensing oversight. In fact, YA is opposed to government regulation. (Yoga Alliance, 2016) Currently, there isn't a requirement for teacher training to learn or talk about trauma, although there are elective hours where yoga schools can offer such insights. The practice of Yoga, fundamentally, is asking a person to yoke or bring together aspects of their life into a felt sense of wholeness. YA doesn't include information about trauma and its impact on our sense of wholeness, which I feel is worth further advocacy.

**What is TCTSY:** "TCTSY is an empirically validated, clinical intervention for complex trauma or chronic, treatment-resistant post-traumatic stress disorder (PTSD)." (TCTSY, n.d.) In a relationship, facilitator and participant are invited to experiment with movement choices and the possibility of noticing inner sensations called interception (Armstrong, 2019). In contrast to YA yoga training, TCTSY certification involves trauma,

attachment, and neuroscience studies. Cohorts of this training include therapists with varied credentialed licenses, as well as yoga teachers (many with YA certifications) and some who are both therapists and yoga teachers. Each facilitator is bringing their own unique experiences into the space, with TCTSY methodology and theoretical underpinnings as safety guardrails.

## **What is Polyvagal Theory (PVT) & Neuroception through the lens of trauma and trauma care**

In the Western medical model, trauma is often categorized as acute, resulting from a single event; chronic, often repeated, and prolonged; or complex, varied, and interpersonal exposure. (Missouri's (ECE), n.d.) As mentioned, yoga teachers are not only unaware of their student's trauma history but are also unaware of the impact of trauma on their students (as informed by their YA teacher training). TCTSY was created and researched for Complex Trauma.

"In 1994 (Dr. Porges) proposed the Polyvagal Theory, a

***"Polyvagal Theory is a science-based theory that provides explanations of how our autonomic nervous state influences and is influenced by the dynamic challenges of life."(8)***

theory that links the evolution of the mammalian autonomic nervous system to social behavior and emphasizes the importance of the physiological state in the expression of behavioral problems and psychiatric disorders." (Polyvagal Institute, n.d.) The three main principles of PVT are hierarchy, neuroception, and co-regulation. (UNYTE, n.d.)

According to PVT, our nervous system states are hierarchical through three pathways of responses. (Phoenix Rebellion Therapy, 2020) The autonomic nervous system is made up of two main branches, the sympathetic and parasympathetic. The sympathetic



branch is found in the spine. In the parasympathetic branch, Polyvagal Theory focuses on the two pathways of the vagus (wandering) nerve, “from the brain stem at the base of the skull; the vagus travels in two directions: downward through the lungs, heart, diaphragm, and stomach and upward to connect with nerves in the neck, throat, eyes, and ears.” (Dana and Porges, 2018)

The ladder, or hierarchy, has a predictable and evolutionary order. Our most evolved and complex system is our ventral vagal “new” part of our parasympathetic system, our system of safety and connection, whose emergent properties can be feelings of awe, love, curiosity, compassion. It is our state of growth and restoration. The second oldest is our sympathetic nervous system, our “fight or flight” system whose emergent properties can be feelings of rage, anxiety, hypervigilance, the escape. It is our mobilizing survival state. The oldest of this three-part system is the dorsal vagal, a part of our parasympathetic nervous system whose emergent properties can be feelings of despair, numbness, dissociation. It is shut down as protection. These pathways each are working in service of survival. It is our biology rather than pathology. When we are faced with a challenge that overwhelms our ventral state, we move down this ladder and mobilize a response. If that response doesn’t resolve our survival needs, then we move down the ladder towards collapse and immobilization.

There is nuance to our states and our experiences; for example, one can feel themselves in a loop of panic and then shut down, or perhaps dejection to anger and back to dejection. The human experience is meant to be lived through all our states, and a flexible nervous system is a resilient nervous system. Our well-being is when our nervous system can transition within and between our autonomic states. If a person can feel safe enough, they can experience other states and return to ventral. Anchored in ventral, one can experience sympathetic as an inspired, passionate state and dorsal as restful and restorative.

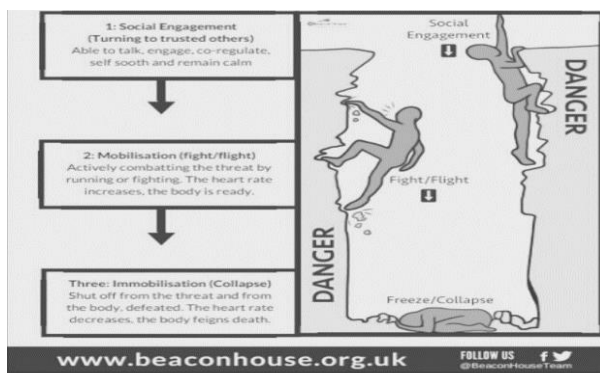


Figure 1: Image or information courtesy of Beacon House Therapeutic Services & Trauma Team | 2021 | [www.beaconhouse.org.uk](http://www.beaconhouse.org.uk)

Dr. Stephen Porges has coined the term neuroception, “which describes how neural circuits distinguish whether situations or people are safe, dangerous, or life-threatening.” (Porges, 2004) This happens below the surface of consciousness. Information is coming in from inside our body, our environment, and between nervous systems. For those who have survived trauma, those signals can become highly sensitized to danger.

In terms of trauma care, for TCTSY facilitators and yoga teachers, when we enter a space, we are two (or more) nervous systems, checking each other out, our body’s surveillance system. According to neuroception, facial expressions, tone of voice, eye contact, hand gestures can all be clues and cues for whether this relationship is something to survive or perhaps a shared space, where there is shared power and safe (enough) connection. “We wear our hearts on our faces and in our voices.” (NIACBM, n.d.)

Oftentimes, chronic and complex trauma happens in relationships, and as Judith Herman says, “Recovery can take place only within the context of relationships; it cannot occur in isolation.” (Herman, 1993). As shown in figure 1, when relationships have been the source of trauma, then it’s understandable and in the service of survival, that those who enter our space for TCTSY and other forms of yoga, will move quickly and perhaps straight to sympathetic or dorsal, for a variety of protective reasons. With PVT, “rather than a perpetual feeling of being “too much” (e.g., needy, emotional, volatile, anxious, unstable), clients can redefine themselves as having an internal surveillance system that is sensitive to cues of danger.” (Dana and Porges, 2018)

### The importance of Understanding our own Nervous System States as TCTY-F and Yoga Teachers:

According to neuroception, when we enter a space, virtual or live, the state we are in matters. If a participant’s surveillance system is sensitive to cues of danger, then it’s up to me to understand the state I’m in, whether calming energy or a threatening one.

When I facilitate TCTSY, there is often a discussion about trauma, in whatever capacity the participant feels comfortable discussing (although there is no requirement for a participant to share their trauma history to participate, and it’s above my scope of practice to engage with their history, interpretation or analysis). As mentioned before, yoga teachers do not have to learn about the impact of trauma, or the adaptations people have used to survive. Ideally, in both spaces, the focus is on

The participant/student and our intention are to provide care and support to our best capabilities.

While we may be focused on them, their nervous system is surveilling us. For example, a participant may share their pain in some way, and I empathize, meaning I feel their pain. The participant may be in some nuance of sympathetic or dorsal or a combination, and I'm going there with them. I may feel triggered or feel the impact of burn-out or vicarious trauma. Burn-out is the impact of chronic workplace stress. (WHO, 2019) Vicarious trauma is "a profound shift in worldview after being repeatedly exposed to the traumatic experiences of others." (Interconnections Counseling, 2019) We're two dysregulated systems, and I can no longer support them in a way they deserve, and it could be a moment for them to survive in defensiveness or in shut down.

In contrast, I can hear their pain from a place of ventral calm and hold compassion. I'm there with them, bearing witness, and perhaps they can feel heard and even feel my ventral energy of calm as a resource for their nervous system. This feedback loop opens up choices in the present moment and in a relationship differently. This can happen, moment by moment, opening possibilities of "creating autonomic pathways of safety and connection." (Dana and Porges, 2018) The third principle of PVT is co-regulation, "the sending and receiving of safety signals." (UNYTE, n.d.)

***I can only offer this if I can feel my own nervous system.***

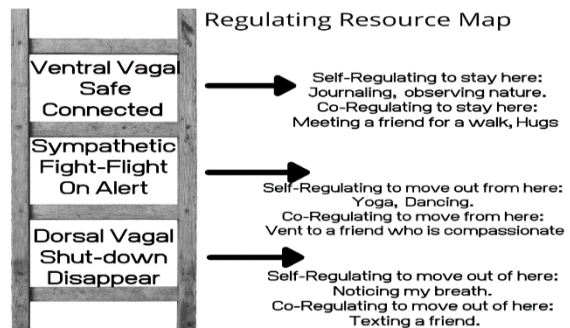
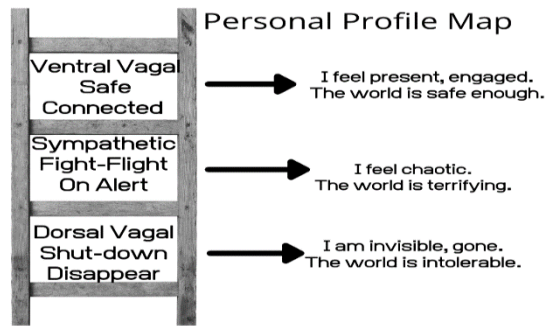
**Polyvagal Mapping as a pathway towards co-regulating and self-regulating:**

Deb Dana, is an LCSW, who has worked with Dr. Porges, utilizing PVT in clinical settings and is the author of,

"The Polyvagal Theory in Therapy, Engaging the Rhythm of Regulation." This book offers ways to get in touch and befriend our nervous system. I've completed a year-long study with Deb Dana, where we, in connection with people from all over the world, were able to learn about PVT and share and listen to a community of nervous systems. In contrast to my training as a yoga teacher and TCTSY facilitator, the focus was on my nervous system as a resource for my well-being and my impact on those around me.

Below are examples of a condensed personal profile map and regulating resource map (Dana and Porges, 2018). By having a framework that I can use, come back to, and re-vision, I can become aware of and be in alliance with

my own nervous system. I can have access to my resources of self-regulation and/or co-regulation.



**Conclusion:**

"Safety is the treatment," (Stillpoint, 2020) our ventral vagal state.



Our nervous system is our command center, and as TCTSY facilitators and yoga teachers, we are entering spaces with other nervous systems. We may not know how they're feeling, but we can get in touch with how we're feeling, and those in our care can feel the opportunity to be in ventral through neuroception.

This is an important, and often wordless, part of creating a safe connection. Regardless of our techniques and credentials, if a person feels a sense of danger, their system will respond in service of their survival. As David Emerson, co-founder of TCTSY, once said in an organizational seminar, “How to care for those who feel unworthy of care?” Perhaps, PVT and PVT practices are done by facilitators and yoga teachers can be a source of co-regulating, ventral energy for those in our care. In addition, red flags of burn-out and vicarious trauma can perhaps be felt sooner. I propose that using Polyvagal Theory practices, including the mapping shown above, can be useful reminders to reach out for support as well as taking time for self-care: self-regulating and co-regulating practices.

**“Earth will be safe when we feel  
in us enough safety.” Thich Nhat  
Hanh (Hanh, 2001)**

#### About the Author

Mindy Levine is a yoga teacher, TCTSY Facilitator, and volunteers as a crisis counsellor with Crisis Text Line. Correspondence: <https://www.tctsywithmindy.com/>

#### Dedication

*In dedication to my mother, in gratitude and grief  
(1939-2022)*

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# Meaning Beyond Words: Trauma and the Paradox of the Poetics

Luke Felczak<sup>2</sup>

I. The paradox of language and the paradox of poetics can inform, I would argue, the paradox of ‘traumatics,’ which I take to mean the sum experience of unresolved trauma. I think it can also be reasonably argued that some significant aspect of *recovering from, healing from, integrating, consolidating, resolving, or re-imagining* trauma involves a sort of meta-transformation of ‘traumatics’ into poetics. In *Language, Paradox, Poetics* (1988), Liu invites us to consider two basic forms of the paradox of language, both of which have implications on

***In the first form...paradox arises from the seeming contradiction...that language is inadequate for the expression of ultimate reality, or deepest emotion, or sublime beauty [or overwhelming terror], and the eloquence with which the allegation is made. In the second form, the paradox arises from the seeming contradiction between asserting that ultimate reality, or deepest emotion, or sublime beauty [or overwhelming terror], can be expressed without words, and the very act of making this assertion in words. (Liu, 1988, p. 3-4, brackets my own)***

poetics, hermeneutics, and, I would argue, on ‘traumatics’ and trauma studies as well.

In the above fragment, I bracket, *or overwhelming terror*, not to set it apart categorically from the larger set of *deepest emotions* but rather to express, in greater relief, the inclusion of ‘traumatics’ within the two forms of the paradox of language. In fact, I would argue that a great portion of Liu’s reflection on the complex trigram, *Language-Paradox-Poetics*, can intelligently inform an understanding of how ‘traumatics’ are phenomenologically experienced, communicatively expressed, and, to a lesser or greater degree, transformed into some form of the desired alterity. Suppose we begin, as Liu does, our own parallel reflection upon the complex trigram, *Language-Paradox-Traumatics*. In that case, as Liu does, we should also begin with the early Chinese philosophical texts of the Daoist School. In these texts, the paradox of language features prominently. In the *Lao Zi*, which is more commonly known in the West as the *Tao Te Ching*, a variation of this paradox appears in chapter 56 (in Liu, 1988, p. 6):

***One who knows does not speak. One who speaks does not know.***

Although this couplet’s intention is to capture, I believe, the ineffable quality of ultimate reality, I am struck, even now as I read it, by its unintended understanding of the nature of ‘traumatics.’ The first line reminds me of an almost formulaic expression that I’ve heard many times, but that for this reason is no less sincere, and which takes the general form, *this person experienced this, but this person never talked about it*. Or, to give a particular example, of my paternal grandfather, a political prisoner who was tortured. As I knew him, he was a quiet sort of person, a carpenter by trade, who rarely spoke, let alone about or of those experiences. The curiosity that comes up for me now is whether this *not speaking* is a greater consequence of unwillingness or inability. When sitting with my older brother in the family room with our

<sup>2</sup> Expressive Arts Therapist, VAST, Vancouver

grandfather, I remember him trying, with good intentions, to tell us what happened, but in the end, after what seemed only a sentence fragment or two, and which now seems to me to have constituted one or two failed attempts at direct, verbal, and willful communication, his mouth closed, and instead he pulled up his pant leg, indicated the pale discolored scars on his shin, and made a chopping motion with the edge of his open palm. My suspicion is that those who are made to endure the unendurable (another paradox) or survive the unsurvivable (another paradox) are after the fact first met with the inability to speak about their experiences, which for a complex of biopsychosocial reasons, including this *basic inability*, may express itself, thereafter, as a kind of secondary unwillingness. *I didn't want to, but I tried, and I can't, so why bother trying. And besides, I don't want to remember anyway.* A problem arises, I believe, when it comes to *knowing about trauma but not speaking about it*. This problem has to do with the intuitive suspicion and perhaps grave disappointment with both oneself and one's own witness, that the pain I experienced because of x, y, and z, cannot be communicated across the chasm of intersubjectivity with words alone. Imagine my grandfather describing to us something like this: *And then he would kick me in the shins until I collapsed, and then someone else would stand me up again, and he would kick me in the shins again, and they would stand me up again, and so on.* Although this description is of a historical event, it fails in its historical truth to communicate the physical pain, felt entrapment, and helplessness of the experience, and so, I would argue, fails to communicate the essence of the experience as well. And so, we come to the point where a historicized narrative of an experience, or the unwillingly silenced inability to engage in historicized narration, fails to express the essence of an experience. And that, paradoxically, as a form of witnessed *aposiopesis*, which is a literary device in which the speaker stops suddenly, as if unable to proceed, expresses, through this unwillingly silenced inability, something, in absentia, of the essence of that experience. For in a sense, if a victim spoke too much of it all, wouldn't most of us, as witnesses, be prone to the conclusion, even if only made quietly and unconsciously to ourselves, *that it must not have been that bad*. And so it would seem that this paradox also places the one that "endured", and the one that "survived", in yet another double-bind. Namely the logocentric expectancy, if not outright pressure, to *present* the reality of an incommunicable experience, that when, *overpresence logocentrically*, as in language, serves only to undermine its own reality, validity, and truth.

II. There is a clinical need to discuss trauma to differentiate a post-traumatic state from a non-post-

traumatic one. Modern medicine does this with its predominantly psychiatric typography and nomenclature. However, as psychiatry is primarily concerned with pathology, it does not generally specify in positive terms what well-being consists of, but rather only that it consists in the general absence of pathology. I would argue that wellbeing, as experienced by human life in the absence of an active trauma presentation, is itself underdetermined and nebulous, like the ineffable quality of trauma is also difficult to capture in words. Perhaps this is because 'traumatics' and wellbeing are primarily somatic processes. Felt trauma and felt wellbeing are experiences that originate in non-linguistic parts of the human brain and nervous system. Such that language, in and of itself, is expert in neither, but like a loyal, though sometimes fumbling emissary of the body, will sometimes successfully deliver its message. Like 'traumatics', wellbeing can be difficult to categorically define, and without being characterized by a sort of constant euphoria or jubilation, can be variously qualified as a felt-expansiveness, a felt-promise, a felt-possibility, a felt-being-at-ease, a motivation, a felt-hope, a felt-capacity for enjoyment, the capacity to feel fully and widely, to do widely, to be curious about the world, to care about yourself and others and so on. Of course, these are my own biases, and we all have them. But those who have known trauma, who once knew wellbeing, now understand the felt shift in themselves, as those who have known the potent residual quality of trauma, who return, despite their experiences, to a felt sense of wellbeing. Courtois and Ford (2013) distinguish between a brain and nervous system that is primarily concerned with protection in juxtaposition to one primarily concerned with exploration. And since protection and exploration each invoke complex somatic, affective, and cognitive systems, it is no surprise that these generalizable orientations to the world feel and appear somewhat nebulous and unspecific, though remaining, all the same, remarkably different. The words that come to me are *dread* and *promise*, distinct default states of either objectless fear or objectless promise. Loa Zi remarks that the "Dao has never had boundaries, and words have never had constancy" (in Liu, 1988, p. 11). And there is something in this *lack of boundaries*, be it dread or promise, that speaks, I believe, of the two basic modes, as suggested by Courtois and Ford (2013), of Ultimate Reality, which is basically characterized by either predominant felt-fear or felt-safety. Promise, or even wonder, I now think, comes closer to the binary opposite of 'traumatics' than doe's wellbeing. It is easier for me to conceive of wellness without someone being well than it is for me to conceive of felt promise or wonder without wellbeing. It is easy to imitate or parody wellbeing, but it is more difficult to imitate wonder. Much like 'traumatics', wonder can leave a person speechless,

whether just to themselves or to others, whereas wellbeing tends to want to speak of itself, to *presence* itself, to possibly even convince oneself and others of itself. There is something in this aposiopesis, this being rendered speechless in the face of wonder, that not only reminds me of poetry's "meaning beyond words" (in Liu, 1988, p. 125), and also of its "ineffable flavor" (in Liu, 1988, p. 125), and not only of Keats' concept of *negative capability*, which is "the capacity to dwell in uncertainties, mysteries, and doubts without any irritable reaching after fact and reason" (in Liu, 1988, p. 126), but more clearly of a scene from the film *American Beauty* (Mendes, 1999), in which a young man is rendered speechless by the image of a plastic bag spiraling in a vortex of air with dead and broken leaves. I suppose that the most strongly diametrically opposed state to being traumatized is being enlightened. Enlightenment is, perhaps, nothing more than *no unnecessary fear*. And since life, I believe, traumatizes everyone, if not equally, it is a rare state to know, either personally or second-hand, the nature or quality of enlightenment. If 'traumatic' is the art of experienced dread beyond words, then poetics is the art of experienced wonder, including the wonder that can be experienced in the face of dread. I believe both of which establish and participate in realms of meaning that have no boundaries and no constancy. If only because of their basic physio-ontological similarity, I believe they must somehow participate in each other. The name "trauma" or "wonder" is what we temporarily adopt to make things go but should remain, as Liu points out in reference to certain terms used by Derrida, just *provisional names* for the unnamable.

III. According to Liu (1988), *Daoism provides a useful counterweight to Western logocentrism, phallogentrism, and the metaphysics of presence* (p. 20), and as such, I would suggest, also offers an ontological basis of a complimentary presence/absence that does not erase the absences of 'traumatic'. 'Traumatic' is characterized by two broad categories of complimenting and sometimes overlapping categories of presence/absence. The presence of action systems of defence (i.e., fight, flight, freeze, feign), and the absence of action systems of non-threatening daily life (i.e., attachment, exploration, play, energy regulation, caretaking, and sexuality) (Ogden et al. 2006). Furthermore, 'traumatic' can be characterized by two broad symptom categories – re-experiencing and avoidance – which often establish an alternating and mutually reinforcing dynamic, whereby the feared experience is avoided, and through this experience of avoidance becomes ever more feared. Action defence systems become activated in non-threatening situations, which a person learns to avoid so as not to experience the negative emotionality, beliefs, and sensations associated with the original trauma or its immediate aftermath

(Ogden et al., 2006). In a sense, re-experiencing may be thought to be a kind of *presence* of action systems of defence that is *too present*, while avoidance may be thought to be a kind of absence of action systems of non-threatening daily life that is *too absent*. More than this, 'traumatics' also represents an ontological absence, a complex absence that is not only characterized, as Améry (1980) describes, by the absence of power (i.e., passivity), but as well, by an absence of meaning, and also, I would argue, by an absence of the capacity to understand. If 'traumatic' render a person speechless [- (logocentric)], passive [- (phallogentric)], and unable to categorically understand the world any longer [- (metaphysics of presence)], then, after Derrida (in Liu, 1988) the Western philosophical tradition, from the Pre-Socratics to Heidegger, may be said to have placed the ontological sequela of trauma under erasure. The paradox is that while trauma studies have flourished since the conclusion of the First World War (van der Kolk et al., 2007), the degree to which they have been characterized by a metaphysics of presence somewhat qualifies the degree to which this erasure has not been remedied, or perhaps at least not by the physical and social sciences. My personal hypothesis as to why Kafka literary studies have grown, along a similar chronological timeline, and in terms of both scholarly and popular interest, is that all the while *trauma* became a focal object of a metaphysics of presence, like the person who over-speaks about trauma, and so, for this reason, comes to over-represent it, there was no clear expression, of similar counterweight, of trauma's metaphysics of absence. That said, the unknown and unknowable absence, which continually points to a felt, non-verbal understanding of a metaphysics of absence, is a central and recurring element in many of Kafka's texts. For example, *Before the Law*, *The Judgment*, *The Hunger Artist*, *The Trial*, and *The Castle*, are each characterized by moods, symbols, paradoxes, circumstances, and impossible possibilities that do not represent an absence, but rather point to, not unlike meaning beyond words, an absence that cannot be represented. If, as according to the Pentateuch, in the beginning, there was the word (λόγος), followed by the unfolding and presenting of Creation, the first paragraph of Kafka's *The Castle* begins as though it were itself a sort of anti-Genesis, a sort of [- (Creation)], more in consonance with a metaphysics of absence, in that what is created, paradoxically, is the unrepresentable absence itself.

It was late in the evening when K. arrived. The village was deep in snow. The Castle hill was hidden, veiled in mist and darkness, nor was there even a glimmer of light to show that the Castle was there. On the wooden bridge leading from the main road to the village, K. stood for a long time

gazing into the illusory emptiness above  
him. (Kafka, 1992, p. 5)

In this [-(Creation)], there is not a word, not a light, but nothing. Indeed, the whole of K.'s efforts in the Castle precinct echo a contemporary description attributed to Confucius, which according to Liu (1988) goes something like, "one who knows it cannot be done, but does it" (p. 25), and somehow echoes as well Beckett's existential paradox, *I cannot go on, I will go*. If like poetics, 'traumatic' undermines the presence of an Absolute Reality that can be spoken, represented, mastered, and understood, it need not undermine an ultimate reality in which presence and absence are not diametrically opposed, but rather mutually complementary and indeed as characterizes Daoist forms of philosophical understanding. If, according to the paradox of poetics, poetry points to a meaning beyond words, so too does the paradox of trauma, analogously, point to implicit systems of being, experience, and meaning beyond an explicit or verbal understanding of the same. In this way, psychodynamic theory does not entirely offer a complimentary conception of presence/absence that no longer places 'traumatic' under erasure. Instead, it offers, in various forms and formulations, a general formulation that conceives the implicit/explicit within the same logocentric metaphysics that opposes presence against absence. The problem, I believe, is that even within the realm of the psychodynamic implicit, an intended and therapeutic metaphysics of presence tends to dominate. However, suppose one allows for the presence of the implicit within the formulation of an ultimate reality that can be known but not represented. In that case, one is still safe, I believe, on the side of absence, danger, and error. Similarly, we confront the paradox of language in consideration of (Trauma)<sub>qi</sub>. If we take (Trauma)<sub>qi</sub> to indicate and point to a return or resurgence of a life force, spirit, *pneuma*, soul, soulfulness, vital force, breath, or ether, and which is itself, as Mencius remarked, *hard to put into words* (in Liu, 1988, p. 28), and if the return of something like the "vital force" is itself a significant goal in terms of trauma recovery, then in terms of 'traumatic,' (Trauma)<sub>qi</sub> and poetics, we are perhaps dealing with meaning beyond words, or, perhaps, with limited words with unlimited meanings. Something of this paradox is mirrored within Buddhist scholarship, which claims that ultimate reality cannot be conveyed in words, while all the same producing more scripture and commentaries, like Liu (1998) points out, than has any other religious tradition. Likewise, trauma studies have seen a tremendous surge in research and scholarship this passed century, with a particular focus, in recent decades, on the role that pre-or non-cognitive and non-linguistic information-processing systems play when it comes to informing the "meaning" of trauma. Although texts are

necessary to understand 'traumatic' and (Trauma)<sub>qi</sub>, by themselves, they represent neither, but rather indicate states of being that lie beyond the representational presenting of words. Poetics, trauma studies, even Kafka Studies all suffer from this paradoxical double-bind that in the examination of meaning that lies beyond words, they have only mostly words to convey their meaning. Or, as the monk Huijiao (497-554) remarked, "words are not true things, the sage puts them forth when he [or she] cannot help it" (in Liu, 1988, p. 34). Herein perhaps also lies something of the therapeutic paradox: therapeutic change requires adaptive changes to implicit, non-verbal memory systems, changes that must begin, to a lesser or greater extent, with language. To reach the depths, we begin at the surface. Without surface, there can be no depth. I may know, explicitly, concretely, that here, now, "I am safe", and I may still wake up each morning with an implicit, visceral felt dread that can make of each day and of each passing life, endless ruination. For therein lies the meaning beyond words and the poison beyond worldly meaning. It is perhaps within this trifold convergence of 'traumatic' and (Trauma)<sub>qi</sub>, with a therapeutic poetics to bridge them, that a singular pharmakon of meaning beyond words is incanted, and which, as according to Liu Yan (1048-1102),

...enables one to reach, suddenly, the encounter between one's nature and life (on the one hand) and the Dao and its power (on the other) that words [sensations, images, and emotions] may not be stopped and literary works are composed [art and life is created] (In Liu, 1988, p. 36, erasure and brackets my own)

When driven, in Amery's words, "beyond the border of death into Nothingness" (1980, p. 35), and which is frequently the correlate of severe or prolonged trauma, *poesis*, or the knowledge gained, according to Aristotle, *through making* (in Knill et al., 2010), can serve as an indirect encounter with this same nothingness, however, and in contrast, from which something, both material and immaterial, can emerge. In a sense, 'traumatic' and poetics, in their shared trifold dealings with *meaning beyond words*, may be said to speak the same language, perhaps the common language of *sacer*, the language, according to Agamben (2017), of what is outcast, or, in this case, outcast from language, and so the [-language] of what is both and simultaneously demonic and holy. Although traumatic darkness and poetic enlightenment each involve some measure of egoic cessation, the former often characterized by survival-based dissociation from the self and the latter by a sort of felt-self-transcendence, both may be said to be characterized by what the literary critic Wang Guowei calls, *wu wo zhijing* [the world without an I] (in Liu, 1988, p. 122). The former, *a world without an I*, achieved by the traumatic disintegration of

linguistic and pre-linguistic meaning and memory systems, and the latter, *a world without an I*, by an intensely focused poetic aggregation of the same. If the paradox of poetics is concerned with meaning beyond words, which is also the realm of ‘traumatic’ and (Trauma)<sub>qi</sub>, then a mature understanding of this paradox may help us better understand healing, recovery, and life after trauma. Only a fraction of the human nervous system is devoted to information processing at the level of language and cognition. If ‘traumatic’ and (Trauma)<sub>qi</sub> encompass meaningful experience that lies significantly outside the circle of firelight that is the purvey of language and cognition, and if the paradox of poetics is concerned broadly with meaning beyond words, then poetics, which I take to mean the human mind and body engaging in expressive creation, including but not limited to drawing, painting, movement, photography, music, collage, sculpture, as well as prose and poetry, can and should be employed, I believe, to effect therapeutic change. Eurocentric biases that privilege information-processing at the level of cognition (i.e., Cartesian Dualism) (M. Hacker, personal communication) and logocentrism (i.e., the privilege of language) may result in a disservice to clients who do not primarily organize their experiences cognitively or otherwise, in cross-cultural therapeutic settings, in which mind-body dualism may not subtend the general self- or worldview of many clients. Recovery from trauma does not happen with a careful, thorough, and articulate analysis of what happened, and to whom, and why, or by way of a lengthy discussion of the above, but by the re-regulation, in the ever-present-present, of pre-cognitive information systems involved in regulating autonomic nervous system arousal. When a person is able to feel safe again in the ever-present-present-moment and learns or re-learns how to bring themselves back to a place of felt-safety, then we may say, after Liu (1988), “that this person has reached the stage of understanding that no longer requires words” (p. 43). The importance of the ever-present-present, in terms of our ongoing organization of experience, in terms of ‘traumatic’ and (Trauma)<sub>qi</sub> as the foci and gateway to therapeutic change is similarly echoed by Zhuang Zi, who, amongst other things, invites us to *forget words* (in Liu, 1988), and is also echoed by the Neo-Confucian philosopher, Yaofu (1001-1077), who, according to Liu (1988), suggests that although “we need language to communicate [and assimilate] the marvelous [and horrific] nature of things, we also need to observe things themselves in order to perceive the subtle and abstruse principles underlying them” ([brackets my own] p. 46). From the sensorimotor

psychotherapeutic perspective, this meta-experience echoes the mindful observation of experience itself, and especially how experience is organized in the present moment (Ogden et al., 2006). And from an expressive arts therapy perspective, there is something in this that echoes the complex (i.e., not necessarily simply visual) implicit imagery that underlies and organizes the ongoing stream of human experience (Knill et al., 2010; Levine, 2010). Indeed, as Wang Shizhen (1634-1711) reaffirms, *to discard the raft and climb ashore* is what experts in Chan Buddhism consider to be *the awakened, enlightened state*, what experts in poetry consider to be *the transformed state*, and what, I would add, trauma therapists may consider being *the recovered state*. If the shore, in this case, is conceived to be *are covered state*, a significant return, or perhaps the first encounter, with a visceral and enduring capacity to feel safe in one’s own body, safe with others, and/or safe with places in the world, then the raft may be conceived to be, and indeed, not unlike a kind of language itself, a finite collection of complex and implicit images employed to point to and make possible a visceral or embodied understanding of this otherwise ineffable, recovered state. One that can be pendulated to as often as needed. But one that is difficult if not impossible to convey in words alone.

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# The Magical Power of Image: Efficacy of Imagery-related Interventions

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**Naeem Aslam**

Enormous literature showed that images had magical power. Image is both practical and transformational in its essence (Hochman, 2000). Akhter Ahsen does his seminal works on the significance and viability of Image. Ahsen named his psychology eidetic psychotherapy. By eidetic, he means the bright and repeatable image of lively details (Ahsen, 1977a). Contrary to William James, Ahsen believes that we can step in the same river at the same point as many times as we wish because the mental experiences of time it is preserved in the eidetic image. Images are much stronger than words. This therapy focuses on images rather than words. The effect of eidetic therapy on trauma situations is well established and gaining its popularity with the advancement of time. It asserts that the body learns to handle the trauma with the repetition of troublesome images. Otherwise, due to painful experiences of the trauma, the body avoids reliving the trauma. This leads to fixation instead of resolution. The impact of the image in the development of psychopathology has been the area of interest of many researchers. They concluded that images that are positive in nature are helpful and a source of wellbeing, while the intrusive mental images are profoundly troublesome and disruptive, adding to keeping up with psychopathology (Iyadurai, Hales, Blackwell, Young, & Holmes, 2020). Past studies showed that if the negative, painful images are not resolved or avoided, then the problem develops. Evidence of the effectiveness of eidetic therapy has been seen with patients with trauma (Ehsan & Rowland (2021), phobia (Dolan & Sheikh, 1977), OCD, depression, insomnia, and intellectual disability (Akhter et al., 2021; Syed, Neelofur, Moran, & O'Reilly, 2020), etc. In a recent study with women who faced domestic violence and subsequently developed posttraumatic stress symptoms, image therapy was used as a method of treatment. Victims demonstrated significant reductions in post-traumatic stress disorder by completing treatment (Kamran Ehsan & Rowland, 2021).

Numerous contemporary researchers 'showed the efficacy of imagery-based interventions (Mertens, Kryptos, & Engelhard, 2020). Few studies that were conducted in the context of the COVID 19 pandemic depicted worth mentioning findings. They demonstrated the vital role of imagery in developing and treating both

physical and psychological issues. For instance, an experimental approach was utilized to explore whether COVID-19-related mental images lead to a fearful response in a study. Respondents vividly imagined neutral, standard fear and COVID-19 related narrative scenes. It was exhibited that health anxiety was associated with imagery vividness, anxiety, avoidance, hyperarousal, and disappointment, during imagery of COVID-19 scenes. Furthermore, findings showed that individuals with high levels of health anxiety were more inclined to terrible mental imagery of contracting COVID-19 which may be a significant component adding to the worsening and chronicity of excessive health anxiety in times of a pandemic (Benke, Schonborn, Habermann, & Pane-Farre, 2022). Likewise, another review was intended to explore the acceptability and viability of telephone-delivered behavioural activation with mental imagery in older individuals living in isolation during the Covid-19 pandemic to treat depressive symptoms. Results showed that behavioural activation with mental imagery delivered over the telephone is practically acceptable and potentially efficacious for the treatment of depressive symptoms in older individuals living in isolation (Pellas, Renner, Ji, & Damberg, 2022).

Comparable findings have been demonstrated on patients with physical problems. For instance, to evaluate the impact of brief guided imagery on patients suffering chronic, fibromyalgia-related pain, training in brief guided imagery was found to be associated with marked improvement in pain management, mood, overall activity, walking ability, routine work, relationships with others, sleep, and enjoyment of life (Kaplun, Roitman, & Rosenbloom, 2021). Likewise, almost similar results have been exhibited in regard to the metacognitive intervention of narrative imagery. Authors revealed that integrating narrative and meta-cognitive therapies with mental imagery seems functional and promising for young individuals with cystic fibrosis (Russell, Strodl, Connolly, & Kavanagh, 2021). Imagery-related therapies have substantial effects on health conditions like phantom limb pain. To investigate whether graded motor imagery helps diminish phantom limb pain in people who have gone through limb amputations. The participants in

the experimental group depicted significant improvements in pain than the control group. Further, the participants in the experimental group had significantly greater improvements than the control group in pain interference at all subsequent points (Limakatso, Madden, Manie, & Parker, 2020).

The efficacy of image-based therapies on trauma-related circumstances is evident. For instance, Haeyen and Staal (2020) revealed that imagery rehearsal therapy is effective for trauma-related nightmares to access their traumatic memories. Additionally, they reported that the images are saved in non-verbal, visual, or audiovisual language. Similarly, in the case of the relationship between images and social anxiety, past research has shown the association between imagery and social anxiety in youngsters. Existing cognitive models of social anxiety show that negative self-images play a critical part in keeping up the disorder. However, some evidence is that children and young people with higher social anxiety report more negative, observer's perspective images (Chapman, Halldorsson, & Creswell, 2020). To see the relationship between the images in suicidal ideation, images are related to suicidal ideation. Typically, suicidal tendencies are evaluated by verbal contemplations rather than by getting information about mental images. A review was conducted to see the role of imagery in the patients of borderline personality disorder with and without comorbid posttraumatic stress disorder and patients with major depressive disorder. These two groups were compared. Suicide-related images were found in all groups. More vivid images were reported by the patients with borderline personality disorder with comorbid posttraumatic stress disorder than patients with major depressive disorder. Childhood trauma, the severity of past suicide attempts, and frequency of previous suicide attempts were significantly related to suicidal imagery in all the study participants. The authors demonstrated that suicide-related mental imagery occurs in borderline personality disorder and is connected with suicidal ideation (Schultebrucks, Duesenberg, Di Simplicio, Holmes, & Roepke, 2020).

It is not only the empirical research that talked about the role of the image, but also much non-empirical work is available that showed the powerful impact of the image. In his book, *Positive Imaging* (1981), Norman Vincent Peale, demonstrated many illustrations of the powerful effects of images. He demonstrated that images precede the action. In his book, he reported many case studies regarding the powerful effects of images. One of the most powerful impacts of images can be seen in dreams. Dreams are in the form of images. These images produce the same effects as the waking state typically produces. In our daily experience, dreams produce a very powerful impact on the body. The magical and powerful effects of

dreams can be seen in the cases of nocturnal emissions. Nocturnal emission may generally accompany by erotic dreams, where a person experiences involuntary ejaculation of semen during sleep without any stimulation. Dreams can make a person terrified or fearful. Sometimes even a person can get panic because of the images. In the case of panic anxiety, sometimes the symptoms are triggered/generated merely through the image (maybe in the form of smell or sound of the event). For instance, while talking to a flood victim, a client narrated that the smell of the floodwater in the room reminds him of the whole flood disaster. The "avoidance" such as avoiding talking, thinking, and avoiding going there are mostly taken as coping by most people. But it does not work. Deliberate avoidance evokes a recurrent intrusive image, which ultimately makes the body uncomfortable. So, eidetic therapy is helpful to process the image. The eidetic therapy is brief and economical, and it can be used successfully with patients who are not communicative. Much research is needed to understand the relationship between the imagery and problems stemming from the relationship and/or developmental. The efficacy of eidetic therapy is needed to address issues such as substance abuse, personality-related issues, and sexual problems.

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#### About the Author

Naeem Aslam is an Assistant Professor at the National Institute of Psychology, Centre of Excellence, Quaid-e-Azam University, Islamabad



## *Healing Through the Art Therapy*

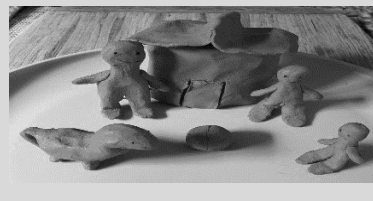
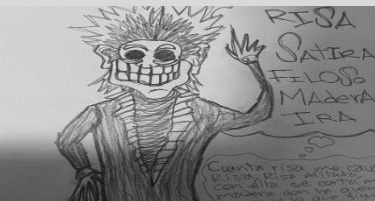
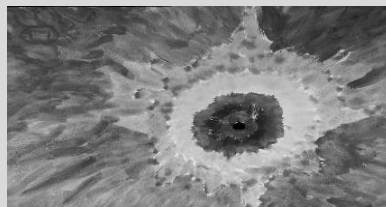
*Vancouver Association for Survivors of Torture (VAST) launched the 'Art-Making in Community' group on zoom in March 2021 in the middle of the pandemic. The trauma-informed group was created as a hub to make art and heal in the community. Expressive arts are action-oriented and body-based: we move, play with sounds and silence, make images...as we co-regulate and make meaning. The arts are a perfect access route to our somatic, sensory-motor experience and culturally sensitive approach to trauma recovery.*

*The 'Art-making in Community' is open to all forced migrants who are willing to connect to their creativity and work toward wholeness. We have a -skill, high-sensitivity approach, which means no "artistic" experience is required. Participants only need to welcome curiosity and be willing to explore with art materials, engaging in their creative process.*

*VAST provides all the art materials that participants need for the sessions. Each session has a theme to ignite participants' imagination and creativity. Themes are often related to the migration journey, remembering, mourning, and healing.*

*Participants can tell their stories through the arts, and they often use intermodal transfer, moving from one art modality into a new one. Some art modalities we use in the artmaking in community groups are collage, drawing, painting, modelling with clay, movement, music, drama, voice and creative writing. The group's goal is to make art together with the purpose of restoring imagination, which is usually hindered by trauma, promoting affect regulation and the ability to be curious rather than fearful. The group setting promotes a sense of belonging and safety*

*Matias Hacker*



## Voices of Gifted Children-II

**Shazia Munir**

In continuation of part I, published in the last edition, this article discusses four more myths that can impact gifted children's development, understanding and education. It also explains well-intentioned solutions with unintended consequences and includes research results from other studies designed to counteract these myths and maximize children's achievement and engagement.

Creativity is an original, valued, and implemented idea or product inseparable from context. It is the application of knowledge and skills in new ways to achieve a valued

***Myth: Creativity is something you either have or you do not have***

***De Mythology: Creativity is something you either have or you can have it***

goal (Goodhew 2009). A clear association can be seen in the definitions above with Renzuli's three-ring conception of Giftedness (Renzulli, 2012). Szabo sees giftedness as achieving advanced mastery within a domain, creativity as an extending mastery to find new meaning in the domain and genius as remaking that domain (Szabo, 2018).

A supportive environment plays an important role in the successful development of creativity. Creative children tend to be found in less authoritarian homes, stress openness, and enthusiasm for life (Clark, 2008). Parents value the expression of feelings and individual divergence. Amado et al., (2017) found three elements essential for creativity: intrinsic motivation, domain-relevant skills, and creativity-relevant skills. These establish an environment more conducive to creativity than would the use of any reward system of external pressure. Schools and teachers play major roles in developing creativity. Creative students execute somewhat better with creative teachers. Torrance (2003, p. 8) described creativity as "taking place in the process of sensing difficulties, problem, gaps in information, missing elements; making guesses or formulating hypotheses about these deficiencies; testing these guesses and possibly revising and retesting them, and finally communicating the results."

Sometimes schools do not provide opportunities for pupils to illustrate and shine their creative skills. If creative moments in one's life will not be given importance, students will start considering their ideas less important (Yannou, et al, 2017). However, teachers can use creative strategies to build students' skills and improve their creativity. Sternberg's (1985) conceptualization of creative giftedness highlights the cognitive aspect by

including insight, planning, and research. Gardner (1993) theorizes creativity is a part of all of his original seven (linguistic, logical-mathematical, musical, spatial, bodily-kinesthetic, interpersonal, and intrapersonal) now eight bits of intelligence (naturalistic intelligence) and is expressed by problem-solving and devising products that may at first be novel but must be socially accepted before they can be considered creative. A positive environment and acceptance assist creativity. Children whose interests are given importance develop confidence and motivation to work hard in the fields of their interest. Ability and motivation with guidance assurances the success; however, training is the key to destination

Gifted children are also a group of students, but they are

***Myth: Gifted Children are a Homogenous group***

***De Myth: Gifted Children are a Heterogonous Group***

treated and expected against human nature. Variability and individual differences among gifted students are natural like other students (Callahan & Hertberg - Davis, 2013). Different ability groups recognized in DMGT of Gagne are useful to look for a diverse range of abilities among gifted students. Gifted can have different aptitude, attitudes, interests, personal preferences, social, emotional, moral, and psychological needs. This divergence further affects their willingness to participate, engagement in the task, and ability to achieve their full potential (Clark, 2008). A range of aspects contributes to the difference in preference among gifted students.

Some people assert that gifted students come from families who can meet their children's needs. Others argue that the expense of providing gifted programs cannot be justified. Gagne (2013) revealed that any child could shine in any field without division of ethnicity, culture, and gender, provided with the opportunity and help enhance that ability and perform better. This stimulates students towards active learning and improves their self-esteem as competent and proficient individuals in life. However, whatever its direction, ethnic under/over-representation appears almost everywhere in general and specialized education. Geography, race, and ethnicity have a role in preference among gifted students (Callahan & Hertberg-Davis, 2013). A student from a culture where music and dance are not considered a preferred area may not easily accept it as a field of talent and may not excel/groom in the area besides having the capability in it. These dissimilarities have different preferences and support mechanisms inseparable from a child's life as the child is brought up in the family and society. And not essential all gifted students in that group/class can have the same preferences (Clark, 2008). Moreover, distinctive cultural values, beliefs, and norms are dear to its followers.

Gender discrimination is also critical in heterogeneity among gifted and talented. Biological and physiological differences between boys and girls also create heterogeneous for their preferences in certain situations

***Myth: Gifted children do not have unique social and emotional needs***

***De Myth: Gifted Children do have unique social and emotional needs***

(Reis, 2013). According to Hebert (2013), children learn messages about masculine and feminine talent from society/culture and bring them to their talent development later in life. Hence these must be considered in developing gifted education programs; children with a high level of cognitive potential seem socially and emotionally different from more typical children. Gifted appears to be more independent, intrinsically motivated, flexible, self-accepting and psychologically well-adjusted than non-gifted (Olzewski-Kubilius, Kulieke & Krasney, 1988). Self-confidence, independence, sensitivity, perfectionism intensity and introversion are common personality traits of gifted students (Pollet, & Schnell, 2016). In many education circles, giftedness is

defined in terms of additional resources students need. Reis and Renzulli (2004) identified gifted as more curious to learn, passionate to read, want mastery of complex ideas, question ideas are able to succeed in life

***Gifted students will succeed on their own***

***Not all gifted students will succeed on their own***

but require more time of parents and teachers to gratify their personal, social, and emotional needs. Gifted is an individual identified by qualified professionals as capable of high performance and who needs educational programs and services beyond those normally provided in regular education programs (Pollet, & Schnell, 2016). Hence gifted need special assistance to balance their social and mental abilities.

A high level of cognitive ability does not guarantee high levels of emotional development. The gifted have an internal locus of control and an intense sense of justice and idealism. Other effective characteristics often observed in gifted learners are healthy and unhealthy perfectionism and dealing with over-expectations (Clark, 2009). High ambitions have a positive effect, but the negative impact of perfectionism is worst, which gives unhealthy feelings that they are not living and fulfilling up to the expectations of others nor their own (Pollet, & Schnell, 2016). Negative feelings can lead to anxiety, frustration, and depression. Many gifted students grouped by chronological age in classrooms find it difficult to meet their intellectual or social-emotional needs, resulting in loneliness. They easily get bored as being capable of learning simply and do not want too much repetition leads to underachievement (Robinson, 2013). Some gifted children are over-sensitive and want things to be in their way and get easily disturbed in an unlikely situation compared to their age mates. Hence gifted need support in social adjustment.

The assumption is that gifted students will succeed regardless of the fostered and quality of the education they receive. This is just not true. Researchers found a positive correlation between support and achievement (Renzulli, 2012). Gifted students require special services and programs to ensure growth rather than the loss of their outstanding abilities. Although gifted have abilities/potentials to perform significantly above average, their high ability for learning can go to waste if not supported correctly (Lazzelle, 2015). The distinction in gifted students' cognitive, intellectual, social and

emotional needs requires a suitable environment and support for their effective development. But lack of guidance and a supportive environment influence gifted students' academic achievement and social, emotional, cognitive, and psychological well-being (Reis & Renzulli, 2004).

Giftedness results from inborn abilities in interaction with a favourable environment. Potential creativity is enhanced by intrinsic and extrinsic motivation (Mönks & Mason 2000). Giftedness should be seen as a manifestation of human potential that can be developed in certain people at certain times and under specific conditions (Renzulli 1990). Gagné (2004) conceives talent development as the progressive transformation of outstanding natural gifts into outstanding talents in a specific occupational field.

Data do exist about gifted students performing remarkably well in unfavorable circumstances. However, their performance could have been enhanced and more brilliant if they could have got a supportive environment. A challenging but supportive environment plays an important role in developing the creativity and talent of gifted children (Renzulli, 2012). Gifted, like all students, require challenges presented to them by educational experience at the level matching with their ability and development. But the problem is that schools often do not offer curricula aimed at higher levels of thought. High intellectually gifted students studying in regular classrooms do not get challenging assignments according to their potential, resulting in boredom and underachievement (Cross, 2009).

The article reflected the philosophy of myths in a specific context and articulated a defensible rationale for giftedness. I believe in the provision of quality education for children according to their abilities and disabilities. However, educating all in one classroom with the same curriculum for high academic standards may not accelerate the gifted's different abilities. We should develop gifted if we believe in different abilities, including academic, physical and social/emotional growth and provision of a challenging and supportive environment. Society grows from the greatest advancement of all the abilities and from the highest of all the talents of all its persons whatever their areas of strength.

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## HEALING ENVIRONMENT SERIES

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*This series is inspired by the Harvard Global Mental Health (2021) Certificate Program, exploring concepts of how we may create an online/virtual/print healing environment's possible felt experience of nature. Guided by evidence-based concepts and cultivating relationships, along with invitational language and a call to action, such as "seeking collaboration: you are welcome to submit your nature pictures for a chance, at being featured in an upcoming publication and our social media platforms." Possibility for an interoceptive cue?*

*Harvard Program in Refugees Trauma has introduced the New "H.E.A.R.T. (Healing Environment and Restorative Therapy) Model (Therapy for Refugees and Torture Survivors: New H.E.A.R.T. Model Part 1 | HealTorture.org. "Therapy for Refugees and Torture Survivors: New H.E.A.R.T. (Healing Environment and Restorative Therapy)" - Closed Captioning on Vimeo) that further informs the concept of this series.*

**Leila Johnson**



# BOOK REVIEW



## **Book Title: The History of Torture**

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**Author: Daniel P. Mannix**

**Year of Publication: 20149**

**Publisher: Maple Circle, Lake Oswego Net Press**

**PP: 197**

**Reviewer: Patrick Swanzy<sup>3</sup>**

### **THE HISTORY OF TORTURE**



**Daniel P. Mannix**

Concerns on Torture, otherwise known as cruelty, inhuman or degrading treatment, is on the rise globally, with the documentation of the activities occurring in diverse ways. Various authors have written on the issue both in the olden days and in contemporary times, but none of the books are filled with exciting chapters and are remarkably like ‘The History of Torture’ authored by Daniel P. Mannix. Filled with exciting twenty chapters, he chronicles how humans have indulged in cruelty from ancient days to the modern era. The insightful nature of his book positions him as different from other writers of his generation.

In the first three chapters, the author presents the history of torture, using historical examples from countries like Syria, Angola, Kenya, Tibet, Argentina, Britain and many more. Joining the debate on the quest to reach a consensus on the definition of torture, Mannix argues that there is no precise definition of what constitutes torture. He claims that the Assyrians were the first people to use

torture and mass extermination as a definite military policy. Mannix further observed that the Assyrians planned their torturous very well and used torture and wholesale massacre to frighten other nations into surrendering. He documented the torture techniques adopted in that era as decapitation, mutilation, flaying, impalement, crucifixion. He described the persecution of the early Christians in chapter three and mentioned St. Benjamin, St. Catherine, St. Apollonia and St. Polycarp as some of the martyrs.

Mannix devoted chapters four, five and six to Inquisitors. He gave a historical account of the Christian church's role in promoting torture in the olden days. According to the author, the Inquisition became a symbol of organized cruelty. He opines that the Inquisition varied from country to country, from period to period, and as the torture in the dungeons was kept secret, no one can definitely say what took place. Mannix, like his fellow author, Henry Charles Lea doubted the accounts on torture attributed to the Inquisition because of the inability to find traces of historical references to the torturous acts. The author concludes that the greatest curse that the Inquisition visited on humanity was that it established the use of torture as part of any legal procedure, whether religious or secular.

In chapter seven, the author mentioned Nuremberg as the famous torture chamber in Europe in the 12th century. He laments that a professional torturer's reputation during that era often depended on what new and ingenious methods he had invented and how complete his stock of weird, complicated instruments was, regardless of whether these devices served any useful purpose. Mannix mentions some torture techniques and instruments in the chapter.

In chapter eight, Mannix extends his discussion on human torture to animals. He shows how cruelty was meted out to animals in the ancient days. He claims that the ancient courts had biblical authority for these remarkable trials. Quoting the Mosaic code, he states that

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<sup>3</sup> Dr. Patrick Swanzy is a Lecturer at the Department of Teacher Education, Faculty of Educational Studies, Kwame Nkrumah University of Science and Technology, Ghana

“if an ox killed a man, the animal was to be stoned to death; if a man committed bestiality, both man and beast were killed.” He claimed that animals were allowed to have lawyers. Mannix opines that the motives that cause an individual or a people to use torture cannot be attributed to any single cause but varied reasons.

In chapter nine, Mannix advertised that the most authentic British instruments of torture are on exhibition in the Tower of London but cautioned that getting photographs of them is difficult because all the ancient artifacts in the Tower are crown property and protected by copyright.

Mannix argues in the tenth chapter of his book that the rope used by a hangman was regarded as possessing miraculous powers, although no two experts in the occult arts can agree exactly what the powers consist of. He highlighted that the rope was the most valuable of the hangman’s perquisites at all events.

In chapter eleven, the author acknowledges that flogging during the ancient days was a standard procedure that was regarded more like a gentle reprimand than as a true punishment unless administered with particular brutality. The author cites a contemporary poem by John Taylor to support his claim. The author concluded that in spite of the severity of the 18th-century punishments, it refused to reverse the crime rate rather, the more tortures and executions there were, the more crimes people committed.

The author gives credence to Cesare Beccaria, a Milanese lawyer, to have started the moral crusade that finally abolished the legal use of torture in chapter twelve. Mannix argues that Beccaria recommended prevention rather than the punishment of crime, denounced the futility of torture, and urged for speedy trials. The author laments that this notwithstanding, modified types of torture, continued to exist during the latter part of the 18<sup>th</sup> and are even common nowadays.

Exile is highlighted as the oldest of all punishments, employed by herds of animals against a transgressor in chapter thirteen. Using the sentence pronounced against Adam and Eve as an example, he further explains how European nations such as Britain, who served as a colonial master, used the technique to dump her convicts in Australia, regarding them as scarcely human. Mannix’s account in this chapter is well presented and coherent.

In chapter fourteen, Mannix directs his discussion on torture to east precisely Asia and uses China as an example. He argues that the Chinese have always been famous for their elaborate and ingenious tortures. Mannix enumerated the torturous acts of the Asians and stated that the tortures had typically picturesque names. What is flawed in this chapter is that the author uses “Orientals,” a terminology with a racist undertone that can be equalled to inhumane treatment like torture.

The author mentions in chapter fifteen that the early African monarchs carried more human sacrifices than any other people except the Aztecs. He claims that even though Benin was the most outstanding of all the African nations and practiced human sacrifice and torture to a fantastic degree, torturous practices were also identified in other countries, including Nigeria. What is deficient about this chapter is that the author failed to provide data on Benin in comparison with other countries making the ranking questionable.

Chapter sixteen presents’ the United States of America, an apostle of human rights as famous for the judicial use of police torture known as the “third degree.” The author claims that, like the tortures of the Inquisition, the purpose of the third degree is to force a confession. The straitjacket has always been popular with American police as a torture device. It leaves no mark, and the police can always argue that the prisoner became so unruly that he had to be restrained.

The seventeenth chapter discusses mass executions. Mannix indicated that, until 1940, the world’s record for an individual who had indulged in mass executions was Genghis Khan, an Afghan who killed 1,747,000 people in Herat, Afghanistan, during the 13th century until Adolf Hitler beat his record. He claims that Dachau, a German concentration camp, is preserved as a national monument to the dead under the motto, “Forgive, but never forget.”

In chapter eighteen, he draws attention to the contribution of electricity to the science of torture in the 20<sup>th</sup> century. Citing Dr. Caride, he describes how a setup termed “the little machine” is used to make victims impotent. He explains further that the machine works by wrapping a copper wire around the testicles of the victims and then connecting the wires to a battery. Mannix laments that new techniques have since been developed, and we currently accept them as routine acts, which would have shocked Jack Ketch.

Mannix highlights the role of torture in the liberation struggles, especially in Africa and other parts of the world, in chapter nineteen. In this chapter, Mannix makes a factual error. He smartly twists the account on torture to portray the natives of Africa and others in the Global South as the initiators of torture instead of the colonizer. These biases exhibited by Mannix put a dent in his well-written book.

He concludes in Chapter twenty that, even though close to a thousand years, torture has principally been used to extract confessions from accused persons. Most writers on this issue have directed their efforts to prove that confessions made under torture are unreliable. I disagree

with Mannix on this statement because it seeks to undermine the efforts of other authors in the field. He cautions that a confession obtained through torture is worthless unless the accused supports the claims of his/her guilt with evidence. Therefore, he advocated for a continuous debate on the pros and cons of the use of punishment, especially corporal punishment.

Even though international conventions and national frameworks abhor torture, the act persists in most societies, and the techniques employed have become highly developed and diverse, making it a crucial issue today.



Region: Nisga'a Nation, a self-governing Nation inside Northwest, Canada. [The Nisga'a Final Agreement for self-determination came into effect on May 11,2000 and became the first modern day comprehensive treaty in British Columbia.]

<https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations-negotiations/first-nations-a-z-listing/nisga-a-lisims-government>,

Description: "Giving Voice" is from the Laxgalts'ap Giving Voice Project, sponsored by the Commission for Missing and Murdered Indigenous Women and Girls (MMIWG) and inspired by the vision of Collier Bright and Calvin McNeil. It represents the four Matrilineal lifelines of the clan system- the Laxgibuu Wolf), the Ganada (Raven), the Laxsgiik (Eagle) and the Gisk'aast (Killerwhale). The open mouths signify 'breaking' the silence of intergenerational trauma. The cedar rope represents unity and family.



**TORTURE TODAY**

*To the guard who tortured me*

*I am screaming not for what you are doing to my body, I want you to hear my voice.*

*You can do whatever you want to do to my body, but not to my soul.*

*I can have my dream while you are torturing me.*

*I can fly over my home, I can see my baby holding my photo, kissing it, I can hug and kiss him back and no one can separate us.*

*I can fly over the sky feel the sunshine, watch the mountains, rivers, gardens surrounded by trees and flowers.*

*I can walk through the forest while the rain is coming over my face and you cannot stop me.*

*Maya-Mahbubeh*

# Lack of Accountability for Torture Worldwide due to Systemic Denial, Evasion by Public Authorities

## The Special Rapporteur Tells Third Committee

There is a persistent accountability gap for torture and ill-treatment worldwide, caused in part by the systemic denial, deliberate obstruction, and purposeful evasion of responsibility by public authorities, the United Nations Special Rapporteur on the topic, told the Third Committee (Social, Humanitarian and Cultural) today, as delegates began their consideration of broad human rights questions.

Among the five independent experts and special-mandate holders to present their findings during virtual interactive dialogues, Nils Melzer, Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, said the COVID-19 crisis has entailed a sharp deterioration in conditions of detention.

In many places, he said, where inmates depend on families for their daily supplies of food and prescription drugs, lockdowns have gravely exacerbated their situation, pointing to numerous reports of lethal force and unrestrained police brutality used to enforce these measures. Most worryingly, violence has often been encouraged by discriminatory narratives spread or condoned by political leaders, local authorities, and the media.

***“This flagrant lack of accountability has further fueled tensions and given rise to a growing sense of powerlessness, fear, and resentment,”***

he said, not only among victims and their relatives but throughout the most vulnerable and politically exposed parts of the population.

In an ensuing dialogue, Myanmar’s representative said that following the coup, the military has been using arrests and ill-treatment to rule by fiat. People have been arbitrarily arrested and killed. In the last eight months

alone, there have been 150 incidents of people being tortured to death during detention. He cited beating, sexual violence, deprivation of food and water, and the denial of medical treatment among the methods being used.

In Jammu and Kashmir, Pakistan’s representative said, occupying forces indulge in torture and deny facts. She asked how the occupying forces can be held accountable. To those comments, India’s representative stressed that his country is firmly against any form of torture and accused Pakistan’s delegate of spreading falsehoods. Meanwhile, the Russian Federation’s representative disagreed with the Special Rapporteur’s optimism about international justice and the role of special tribunals or investigation commissions. Both have proven to be ineffective and politicized, he asserted.

Claude Heller, Acting Chair of the Committee Against Torture, said mandated activities, such as country reviews and the discussion and adoption of individual complaints, could not be carried out due to the pandemic. The absence of cases of reprisals may actually reveal a lack of access by victims to international and national mechanisms, as well as lawyers. Suzanne Jabbour, Chair of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, meanwhile pointed out that efforts made in places of detention during the pandemic have shown that improvements can be implemented: overcrowding can be managed, access to health care guaranteed and special care for vulnerable groups put in place. “If this was possible in times of crisis, then it should be possible to pursue such policies also in ordinary times,” she said.

Earlier in the day, Rosemary Dicarlo, Under-Secretary-General for Political and Peacebuilding Affairs, launched the Committee’s broad discussion of human rights with a focus on strengthening the United Nations role in elections and the promotion of democratization, stressing that “genuine elections give people a real say in how their countries are run”. Political leaders have a duty to tackle disinformation and hate speech, while social media

companies can develop ways to monitor such behavior online.

Also briefing the Third Committee today was the Director of the New York Office of the United Nations High Commissioner for Human Rights, who introduced various reports, as well as the Chairs of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights.

The Third Committee (Social, Humanitarian and Cultural) will reconvene at 10 a.m. on Wednesday, 13 October, to continue its consideration of human rights.

#### Interactive Dialogues – Human Rights

ROSEMARY DICARLO, Under-Secretary-General for Political and Peacebuilding Affairs, introduced the report “Strengthening the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization” (document [A/76/266](#)), providing an overview of developments in the field of elections and United Nations electoral assistance to Member States over the last two years. During this period, the United Nations assisted - at their request or based on a Security Council mandate - more than 60 Member States in conducting elections. In response to challenges posed by the COVID-19 pandemic, work processes were adjusted to meet the needs of Member States, as required.

“Genuine elections give people a real say in how their countries are run,” she said. “Democratic legitimacy and authority depend on the conduct of credible, fair, transparent and participatory polls.” United Nations electoral assistance was provided as a system-wide endeavor involving the Department of Political and Peacebuilding Affairs, the Department of Peace Operations, United Nations missions on the ground and the United Nations Development Program (UNDP), along with other partners.

Offering examples, she said the United Nations supported the League of Arab States in improving its electoral database and institutional memory. It aided the Arab Organization of Electoral Management Bodies in pandemic response and worked closely with the African Union, coordinating through the joint United Nations-African Union Technical Working Group on Elections. Member States face difficult choices in deciding whether to proceed with scheduled elections, due to the pandemic. “Globally, the crisis drew attention to the fragility of the foundations on which credible elections are built,” she said, noting that “future decisions that have a significant impact on an electoral process - such as a postponement in the face of a public health crisis - should involve broad consultation across

the political spectrum, with the aim of reaching consensus”.

She said online tools have enabled participation in elections on an unprecedented scale - however, they have also been used to spread disinformation and hate speech. Political leaders have a role to play in tackling these problems, while social media companies can develop policies to monitor such online behavior. On the role of women, she said that while the number of women elected or appointed to decision-making positions has risen, much more must be done, including steps to prevent violence against women in politics. Explaining that the United Nations engages in advocacy and advises on temporary special measures in elections, she noted that in Bolivia, Liberia, Mali and Somalia, for example, the Organization supported the adoption and implementation of temporary special measures to increase women’s participation. In Ethiopia, it supported the integration of gender components into public outreach strategies, while in Afghanistan, the Central African Republic and Côte d’Ivoire, it supported the adoption of gender strategies by electoral commissions. Electoral assistance works best when part of a coherent strategy, combining technical support and political engagement, and drawing on adequate donor support.

When the floor opened for comments and questions, several delegates spotlighted the important role played by young people, with two youth representatives from Germany underscoring those politicians often think in terms of years, rather than decades, and forget the long-term consequences of their actions. Policy decisions taken today reach far into the future, they said, stressing that “nobody should live at the expense of those who come after”. The representative of Morocco said the international community is focused on the role of young people as key players in peacebuilding. She asked the Under-Secretary-General about the involvement of young people in peace settlement and the establishment of peace forums for young people.

Several delegations spoke of recent or upcoming elections, with the representative of Algeria noting that his country had requested electoral assistance from the United Nations with its snap election, held on 20 June 2021, after two consecutive parliamentary elections that were considered by independent observers to be free and fair. The representative of Lebanon said that in the spring of 2022, it will welcome observers and take the appropriate democratic measures to ensure a secure atmosphere for elections, with an emphasis on transparency.

The representative of Iran meanwhile said that responsibility for organizing elections lies with Member



States, calling for the principle of national ownership to be respected. “There is no one-size-fits-all” for democracy, he affirmed. The Organization must take into account the specific context and requirements of States requesting assistance.

The representative of China also spoke.

Ms. DICARLO, responding, said young people must participate far more often in electoral policies and other decisions that are made regarding their lives and futures. Noting that the Our Common Agenda report focuses on the inclusion of youth in decision-making, she encouraged Member States to use innovative means, such as technology, to create positive opportunities for their participation in elections. She also noted that her office leads on the youth, peace and security agenda, and includes young people in many peacebuilding activities. She stressed that technology has enabled the United Nations to reach more young people over the last year and a half, enabling it to reach out to more audiences than in the past, including more women and young people, drawing them into discussions about elections.

To comments by the representative of Iran, she underscored that the United Nations follows the principles set out for electoral assistance, including State sovereignty, and respects the fact that the responsibility for elections is with the State concerned. The United Nations provides electoral support only at the request of the country concerned or with a Security Council or General Assembly mandate, she clarified.

CRAIG MOKHIBER, Director, New York Office of the United Nations High Commissioner for Human Rights, introduced several reports by the Secretary-General, starting with “Terrorism and human rights” (document [A/76/273](#)), which highlights that countering terrorism and respecting and promoting human rights should be viewed as complementary objectives. It cites concerns relating to national counter-terrorism legislation, deficits in due process and fair trial in terrorism-related cases, and the negative impact of many counter-terrorism measures on civic space. It also draws attention to limited progress in prosecuting sexual and gender-based crimes in terrorism and counter-terrorism contexts, he said. The report titled “Human rights of migrants” (document [A/76/165](#)) explores issues related to the protection of the human rights of migrants in vulnerable situations, including those impacted by COVID-19, as well as the implementation of the Global Compact for Safe, Orderly and Regular Migration. It details how the global public health crisis, the economic and social crisis, and the human rights protection crisis arising from the pandemic have further exacerbated existing inequalities and threats to migrants’ human rights, he said.

The report titled “Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity” (document [A/76/249](#)) highlights the need for solidarity between peoples, nations and generations rooted in the inalienable rights of every human person, including in response to COVID-19, he said. It makes recommendations on international cooperation for equitable access to vaccines, closing digital divides and advancing the rights of youth and future generations. The consolidated report of the Secretary-General and the High Commissioner on the “Right to development” (document [A/76/247](#)) focuses on the response to, and recovery from, the pandemic, including an overview of its impact on the realization of this right. It concludes that the response to the virus must be a global one, with human rights - including the right to development - at its core.

The report titled “Safety of journalists and the issue of impunity” (document [A/76/285](#)) features suggestions for strengthening the safety of journalists online, he continued. The report titled “Human rights and cultural diversity” (document [A/76/244](#)) summarizes efforts at the national, regional and international levels regarding the recognition and importance of cultural diversity. He also introduced these additional thematic reports: “National institutions for the promotion and protection of human rights” (document [A/76/246](#)); “Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities” (document [A/76/255](#)); “Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief” (document [A/76/164](#)).

Turning to country-specific situations, he introduced reports titled “United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region” (document [A/76/295](#)) and “Subregional Centre for Human Rights and Democracy in Central Africa” (document [A/76/253](#)). The report on “Situation of human rights in the Democratic People’s Republic of Korea” (document [A/76/242](#)) raises serious concerns over further deterioration in the food situation in that country in the wake of harsh COVID-19 restrictions. The report titled “Situation of human rights in the Islamic Republic of Iran” (document [A/76/268](#)) stresses the lack of accountability mechanisms and impediments to the rule of law, and notes that the application of the death penalty, including for child offenders, remains high. It also raises concerns about the arbitrary deprivation of life, including through torture and denial of medical care in detention.

He went on to say that the report titled “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine” (document [A/76/260](#)), highlights arbitrary arrests and violations of fair trial rights, the situation of Ukrainian detainees, house raids disproportionately targeting Crimean Tatars, unlawful population transfers and infringements on fundamental freedoms. It contains recommendations to the Russian Federation as the occupying Power, as well as to Ukraine and the international community, he said.

In the interactive dialogue, the representative of Ukraine decried the human rights situation in occupied Crimea and called on the Russian Federation to abide by its international obligations. The representative of Morocco, pointing to the 11 September 2001 attacks, said her country has developed a national counter-terrorism strategy. She also highlighted efforts to combat hate speech. The representative of the Democratic People’s Republic of Korea categorically rejected the report related to the human rights situation in his country, stressing that its allegations are based on selectivity and deeply rooted double standards. Along similar lines, the representative of Iran criticized the report related to his country for being derived from politically motivated resolutions and sponsored by certain Governments. He criticized its selective approach to human rights achievements, which undermines its validity, and drew attention to its arbitrary judgments. He also condemned illegal coercive unilateral measures imposed by the United States.

Also speaking in the dialogue were representatives of Indonesia, Saudi Arabia and Tajikistan.

PHOTINI PAZARTZIS, Chair of the Human Rights Committee, which monitors implementation of the International Covenant on Civil and Political Rights by its States parties, introduced that body’s annual report (document [A/76/40](#)), saying that the period under review was an exceptional one, as the COVID-19 pandemic impacted the exercise of human rights around the globe. Under these difficult circumstances, the Committee held three sessions in an online setting. Regarding the individual communications under the Optional Protocol, the Committee adopted 246 decisions during the reporting period and up to the present, she said, adding that the pace of cases brought before the Committee is exponentially increasing. Without more staff in its Petitions Section, it will be unable to address the backlog of communications in a timely manner, she added.

During its July 2020 session, the Committee adopted General Comment 37 on the right of peaceful assembly, she continued. The pandemic’s impact on substantive and procedural work, the right to peaceful assembly and

the mechanisms for following up on views and judgements were among the topics discussed during a half-day online colloquium with the Inter-American Court of Human Rights. A similar meeting with the African Court of Human and Peoples’ Rights is planned for 2022. The resumption of in-person sessions will allow the Committee to carry out more State party reviews. During the current session, which resumed in Geneva on 11 October, the Committee will engage in dialogue with four States parties, consider 24 communications under its Optional Procedure and adopt a list of issues in relation to the States parties. She concluded by reiterating the Committee’s need for adequate human and financial resources to carry out its work and to ensure an efficient and effective treaty body system in the post-pandemic period.

When the floor opened for comments and questions, several delegates focused on treaty body reforms, with the representative of the United States applauding the Human Rights Committee for the seriousness with which it has engaged on treaty body reforms aimed at harmonizing and streamlining the system. He also asked whether the Committee has discussed measures to address the backlog of reforms. An observer for the European Union highlighted the improved coordination of human rights treaty bodies and asked the Human Rights Committee Chair if she intended to maintain the virtual and hybrid meeting format. The representative of the Netherlands, associating with the European Union, said the 2020 report on the review of the United Nations treaty body system offers practical suggestions for improving inclusion. The representative of the Russian Federation meanwhile asked how the Human Rights Committee has adapted to the new work conditions and how successful it has been in eliminating the backlog of individual country reports. He also asked about its method for considering complaints related to the Optional Protocol and for ensuring confidentiality.

The representative of the United Kingdom meanwhile expressed concern over persistent intimidation of human rights defenders and journalists who cooperate with the Human Rights Committee. She asked how the Committee plans to address States’ failures to address their obligations under article 40 of the International Covenant on Civil and Political Rights. The representative of Mexico said that the Human Rights Committee expressed concern in its report about prison conditions in his country and asked about best practices for improving prison environments.

Also speaking were representatives of Syria, India, Egypt, Kazakhstan, Greece and Morocco.

Ms. PAZARTZIS responded to comments by the European Union observer by stressing that shifting to

online sessions during the pandemic had been difficult. Lessons were learned from the hybrid meeting format, which sometimes encouraged the participation of civil society. While she does not support online meetings, her intention is to continue hybrid sessions to secure higher participation. Limited translation services during the pandemic also greatly impacted the Committee's work, she said, calling for an online database to make the work easily accessible to users. This situation led to a significant backlog of State reporting, as pointed out by the representative of the United Kingdom.

Turning to the comment by the Russian Federation's delegate, she said that the Committee's 2020 report would be presented during the next session, clarifying that complaints brought by individuals under the Optional Protocol are processed according to the provisions of the Covenant on Economic, Social and Cultural Rights. The Committee works under its own rules, which sometimes differ from those of regional bodies. She concluded by underlining that interpretation of the Covenant must evolve with the pandemic.

#### Economic, Social, Cultural Rights

MOHAMED ABDEL-MONEIM, Chair of the Committee on Economic, Social and Cultural Rights, noting that the rights to work, social security, the highest attainable standard of health, and education were the human rights most drastically affected by the pandemic, requested additional resources for the Committee to fulfil its mandate. He underlined that the Committee has been advocating for equitable and affordable access to vaccines. Commenting on the impact of the pandemic on the Committee's work, he pointed to the technical challenges of holding virtual meetings, as well as postponement of reviews and concerns about the backlog of State party reports, that limited the Committee's ability to fulfil its mandate.

He noted that numerous States are more than 10 years overdue with the submission of their reports, including initial reports. While the Committee has agreed to proceed with a regular eight-year cycle and generalize the simplified reporting procedure, it must be provided with the resources to do so. As such, it was unable to proceed with the eight-year predictable calendar and offer the simplified reporting procedure. Turning to budget matters, he said the Assembly's regular budget for 2021 did not correct the shortfall in staff resources to support the human rights treaty bodies. "Our work should be fully funded from the regular budget of the United Nations," he stressed, expressing hope that the 2022 budget will redress this shortfall.

When the floor opened for comments and questions, delegates expressed support for the treaty bodies system in upholding economic and social rights. The representatives of Portugal, El Salvador and Armenia reaffirmed their commitments to the International Covenant on Economic, Social and Cultural Rights, inviting other States to ratify it.

Morocco's delegate highlighted the universality and interdependence of human rights and, drawing attention to the gap between human rights and development, asked Mr. Abdel-Moneim whether a report on the impact of the pandemic on vulnerable groups in the global South would be conducted. Similarly, the representative of Algeria noted that these effects would have been mitigated if States had attached more importance to social, economic and cultural rights.

On the other hand, questions on the work of the Committee during the pandemic were also raised, with the representative of the Russian Federation asking how the Committee adapted to the remote format. He also reiterated his country's opposition to unilateral coercive measures, calling them a violation of human rights and freedoms.

The representative of the Netherlands, through the voice of a youth representative, advocated for the inclusion of young people in decision-making and in politics, asking the Chair about ways to integrate youth in the work of the United Nations.

The representatives of Egypt, China, Cameroon, Nigeria and Azerbaijan also spoke, as did an observer for the European Union.

Mr. ABDEL-MONEIM, responding, warned that multilateralism must not become the victim of the pandemic, as it is the most important tool to overcome COVID-19. He echoed calls by the youth delegates, adding that more time must be allocated to youth-related issues. Reiterating his commitment to the principle of confidentiality, he praised the Committee's response to COVID-19 and position on vaccines. Recalling Article 2 of the Covenant, he underscored the importance of international cooperation, pressing nations to devote themselves to the fulfilment of economic, social and cultural rights. Had this been done, the world might have been in a better situation, he said, adding that COVID-19 revealed weaknesses in the international economic system which must be effectively addressed.

#### Torture

CLAUDE HELLER, Acting Chair of the Committee Against Torture, said that due to COVID-19 travel restrictions, the Committee cancelled its April-May 2020 and November-December 2020 sessions. It held a one-

day online session on 13 July 2020, a three-day online session in April 2021 and a three-week session in July 2021. Despite these developments, the Committee's Rapporteur on new complaints and interim measures registered new cases and issued interim measures of protection. The Committee's Rapporteurs for follow-up under articles 19 and 22, as well as the Rapporteur on reprisals, also have continued their activities. The Committee has also discussed and adopted its Lists of Issues and Lists of Issues Prior Reporting, while the Working Group on Individual Communications held its work online.

Noting that the Committee took decisions on requests for confidential inquiries under article 20 of the Convention against Torture, he said mandated activities, such as country reviews and the discussion and adoption of individual complaints, could not be carried out, due to the pandemic. As such, at its April 2021 session, the Committee decided to undertake an online country review of Belgium at its July 2021 session, he said, adding that Belgium had volunteered for online country reviews, including with the Committee Against Torture.

At its July 2021 session, he said, the Committee gave priority to the examination, with decisions taken online on the merits of individual complaints, as the backlog had increased. The Committee took decisions on 37 cases: 22 decisions on the merits - six violations and 16 non-violations; two inadmissibility decisions; and 13 discontinuances. The Committee resumed its plenary discussions and decisions on follow-up to Concluding Observations and decisions on individual complaints as well as reprisals. On reprisals, the Committee Rapporteur highlighted that the absence of cases may actually reveal a lack of access by victims to international and national mechanisms, as well as lawyers, due to the COVID-19 pandemic and its consequences.

In the ensuing interactive dialogue, the representative of the Russian Federation said that in terms of strengthening the human rights treaty bodies, the Committee was unable to catch up. He asked about ways in which individual complaints are considered and about how the confidentiality of this procedure is being observed. The representative of Mexico meanwhile asked about best practices identified to prevent torture or other inhumane treatment in detention centers. He also called for a dialogue between the Committee and Mexico. The representative of the United States commented that Governments continue to use torture and violence as tools of oppression against political opponents, minorities or human rights advocates. Along similar lines, the representative of Denmark described the Committee as "an extremely important mechanism of accountability".

In terms of legislation, the representative of Nigeria asked how the Committee addresses the need to criminalize torture, especially by national security forces. An observer for the European Union said the fight against torture and ill-treatment has become even more crucial in light of police brutality and crackdowns on the freedom of peaceful assembly under the pretext of COVID-19 safety precaution. He asked how the communication between States and the Committee can be further strengthened in the aftermath of the pandemic.

Also speaking were representatives of Chile, China and Morocco.

Mr. HELLER, responding, said the COVID-19 crisis has forced the Committee to change its working methods. He stressed that the Committee does not impose decisions. Rather, it looks for cooperation from States through reports, recommendations and follow-ups. It has special mechanisms, such as the Optional Protocol, which gave rights to the Subcommittee to Prevent Torture as an international entity that could visit detention centers in a given country. A great number of States are ratifying the Convention, he explained, yet there is also a structural phenomenon related to human rights. He called for strengthened cooperation with non-governmental organizations and for a continuity of constructive dialogue with States.

SUZANNE JABBOUR, Chair of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, presented the body's fourteenth annual report, noting that its principal challenge was being unable to carry out any visits in 2020. The last visit was in October 2019, far too long for an activity that is the objective of the Optional Protocol and the Subcommittee's core work. The Subcommittee is planning to resume visits this month with Bulgaria and hopefully complete another visit by year's end and begin a full visiting program in 2022. As of today, the Subcommittee is unable to carry out more than six or seven visits a year, though it should be carrying out at least twice that number.

She said all efforts made in places of detention during the pandemic have shown that improvements can be implemented, overcrowding can be managed, access to health care guaranteed and special care for vulnerable groups put in place. "If this was possible in times of crisis, then it should be possible to pursue such policies also in ordinary times," she said. The Subcommittee has raised concerns about the management of the pandemic in some States and detention systems, including about the lack of support for mental health. It also is concerned with disproportionate restrictions on movement, excessive measures of isolation and inadequate alternative measures to compensate for suspended

contact with the outside world - such as with families, lawyers or external organizations - and services providing essential support.

As pointed out by her predecessors, Ms. Jabbour said the Secretariat has insufficient human and financial resources to fulfil its important role supporting the Subcommittee's mandate. The body is responsible for following the implementation of the Optional Protocol in 90 State parties and 13 signatories, closely collaboration with the State's authorities and about 70 National Preventive Mechanisms. It is the only human rights treaty body that does not work based on regular reports

***“This flagrant lack of accountability has further fueled tensions and has given rise to a growing sense of powerlessness, fear and resentment,”***

submitted by States, but rather on observations gathered from field visits. Yet the Secretariat has only four full-time staff members to do this work, which includes the preparation of visits and follow-ups, Subcommittee sessions, correspondence, dialogue and meetings with State parties and cooperation with other treaty bodies. The Subcommittee has been mandated to take the lead on and support torture prevention efforts at all levels. It must be given the full means to do so, she affirmed.

When the floor opened, delegates posed questions about how the Subcommittee operated throughout the pandemic and handled challenging cases. Noting that pandemic-related restrictions affected the monitoring of detention facilities, Switzerland's representative asked about what lessons can be learned. Denmark's delegate posed a question about how the Subcommittee monitors national prevention mechanisms.

An observer for the European Union asked how police reform can be strengthened, including in the context of protests. Meanwhile, the representative of the Czech Republic enquired about how the Subcommittee handles cases involving States that have inadequate or no monitoring mechanisms.

Ms. JABBOUR replied by agreeing that the pandemic has had a major impact on the Subcommittee's work. However, new means have been identified with State parties, and work continues, notably with national prevention mechanisms. Indeed, visits include interviews with the detained and facility staff, but this cannot be done remotely. As a result, innovative ways to

continue monitoring work include the creation of quarantine centers governed by the Subcommittee's mandate. Recommendations provided to States have focused on over-crowding limits and granting detainees access to telephones and telecommunications technology so they can continue to receive visitors.

As the Subcommittee will resume in-person visits on 24 October, she noted that this requires financial resources. To date, 24 countries are behind schedule in creating national prevention mechanisms. Other

### ***Torture, Other Cruel Inhuman or Degrading Treatment or Punishment***

problems include the format of these mechanisms and the occasional lack of will on the part of Governments to create and implement them. These mechanisms can be strengthened by increasing human and financial resources, with a view to ensuring the monitoring of facilities without constraint. Appealing to countries that have not yet created these mechanisms to do so without delay, she also urged States to sign and ratify relevant conventions.

NILS MELZER, Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, presenting his report (document [A/76/168](#)) said the COVID-19 crisis has entailed a sharp deterioration in conditions of detention in many parts of the world. In many places, where inmates depend on families for their daily supplies of food, hygienic items and prescription drugs, lockdowns have gravely exacerbated their situation. He pointed to numerous reports of lethal force, unrestrained police brutality and other forms of torture and ill treatment being used to enforce lockdown measures. Most worryingly, these acts of violence have often been encouraged by discriminatory narratives spread or condoned by political leaders, local authorities and the media, he said, and by the resulting atmosphere of near complete impunity for perpetrators.

“This flagrant lack of accountability has further fueled tensions and has given rise to a growing sense of powerlessness, fear and resentment,” he said, not only among victims and their relatives, but throughout the most vulnerable and politically exposed parts of the population.

Describing torture and ill treatment as a systemic problem, he stressed that rhetoric focused on blaming any wrongdoing on a few isolated “bad apples” tends to perpetuate the risk of torture, as it allows States to evade

their duty to take effective preventive and corrective measures. To be sure, there still is a persistent accountability gap for torture and ill treatment worldwide, he said, caused by normative, institutional and procedural shortcomings, as well as by systematic denial, deliberate obstruction and purposeful evasion of accountability by public authorities. He called for a multi-layered system of accountability, expressing concern that 90 per cent of official communications transmitting allegations of torture ill treatment to States did not receive constructive responses that met the standards of cooperation set by the Human Rights Council. This trivialization damages the credibility and integrity of States' commitment to the prohibition of torture and ill treatment, as well as to the entire international system of human rights protection, he asserted.

When the floor opened for comments and questions, several delegations took the opportunity to highlight national contexts, with the representative of Myanmar noting that following the coup, the military has been using arrests and ill treatment to rule by fiat. People have been arbitrarily arrested and many have been killed. In the last eight months, there have been at least 150 incidents of torture to death during detention, and many others during attempted arrests. Forms of torture used include beating, sexual violence, deprivation of food and water and the denial of medical treatment. He wondered what the international community could do to end torture immediately, hold the military accountable and support national efforts to provide reparations to survivors of torture. The representative of Pakistan said that in Jammu and Kashmir, occupying forces indulge in torture and deny facts, responsibility and wrongfulness. She asked how the occupying forces can be held accountable for the breach of the prohibition of torture. The representative of India, explaining that his country is firmly against any form of torture, said freedom from torture is a human right and that India's judiciary serves as a bulwark against violations of human rights. He accused Pakistan's delegation of exploiting a United Nations platform to spread falsehoods about India.

Several delegations spoke about access to justice systems and mechanisms, with the representative of the United States stressing the importance of transitional justice so that victims can transform trauma into healing. She

recognized the need for continuous mechanisms, as opposed to ex post facto ones and asked how Member States can build institutional capacity to implement such mechanisms for torture and degrading or inhumane treatment. The representative of Liechtenstein recalling that the 2030 Agenda for Sustainable Development promises to provide access to justice for all, including victims of torture, asked about what the international community can do to better promote judicial access for all. The representative of the Russian Federation meanwhile said his country does not share the Special Rapporteur's optimism about international justice and the role of special tribunals or investigation commissions. Both have proven to be ineffective and politicized, serving certain interests that are far from the calls of justice.

Also speaking were representatives of Mexico, Denmark, United Kingdom, Switzerland and China.

The observer for the European Union also spoke.

Mr. MELZER, on the politicization of international mechanisms, noted that sometimes they are vulnerable to being politicized. However, this is true for national mechanisms as well, he explained, pointing to a generic risk that must be guarded against. On the specific country contexts of India, Pakistan and Myanmar, he said it is not his function to comment on these situations. However, it is clear that there are contexts where there is increased violence. This is particularly the case in conflict settings, where the biggest accountability gaps in terms of torture are found, as institutional frameworks tend to fail in these situations. In the end, it is a question of politics, of whether to intervene in conflicts, or not. This is not a human rights question but one for the Security Council and States to answer. Describing torture as a systemic problem that must be tackled on that level, while prosecuting individuals, he said most of the time, there is a systemic environment that tolerates - or even demands - torture for the purposes of intimidation and coercion. In every country, there is some vulnerability to that behavior, he said.

**Courtesy:** [Lack of Accountability for Torture Worldwide Due to Systemic Denial, Evasion by Public Authorities, Special Rapporteur Tells Third Committee | Meetings Coverage and Press Releases](#)

# Racial Discrimination: Benign or Malignant?

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**Fizza Sabir and Poulomee Datta**

The qualitative narrative methodology known as auto ethnography was utilized for this article. According to Dyson (2007), auto ethnographic script connects the individual within the society in which the investigation, or experience, takes place. Raab (2013, p. 1) indicated that this method "utilizes autobiographical writing in that it examines the personal experience of the researcher and participants". Mendez (2013), further corroborated auto ethnography to be a significant qualitative research tool, employed to analyze people's lives.

The following sections discuss the auto ethnographic experiences of a person who is a friend known to the authors. The narrative highlights several instances of how a person of color, brown in this case, was discriminated on various grounds in a so-called first world country. The indicative case-example included in this narrative article has been identified to emphasize the discriminatory practices adopted in a developed country of the so-called civilized world. The case study is a first-hand experience and is presented in the following section.

## **Discrimination Narration**

Yes, I am brown and a proud Muslim by birth, born in a country once colonized through British rule. Is this how you see me? I am a hard-working, sincere, civilized, well-educated person with vast and diverse experience, trilingual, well presented, mannered, courteous and respectful to diversity and inclusion. Why is this not how the world should acknowledge me? Why would this world discriminate against me, and all who look like me? Will this ever stop? I have experienced discrimination many a times in my life and am sharing a few of my experiences here. Since, I am embarrassed and fearful of being asked to leave my second home, I do not wish to disclose my name.

I left my country and am a temporary resident of a Western country. This country (I prefer not to name it) is my second home. As a legal visa holder, I live in this country, and have also visited seven to eight other countries, applying for visas while in my second home. I enjoy the peace and no threat here, but the feeling that I get discriminated against is so torturous that I feel helpless. Is there anyone out there who can help me? I am afraid none!

The discriminatory attitude and behaviors are consistent; I experience them in different forms and situations. The most recent one is about the travel ban and exemption. I visited my old and sick parents back in my home country, in the last quarter of 2019. My second home banned

travel in April 2020, and it was only now that the travel ban had been lifted. Yes, lifted for citizens and permanent residents, and not for the temporary residents. If the temporary residents, like me leave my second home I won't be allowed to enter back without an approved entry exemption. Why? Oh yes, because temporary residents are discriminated. Yet again, why? We respect and follow the rules, pay our rent and bills, pay our overseas health cover, earn and spend and pay taxes in our second home. We are the ones, who are away from our families and suffered here in isolation during 2020 and 2021. Our sufferings are not over yet, just because we are not the citizens/permanent residents!

Another time when I felt discriminated against was when I lost work in early 2020. This was the time when the citizens/permanent residents were offered different types of government support. Such a nice gesture to help those who lost work/businesses seized/could not work due to lockdowns. What about those who were not lucky enough to be in that category? I am talking about temporary visa holders like me, including a sizeable number of expat students. We were very kindly allowed to leave the country if we were unable to survive. We were not eligible for any government and/ all sorts of possible support out there, heartbreaking! Miraculously, when the government support was announced in the mid-2021, temporary residents were finally privileged to be eligible for applying for this support. We are extremely grateful to our second home that it cared for us this time.

Yet, another instance of discrimination experienced by me was, when I had to make a presentation at workplace amongst other Caucasian colleagues. Because I was brown skinned and English was not my first language, the audience who comprised of all white colleagues expressed a sense of disregard and indifference towards me, out of sheer 'White Supremacy' even before I started my presentation. However, given that being a good speaker with excellent public speaking skills, it was one of my best presentations that I had ever made, after my presentation I could see the change of attitude in people's faces towards me. Albeit my presentation was well received I felt how people were in denial of my good presentation skills due to my skin color and English being not my native language. This experience has left a long-lasting impact in my mind and has had a negative influence on my social and interpersonal communication and relation skills.

Another time when I felt discriminated was not in my second home, but when my friend and I planned a study visit to yet another advanced country. Their country of origin and religion were distinct from mine, and we both looked very different. We applied for a visa for another country and went to its Consulate in person, to submit our applications on the same day. All our supporting documents related to our educational institute, hotel bookings, travel itinerary, the details around education institute we planned to visit, were the same for both of us. After fifteen days, my friend and prospective co-traveler got the visa, and I was asked to provide the Consulate with additional documents and details. This was weird. I provided them with what they required, yet they asked me again to provide some more information and I did. They also asked us to attach our confirmed hotel bookings with the visa application that we luckily had. When I initially applied for the visa, I was very excited, though this discriminatory treatment by the Consulate snatched that excitement away from me and my friend. My friend was not going to travel either, if I was refused visa. Anyway, they were very kind to grant me the visa finally, enabling us to travel, which we did.

The story did not end here. We had a stopover for a connecting flight at another international airport. We were walking towards the international arrival immigration counter, and excited to see this new airport when I saw my name written on a placard along with a few other names. The airport staff was yelling for these people to come out and stand on a side. Once again, I was discriminated! I along with a few others was escorted by the airport staff to the immigration section in a separate queue. Our documents were checked and again, we were escorted to the waiting room. Hats off to my dear friend who stayed near me and only by the eye-contact, my friend communicated to me that they were with me, and I am not alone. How nice of them! How embarrassing it was for me, to be treated and discriminated this way!

Three years back, I applied for a visa to visit a yet another country and they refused me a visa, stating that they feared I won't leave their country once I reach there. This was so disrespectful. I had never even thought of entering any country in an illegal manner, ever in my life. I had no such plans and had never in the past brought through my actions any embarrassment to my home/second home. Despite, all this I was not allowed to enter that country.

These are only few of the incidents of discrimination I have experienced personally in my life. I tried to get permanent residence in my second home but failed and was now living on different types of visas and have had to renew them every few years. One day of course, I will be no longer more eligible for any other visa type and will

be compelled to leave my second home and going back to my country of origin. After all these experiences, I feel that's where I want to be! My people will treat me with more respect than I deserve. No matter how good my value system and conduct are, my second home does not own me, saying that I do not deserve living here, and I deserve to go back to my own country. I wish this world would have not discriminate against me on the bases of my skin color and origin!

### **Critical Reflections**

The critical reflections derived from this case study narrative are provided as follows:

1. The mental health of a person, and especially of immigrants, is significantly impacted negatively when s/he experiences discrimination.
2. Stress is mounted and anxiety levels is heightened with any form of discrimination so experienced. There is research evidence linking the experience of discrimination with an enhanced risk of developing depression or anxiety.
3. Also, there is a negative impact on a person's self-concept and self-esteem, when discriminatory practices are encountered repeatedly and on several occasions.
4. The results of being targeted usually triggers an increased physiological response such as increased blood pressure which impacts the health and wellbeing of the person.
5. Discrimination practices affect people's opportunities to perform well, and a large gap is created between their potential and actual performance.

### **Conclusion**

In the current article, it was examined how one person's experiences of discrimination were detrimental to their own mental and physical health. It is further appalling that the discrimination attitudes were experienced in a first world developed country. Today, when there is a lot of emphasis on human rights and respect and dignity for every person irrespective of caste, creed, religion, ethnicity, and sex, it is denigrating that such discriminatory practices do exist. The current narrative provides the groundwork for more people to come forward and share their discriminatory experiences and to create awareness amongst people to make this world a better place to live in.



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*Moss art with branches and pinecones found during local foraging for this piece. It represents*

*hope of emerging life within all the dark. Region: Edmonton, Alberta, Canada. Artists: Amanda & Amber*



**Medical & Clinical  
Sciences**

# Special Consideration for the Treatment of Pain from Torture and War

Amanad C .de C Williams<sup>4</sup> and Emma Baird<sup>5</sup>

## Abstract

Pain care for survivors of torture and of war shows similarities and marked differences. For both, pain can be complex with unfamiliar presentations and the pains hard to assign to known disorders. For many survivors, pain and associated disability are overshadowed by psychological distress, often by post-traumatic stress symptoms that can be frightening and isolating. Pain medicine in war can exemplify best techniques and organization, reducing suffering, but many military veterans have persistent pain that undermines their readjustment. By contrast, survivors of torture rarely have any acute health care; their risk for developing chronic pain is high. Even when settled as refugees in a well-resourced country, their access to healthcare may be restricted. Recent evidence is reviewed that informs assessment and treatment of pain in both groups, with the broader context of psychological distress addressed at the end. Clinical and research implications are briefly outlined.

Keywords: Military veterans, Refugees, Trauma, Post-traumatic stress, PTSD, Battlefield, Acute pain, Chronic pain, Persistent pain, Injury, Rehabilitation

## Introduction

Although there are many differences in how we understand and seek to treat pain from torture and from war injury, the shared background of psychological trauma is highly relevant to how the patient is best helped with pain, and what treatment he or she is likely to attempt. Understanding of psychological trauma is addressed in a section that follows the separate considerations for treatment of pain from torture and from war. Patients with pain from either are likely to present in mainstream health services, but providing the best care requires considerations beyond everyday practice. While assessment and treatment broadly follow the same principles as for any patient, understanding of particular aspects of injury, and of early treatment in the

case of war injuries, is helpful to the clinician, and the clinician's appreciation of the wider context of the injury experiences will help the patient to feel understood and to engage with treatment and rehabilitation attempts.

## Pain from Torture

Torture and organized violence are offences against human rights, rights that we all have by virtue of being human, regardless of our civil status or other characteristics. Two fundamental freedoms—not to be tortured and not to be enslaved—are absolute and cannot be derogated under any circumstances, unlike other rights, such as to life, liberty, or health care. However, enforcement of these rights and freedoms is a different matter. The UN Convention on Torture (UNCAT) [1] is only binding to those countries that sign up to it, although countries that currently use torture include both signatories and non-signatories [2, 3].

We know remarkably little about the physical effects of torture, including persistent pain; there has been far more study of psychological effects, albeit often narrowly defined, and of interventions for these. Although some torture is inflicted in public settings, without the fear of restorative justice, or is redefined as “not torture” by the responsible authority, as in the case of waterboarding (effectively drowning) by US agencies, much torture takes place away from any scrutiny and is not recorded. The survivors (and most people do not survive torture) often find it hard, cognitively or emotionally, to recall and to describe what happened to them. This means that we often struggle to understand what was done to the survivor and, even if we understand what was done, to match it to any known model in human or other animal research. In this sense, we have to start from first principles with the patient who has been tortured and now has pain and build as coherent a model as we can of pain mechanisms, recent or lasting damage, and the individual's psychological and social state, in order to arrive at proposals for treatment.

<sup>4</sup> Research Department of Clinical, Educational and Health Psychology, University College London, Gower Street, London, WC1E 6BT UK

<sup>5</sup> Lancashire Teaching Hospitals NHS Foundations Trust, Sharoe Green Lane North, Fulwood, Preston, Lancashire PR2 9HT UK

The first task is to recognize the torture survivor: we know that most go unrecognized [4, 5]. It is often estimated that at least 30 % of refugees have been subject to torture or organized violence, yet refugees are rarely asked about experiencing violence. It is very unlikely that a refugee who has not been subjected to violence would be offended by being asked, while for the refugee who has experienced violence, the question indicates that the clinician is aware and able to listen should he or she wish to disclose at a subsequent encounter. The question should ask clearly about whether the patient was badly treated either in country of origin or in flight and is ideally backed by information about the patient's country of origin (such as is easily available on the internet). Many clinicians report hesitating to ask, sometimes from fear of causing offence, but more often from fear of disclosure for which they feel practically (in a brief consultation), and often emotionally, unprepared. Yet the duty to provide best possible health care cannot be put aside because of these difficulties. Further, asylum seekers suffer inequities in access to health care [6], and there is little research on conditions that can mitigate these inequities.

World Medical Association (2006) defines torture as “the deliberate, systematic or wanton infliction of physical or mental suffering by one or more persons acting alone or on the orders of any authority, to force another person to yield information, to make a confession, or for any other reason” [7].

### **Assessing Pain**

Assessment for asylum claims is a specialized area not addressed here: the interested reader is directed to literature on medicolegal reports, particularly The Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (The Istanbul Protocol), drafted in 1999 [8]. Medicolegal assessment requires that problems identified by the examining clinician can be associated with certainty with the torture reported, a deeply problematic criterion for pain and other symptoms. Outside this setting, the clinician should adjudicate with caution on the correspondence of the patient's current complaints with his or her history of ill-treatment.

Estimates of persistent pain from torture are high, several over 80 %, and these in a population whose mean age is lower than that of most chronic pain patients and who are predominantly male [9, 10]. Headache and musculoskeletal pain are the two most commonly reported, including widespread musculoskeletal pain [11], foot pain [11, 12] and pelvic pain [10] likely to be related to specific as well as general methods of torture.

Assuming that the patient can describe his or her torture, it is still far from straightforward to make sense of the pain. The possibility of lasting structural problems, such as damaged joints and malunited fractures, or of infections or other disease should be considered. The victim of torture is usually held in very poor conditions, with inadequate nutrition, extremes of temperature, poor hygiene and pervasive stress. Assessment needs to be thorough and may take several sessions, limited not only by time but also by how much the patient can handle. It should also be borne in mind that loss of consciousness is common during torture, or the patient may have sustained brain damage affecting recall and other functions.

Other than the careful account by Rasmussen [13, 14] of the medical problems of 200 torture survivors, the most useful studies of pain from torture are those of foot pain from falanga (beating the soles of the feet) and shoulder and upper limb pain from suspension by the arms (see overview [15]). These studies consider the immediate effects of physical trauma, the longer-term type of pain, the mechanisms in soft tissue, connective tissue and nervous tissue likely to contribute, and secondary effects. For example, falanga often leaves a neuropathic pain (with signs on quantitative sensory testing: [16]) in the sole of the foot that may worsen with weight bearing or may be more problematic when not bearing weight, such as in bed, a deep pain that extends up the leg when walking and distorted gait to avoid contact of the sole of the foot with the ground that can then affect knee and hip [17–19]. Suspension by the arms, often extended behind the body, can produce abnormal sensory symptoms such as a feeling of heaviness of the arm, and avoidance of use, as well as pain and instability in the shoulder that is most probably a combination of overload of the joint tissues with partial lesion of the brachial plexus [20].

Such attempts to make sense of pain mechanisms are valuable to other clinicians, even from a small sample. Neuropathic pain may be particularly common in this population [20, 21, 22–24], but is peculiarly subject to being dismissed as psychosomatic by those with poor understanding of pain and of risk factors for pain, including extreme stress, sleep deprivation and traumatic head injury [25]. Though headache is one of the commonest complaints from torture survivors, there is a lack of studies [11] and Sharp and Jenkins [26] cautioned against dismissing the symptom as self-limiting “post-concussion syndrome”. They reproduce helpful guidelines for investigation of mild traumatic brain injury, to which headaches are often attributed by the survivor, as well as criteria for classifying traumatic brain injury as moderate or severe. Likewise, it is important to ask both women and men about sexual violence and rape, often used strategically to undermine survivors' family

and marital relationships [27] and a commonly attributed cause of pelvic pain in survivors [10].

Assessment of the patient's pains, the history of the pains and the patient's beliefs about those pains may reveal issues where the individual can, on the basis of evidence, be reassured about fears of continuing or unhealed damage. It is unsurprising that fears of unhealed damage are relatively common in physically traumatized individuals.

### **Treating Pain**

There is a dearth of published research on treating pain from torture. A systematic review [28•] found only three treatments for chronic pain in torture survivors, two of which consisted of cognitive behavioral therapy with biofeedback [29, 30], but with no benefits for pain, disability, and distress after treatment, and only very weak effects on pain at follow-up [29]. The third study was of hands-on physiotherapy [31] with no reduction in pain despite reported improvements in disability and distress, but this was a small and likely underpowered study. Non-randomized trials included several of pain school (education on pain management, with or without exercise instruction, e.g. [32]), some culturally adapted, but largely with modest or no improvements. Many studies gave the impression of having set out to test a particular treatment, regardless of the presenting problems of the target population or of the particular patients recruited. Nevertheless, physical therapies may be more acceptable to patients than psychologically based interventions, both on the basis of cultural familiarity (e.g. [33]) or of being unthreatening and even soothing [34].

### **Summary**

Since the systematic review and other recent narrative reviews [35, 36] offer no guidance on treatment, nor have any randomized studies been found for pharmacotherapy or other mainstream treatments for chronic pain from torture, there is no reliable evidence to guide treatment. The clinician should therefore proceed as with any other patient, assessing the pain, trying to identify treatment mechanisms, and applying treatment for which there is good evidence. It would be helpful if the clinician could assemble carefully recorded casework and submit it to a central source so that over time outcomes could be analyzed and compared. Such findings can then become the basis for better targeted prospective studies.

### **Pain from War**

Over recent decades, there have been significant improvements in the management of trauma occurring in armed conflict. The number of combat zone deaths has reduced from 24 % of casualties in the US-Viet Nam war

to around 10 % in the recent conflicts in Iraq and Afghanistan [37]. With these improvements, there has been an increase in the numbers surviving with more extensive injuries. Among US troops, the State Department recorded 20,083 wounded in Afghanistan alone [38]. The need to provide these patients with adequate pain relief from the time of injury has taken increasing priority: effective analgesia in the field is not solely for humanitarian reasons, although they are important, but patients who are comfortable are easier to move and make less noise, potentially of critical importance during covert extraction. The link between acute pain and chronic or persistent pain is well-established, and, although the mechanisms are not fully understood, adequate treatment of acute pain reduces the likelihood of development of persistent pain [39]. Good analgesia in the acute phase is also associated with a reduction in secondary complications (DVT/PE, pneumonia, MI) by improving the patient's ability to mobilize, to take deep breaths and cough, and by reducing the body's stress response to the injury [40]. It will also aid the rehabilitation process.

### **Battlefield Analgesia**

Morphine was first marketed in 1827 and has been used in multiple combat situations since to treat pain. All British soldiers are provided with and taught how to use a morphine auto-inject, a spring-loaded syringe that delivers 10 mg of morphine (in 0.7 ml) IM. It remains one of the first line analgesic drugs used by the US military in the field. Depending on the skills available in the field, further morphine may be given along with paracetamol, NSAIDs and ketamine. Recently, the UK military have introduced 400 µg fentanyl lozenges as an alternative to morphine, the latter being associated with complications that may lead to significant morbidity and mortality in the battlefield and during the immediate transfer of a wounded patient. In these environments, adequate personnel for monitoring may not be available, leaving respiratory depression and sedative effects of opioids unrecognized. Opioids are also known to cause immunosuppression and may lead to susceptibility to *Acinetobacter* infection [41], a major cause of wound infection in this population. For all these reasons, modern conflict analgesia is steering away from opioids and towards multimodal analgesia and novel ways to treat pain.

### **Base Hospital Treatment**

Regional anaesthesia is increasingly playing a major role in the treatment of pain in a conflict setting. A variety of techniques is used: central neuraxial blocks, continuous peripheral nerve block catheters and single injection nerve blocks. In the war zone, placement of these blocks has become easier with the advent of portable ultrasound

guidance technology. Regional anaesthesia is thought to offer superior analgesia to parenteral routes when carried out appropriately, reducing the risk of respiratory depression and sedation. Novel pumps to deliver local anesthetic via a peripheral nerve catheter have been specifically designed for military use; the pumps are programmable, lightweight, can operate at high altitude, and do not interfere with other military equipment. The main risks associated with regional anesthesia in this context are masking of compartment syndrome, coagulopathy and infection. For patients thought to be susceptible to compartment syndrome, surgical teams carry out elective prophylactic fasciotomies to mitigate the risk. Patients who have undergone neuraxial blockade are assessed according to specific guidelines to ensure that an epidural hematoma or abscess is not missed. Monitoring is also done for local anesthetic toxicity. In the US military, any catheter that has been placed in the field is removed within 3 days of arriving at the medical centre to minimize infection risk. There is adherence to US and UK national guidelines on the placing of regional anesthetic blocks and catheters in patients on anticoagulation therapy.

### **Further Treatment Options**

Ketamine is an N-methyl-d-aspartate (NMDA) receptor antagonist, a powerful analgesic and anesthetic agent that has proved useful in trauma patients due to its relative cardiovascular stability with preservation of laryngeal reflexes and relatively little effect on respiratory drive. It can be given orally, intramuscularly, intranasally and intravenously (as a bolus or as an infusion). It has been postulated to prevent the progression of acute to chronic pain [42] but this requires further research. The main risk with ketamine is of hallucinations, a relevant problem for patients who have suffered psychological trauma and who may still be in a stressful environment.

Multimodal pain management is expected in war environments as in civilian medicine. NSAIDs can reduce opioid requirements along with paracetamol (acetaminophen), and ketorolac as an intranasal preparation [43] may be an additional resource. Gabapentin and pregabalin, widely used to treat acute and chronic neuropathic pain, are also used in some surgical specialties with the aim of pre-empting progression from acute pain to persistent pain, but their role in trauma patients is so far unassessed.

Short-acting opioids delivered in novel ways with potential in the battlefield setting are fentanyl via a patient-controlled transdermal device [44] and sublingual administration of sufentanil [45]; both delivery systems avoid the need for intravenous access and reduce the risk of administration errors. Phase three clinical trials are currently underway for a new formulation of bupivacaine

liposome [46], to establish whether this formulation lasts significantly longer than the standard drug. If single shot local anesthetic blocks could be made to last longer, the need for catheter placement with the associated risks could be avoided. Finally, some individuals in the US and UK military have developed the concept of battlefield acupuncture, placing acupuncture needles in the patient's auricular region to alleviate pain, but evidence for its usefulness on the battlefield is anecdotal at present.

Upon arriving back in the UK or USA, each patient's acute pain is managed by a multidisciplinary pain team with the aim of optimal pain relief, prevention of transition to persistent pain and rehabilitation. For patients who do develop persistent pain, treatment follows national guidelines and referrals are made to a chronic pain service.

### **Summary**

A strategy for pain management that commences on the battlefield and continues throughout the patient's evacuation and repatriation is now the gold standard of care for the modern military [47••]. Clearly more humane, this also aids the safe transfer of wounded individuals, helps prevent the progression of acute pain to chronic pain and facilitates their rehabilitation. It provides an exemplar for hospital treatment of trauma in the UK [48], and treatment of major trauma has already been shaped by lessons learned on the battlefields of Iraq and Afghanistan. This is just one more example of how clinical practice in areas of peace can be improved by learning from areas of conflict [49••, 50••].

However, not all medicine in war is so well-resourced. Surgeons who stayed in Sarajevo during the siege of 1992–1995 had no previous experience of war injuries but had to treat injuries from sniper fire, grenades, and other explosions. Much surgical work was done, with the help of anesthetists, under regional rather than general anaesthesia because of the poor condition of many patients. When anesthetic supplies ran out, surgery was done with no anaesthesia. Nevertheless, during that time they initiated a large-scale rehabilitation program with contributions not only from medical personnel but from physiotherapists and psychologists, aiming at multidisciplinary treatment, often for phantom pain [51, 52].

### **Psychological State**

The 1914–18 war was the beginning of post-traumatic formulations, initially as “shell shock” although not uniquely associated with exposure to explosions. Part of the legacy from that era is the association with moral or psychological weakness of those who experience symptoms. This is profoundly unhelpful to those affected and a deterrent to reporting symptoms, particularly

among military personnel, and development after the US–Viet Nam war was also partly driven by political concerns [53]. However, we lack an understanding of why some people exposed to a terrifying event or events suffer these symptoms afterwards while others exposed to the same event at the same time report no symptoms, or their symptoms rapidly and spontaneously remit. The diagnosis is entirely based on symptom report, with no biological markers [54, 55, 56].

Torture is usually a repeated experience (if only by the ever-present threat of repetition, or witnessing it being inflicted on others), a terrifying and inescapable threat to life, health and sanity. It spreads distrust, between survivors and between them and their families and communities, undermining resources that might otherwise support recovery. Military veterans, by contrast, appear to present greater problems with alcohol misuse [57], risky behaviors and threatened or actual violence to those around them [58], as well as feelings of loss not only for comrades who died but for the comradeship and commitment that characterized military life. There are overall more similarities than differences among UK and US military personnel returning from war [59].

Yet much research on the psychological sequelae of torture subsumes effects under the label post-traumatic stress disorder (PTSD), a hugely heterogeneous category [60], despite the multiple other problems recorded in studies of torture survivors [61] and refugees [62]. Further, intervention studies are dominated by trials that recruited civilian populations that had experienced traumatic, but almost always single, events (such as a serious road traffic accident or assault) in the context of an otherwise stable life, circumstances very different from the tortured detainee or the soldier in a war zone.

Characteristic problems associated with trauma are re-experiencing events as if in the present (flashbacks), when cued by sounds (screams, slamming doors), smells (burning), visual cues (uniforms, blood), and others; avoidance of situations where those cues may be encountered; a high level of vigilance to threat, suspecting threat from ambiguous cues; and nightmares. It is common to encounter more generalized anxiety and distrust, depression, and profound lack of motivation, accompanied by difficulty finding meaning in everyday life.

The emphasis on psychological problems has also propagated myths about pain that will be distressingly familiar to the pain clinician: that if there are no physical signs, then there can be no pain except factitious or imagined pain (also referred to as “psychosomatic”, “medically unexplained”, etc.), in defiance of 50 years of pain science that describes changes in the nervous system

that perpetuate and amplify pain (e.g. [63]). The consistent risk factors for chronic pain are high intensity pain and high levels of distress, conditions that almost define torture and are widespread in war-related injuries.

While the patient’s psychological state is relevant during assessment and may be even more important in devising a treatment plan, attempts to assign pain to purely psychological causes should be resisted. Explaining pain mechanisms is challenging, even when clinician and patient share a language and culture; without either it can be very difficult or unsatisfactory but should be attempted. We urgently need dynamic and accessible resources to support such explanations.

### **Post-Traumatic Stress: Models and Treatments**

It is common for both survivors of torture and war trauma with chronic pain and disabling post-traumatic symptoms to find themselves between mental and physical health services, neither of which wishes to offer treatment until the other has effectively treated them. Because symptoms of post-traumatic stress can complicate treatment of chronic pain, and chronic pain can be an obstacle to treating post-traumatic stress symptoms, treatment is ideally integrated (see review by Bosco et al. [64]), even if delivered by different services. Combined treatment within a single service for chronic pain and post-traumatic symptoms has shown benefits for both pain and psychological state (e.g. [65]), but is very rarely available.

What the clinician assessing and treating pain needs to appreciate is that the field of post-traumatic stress is subject to strongly held beliefs, with some vested interests propagating particular treatment models [66], without either evidence for their superiority in general [67] or their suitability for torture survivors and military veterans. A systematic review and meta-analysis [67] found no immediate treatment effects of psychological treatments in nine randomized controlled trials on post-traumatic symptoms, general distress, or quality of life in torture survivors, and only very weak effects on post-traumatic symptoms and distress at follow-up. The trials were mostly of narrative exposure therapy, currently the dominant model and subject to critical commentary [67, 68, 69].

### **Conclusions**

Clinically, military medicine has improved hugely in its understanding and treatment of pain, with benefits across the medical field. Yet, pain management in most parts of the world, including many where millions suffer torture and organized violence that creates pain and disability, is poorly resourced and often absent from the public health agenda. Many refugees who have been tortured come from such settings, and clinicians need to be proactive in

asking about, and being willing and able to listen to, their experiences. That may require time, interpreters, and other resources in short supply, but which are required in order to provide equitable and accessible health care.

Chronic pain affects both torture survivors and military veterans, yet the extent of their distress, instability and day to day struggles can make it difficult for them to work at pain management methods that offer them a better quality of life. Further, many of our medical colleagues continue to dismiss chronic pain in which there are no physical signs or where there is manifest psychological distress. This is a very serious disservice to the patient and requires that pain specialists advocate for pain management across clinical settings.

In research terms, we need to keep an open mind about ways of understanding and treating post-traumatic symptoms in people with persistent pain, whether from torture or war injuries, while using the best evidence available from related mental health fields. Treatments need to aim not only to relieve pain, by whatever medical means, but also to reduce distress and disability and improve quality of life. We often lack suitable instruments for evaluation that are culturally appropriate and in the language of the patient [69]. The lack of literature on treatment of pain from torture, and from war, compared to that on treatment of psychological problems, leaves us in a position where even case reports represent an advance in shared knowledge. While that may seem discouraging, it widens the field of those who can contribute to all pain clinicians.

### **Compliance with Ethical Standards**

### **Conflict of Interest**

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Emma Baird declares that she has no conflict of interest.

### **Human and Animal Rights and Informed Consent**

This article does not contain any studies with human or animal subjects performed by any of the authors.

### **Footnotes**

This article is part of the Topical Collection on Pain Medicine

### **Contributor Information**

Amanda C. de C Williams, Phone: +44(0)2076791608, Email: [ku.ca.lcu@smailliw.adnama](mailto:ku.ca.lcu@smailliw.adnama)

Emma Baird, Phone: +44(0)1772716565, Email: [ku.shn.rthtl@driab.amme](mailto:ku.shn.rthtl@driab.amme).

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[Amanda C. de C Williams](#)<sup>1</sup> and [Emma Baird](#)<sup>2</sup>

1. Research Department of Clinical, Educational and Health Psychology, University College London, Gower Street, London, WC1E 6BT UK

2. Lancashire Teaching Hospitals NHS Foundations Trust, Sharoe Green Lane North, Fulwood, Preston, Lancashire PR2 9HT UK

AmandaC.deCWilliams, Phone: +44(0)2076791608, Email: [ku.ca.lcu@smailliw.adnama](mailto:ku.ca.lcu@smailliw.adnama).

### **Contributor Information.**

### **Corresponding Author.**

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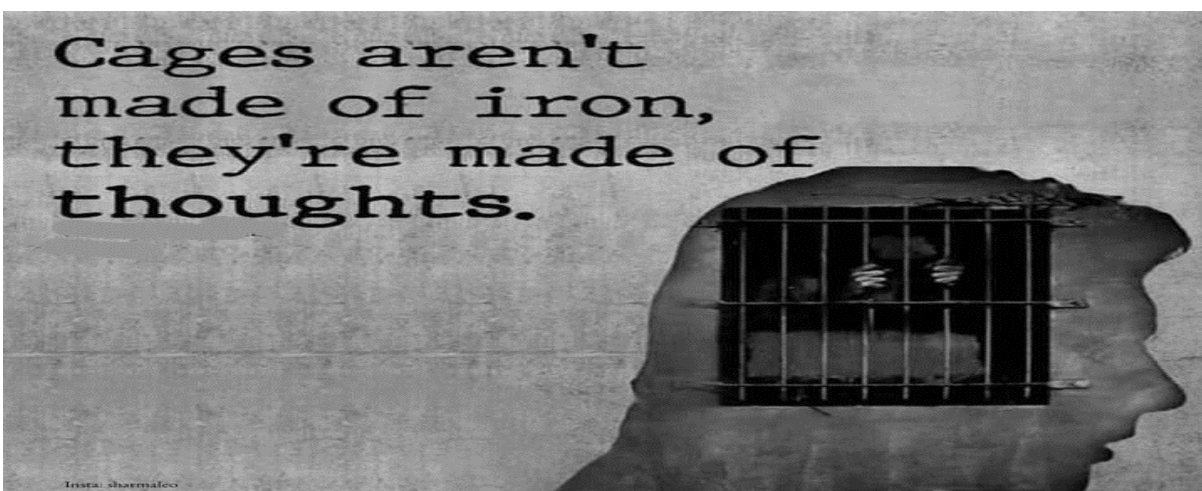
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# Call for Contributions and Peer Reviewers

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Voices Against Torture - VAT journal is a semi-annual journal launched in 2020 as an organic extension of the education, advocacy, and community-building mandate of the Vancouver Association for the Survivors of Torture (VAST). VAT operates in alignment with the values and vision of the VAST community and hopes to lift the voices of torture survivors further to support resilience and dignity.

VAT aims to provide a platform for discussing torture prevention, improving awareness of and support for refugee and immigrant mental health, and highlighting global human rights concerns.

As an interdisciplinary and transdisciplinary journal, VAT invites submissions from a wide range of academic disciplines and actively seeks collaboration and conversation across disciplines. This approach intends to link theory and lived experience to social change, bringing together academics, activists, educators, therapists, healers, and those directly and indirectly affected by torture.

The Journal will consist of the following sections:

- Research Articles (6,000 – 8,000 words)-our first publication will not have this section; the later publication will.
- Review Essays (<6,000 words)
- Notes from the Field (<4,000 words)
- Policy Review (<3,000 words)
- Creative Interventions and embodiment practices (1,000-3,000 words)
- Book Reviews (1,000-2,000 words)
- Letters to the editor(s)

## Submission Requirements

- Typed in English language and double spaced
- Font style: Times New Roman and Font Size:12
- Text submissions should be 500-700 words
- Manuscript only in MS-Word (\*.doc or \*.docx) format
- Image files (if any) in .jpg format, 300dpi.
- References/bibliography need to be numbered if provided with the article.
- Follow APA 7<sup>th</sup> referencing and citation style consistently.
- Tables and figures should be inserted within the body of the text.

## Expression of Interest for Peer-Review

Voices Against Torture journal invites experienced peer reviewers in the area of human rights and torture to join the journal peer review panel. Since the promotion of the cause of human rights is a public good, we encourage volunteers to join the panel. Their contribution in this regard shall be formally acknowledged.

To register your interest, kindly send your detailed CV along with your expression of interest to [vrdc@vast-vancouver.ca](mailto:vrdc@vast-vancouver.ca)

The editor, however, retains the right to suggest any change in style, if required.

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Date of Publishing: Biannual: March and September

Submission: Open

Submission Deadlines: 31<sup>st</sup> December and 30<sup>th</sup> June

Please send your submissions, and feedback to the Editor-in-Chief at: [farooq@vast-vancouver.ca](mailto:farooq@vast-vancouver.ca)

## **Forthcoming Events-Days to Remember**

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- **World Day Against Child Labor**- Although much of the world has made child labor illegal, children in some countries are still forced to work like slaves. Since 2002, the United Nations has committed June 12th of every year to fighting this problem and putting an end to it for good as a part of World Day Against Child Labor.
- **World Elder Abuse Awareness Day**-Millions of senior citizens are victims of elder abuse around the world, and often, they suffer in silence with no one to protect them. On June 15th of every year, the United Nations sponsors World Elder Abuse Awareness Day to educate the world about the problem in hopes of addressing it.
- **International Day for Elimination of Sexual Violence in Conflict**-Although sexual violence as a war tactic is a war crime, it is still commonplace in many parts of the world. The United Nations hopes to call attention to this barbaric practice and eradicate it and uses International Day for the Elimination of Sexual Violence in Conflict held on June 19th to educate the world about it.
- **World Refugee Day** is held on June 20th of every year to raise awareness of the challenges facing individuals who are forced to flee their homes due to armed conflict and natural disasters. The United Nations sponsors the event in hopes of encouraging countries to treat refugees with dignity and respect.
- **3rd Annual Conference for Trauma and Embodiment** (ONLINE): [April 2-3, 2022](https://www.traumasensitiveyoga.com/conference) (<https://www.traumasensitiveyoga.com/conference>)
- **Trauma-Sensitive Yoga Foundational 20-hour Training** (ONLINE): [May 20-22, 2022](https://iwtherapies.com/may-2022-tctsy-online-20-hour-training/) (<https://iwtherapies.com/may-2022-tctsy-online-20-hour-training/>)
- **Trauma-Sensitive Yoga Foundational 20-hour Training** (ONLINE): [June 11, 12, & 18, 2022](https://iwtherapies.com/june-2022-tctsy-online-20-hour-training/) (<https://iwtherapies.com/june-2022-tctsy-online-20-hour-training/>)

## Forthcoming Event-Call for Papers



### 9<sup>th</sup> International Conference Trauma, Abuse, & Violence: Thriving for a World Without Torture ( July 23<sup>rd</sup>, 2022 )

Virtual Conference

#### Key Features

- Empirical Papers
- Symposia
- Case Studies
- Poster Presentations



#### Website & Email

<https://conference.nip.edu.pk>  
[conference@nip.edu.pk](mailto:conference@nip.edu.pk)

#### Conference Proceeding & Publications

Conference Proceedings Book  
Selected papers will be published  
in an international, peer reviewed  
Journal-Voices Against Torture  
(<http://vat.vast-vancouver.ca/>)

Deadline For Abstract Submission:  
( April 20<sup>th</sup>, 2022 )

- ☞ Child Maltreatment/Adverse Childhood Experiences
- ☞ Adolescent Trauma and Youth Violence
- ☞ Adult Survivors of Maltreatment and Trauma
- ☞ Domestic and Sexual Violence, Intimate Partner Violence Victims/Survivors/offenders
- ☞ Sex and Labor Trafficking
- ☞ Health Care Systems, Violence and Trauma
- ☞ Preventing, Assessing and Treating Trauma
- ☞ Mental Health of Refugees
- ☞ Legal and Criminal Justice Issues related to trauma and abuse
- ☞ Trauma Among Military Personnel, Veterans and Their Families

#### Collaborators



Vancouver Association for  
Survivors of Torture  
<https://www.vastbc.ca/>



Voices Against Torture, Canada  
<http://vat.vast-vancouver.ca/>



School of Human Rights (SHR),  
Islamabad, Pakistan  
<https://schoolofhumanrights.com/>

Roots Pakistan

Roots Pakistan, Rawalpindi,  
Pakistan.  
<https://rootspakistan.org/>

#### For Further Information:

Dr. Saira Khan  
(Coordinator)  
051-9064-4159  
([conference@nip.edu.pk](mailto:conference@nip.edu.pk))

Mr. Tahir Ellahi  
(Deputy Director Admin)  
051-9064-4005

PROF. DR. RUBINA HANIF  
(Director/Chief Organizer)  
([nip@nip.edu.pk](mailto:nip@nip.edu.pk))

# Help Eliminate Torture: S.O.S. Appeal

## Peer Reviewers

Dr. Gilberto Algar-Faria  
Dr. Nazia Hussain  
Dr. Rastin Mehri  
Dr. Nelofar Kiran Rauf

## EOI: Peer-Review

**Voices Against Torture** journal invites experienced peer reviewers in the area of human rights and torture to join the journal peer review panel. Since the promotion of the cause of human rights is a public good, we encourage volunteers to join the panel. Their contribution in this regard shall be formally acknowledged.

To register your interest, kindly send your detailed CV along with your expression of interest to [vrde@vast-vancouver.ca](mailto:vrde@vast-vancouver.ca)

Dear Patrons and Friends,

We, the Members of the Editorial Board of the Journal on VAT (Voices Against Torture- a newly incepted policy research communication organ of Vancouver Association of Torture Survivors (VAST), are gravely concerned over the worsening and deepening state of Torture in many parts of the world- Prohibition of Torture Index 2019-20

(Statista- <https://www.statista.com/statistics/1131048/prohibition-of-torture-index-in-cis-by-country/>).

As rightly maintained by World Organization against Torture, "Nothing can justify torture under any circumstances (OMCT- <https://www.omct.org/>), for it is tantamount to imprisoning both mind and souls. And not only that Torture leaves a lasting scar on the bodies and the minds of its victim(s), but as its psycho-social sequel, it also becomes a weeping wound for generations. In the recent past, an exodus of refugees (UNHCR -<https://www.unhcr.org/figures-at-a-glance.html>), from many countries; and violence perpetrated against women (BBC-<https://www.bbc.com/news/av/world-53014211>) and neglect and abuse of the elderly during the Contagion COVID pandemic (AGE Platform Europe-<https://www.age-platform.eu/press-releases/elder-abuse-has-been-rise-during-covid-19-pandemic-it-high-time-take-it-seriously>) signifies the emergent need to help arrest torture becoming endemic, as stipulated in humanitarian and human rights law, which has unfortunately taken a contagious proportion. In this backdrop, the emergent need for evidence-based/ informed policymaking & advocacy around human rights; and rehabilitation & mainstreaming of torture victims needs hardly any emphasis. VAST, being mindful of this emergent need to cultivate respect for human rights as an underpinning factor for human security and containment of Torture worldwide, has chosen to reach out to the global stakeholders through VAT Journal.

Alongside VAT Journal, we plan to hold international & regional workshop(s) via both in-person and online platforms. With this initiative, we aim to help spread awareness in trauma recovery and further educate in civil society, academia, and the public sector to help develop Human Rights advocates and empower practitioners to help lead from the front lines of eradicating Torture from our world.

We at VAT Journal Editorial Board, through these lines, seek the support of the international community to join their heads and hands in this noble and emergent cause for the public good.

*Sincerely yours,*

## VAT Editorial Board Members:

**Dr. Grant Charles, Dr. Farooq Mehdi, Dr. Fizza Sabir, Dr. Wajid Pirzada, Leila Johnson, Dr. Patrick Swanzy, Dr. Rubina Hanif, Dr. Poulomee Datta, Mohammad Abu Srour, Dr. Hammad Ahmed Hashmi, Emily Lapolice, Shazia Munir.**

*Vancouver Association for the Survivors of Torture, 2610 Victoria  
Dr, Vancouver, BC V5N 4L2,  
[www.vast-vancouver.ca](http://www.vast-vancouver.ca) <http://vat.vast-vancouver.ca/>*

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## International Journal on Human Rights

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  - قييناشقا قارشى ناؤازالر
  - تشدد جي خلاف آواز

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**Vancouver Association for the Survivors of Torture**  
2610 Victoria Dr, Vancouver, BC V5N 4L2  
<https://vast-vancouver.ca/> <http://vat.vast-vancouver.ca/>