

Rights need rescue

A workshop in Islamabad focuses on *Human rights* *8/1/02*
media's role in upholding human rights *News*

By Beena Qayyum

With the backdrop of September 11th and the ongoing Afghan war, the issue of human rights should be taken more seriously as these events have well changed the whole course of history.

The Fazaldad Human Rights Institute, Islamabad in collaboration with International Labour Organization (ILO) organised a two-day workshop "Human Rights and the media" on December 26-27, 2001 in Islamabad.

"Human rights will affect the defense budget of the countries. After the war on Afghanistan the defense budget has changed dramatically. The basic things one should be in possession of are freedom of speech, freedom of information, freedom of association and the freedom of expression," said Naeem Sarfaraz, chairman Fazaldad Institute, in his address to the participants of the workshop.

It was pointed out that in Pakistan the first thirty-two articles of the Pakistani Constitution deal strictly with the issue of human rights. Implementation of these laws is a problem as bonded labour is strictly prohibited in the law, but just outside major cities like Karachi, Lahore and Islamabad, bonded labour is to be found within five miles from the cities. Even though it is banned by the constitution, it exists since this law was never implemented.

Pakistan signed the Universal Declaration of Human Rights in 1948, Article 4 of which states, "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms." However, it is blatantly obvious that the law is not being upheld in the country.

Jails are places which show human rights violations at their extreme. The prisoners are kept in isolation and locked up like animals where they don't even have room to move about freely as prisons are all jam-packed with inmates. "Jails are an extension of the Pakistani bureaucratic system, which operates much like the Mughal and British system, ruled by oppression."

General Pervez Musharraf has reportedly asked the Board of Education to revise the curriculum in schools and colleges and make it compulsory for the students to read and learn about human rights, which would help in raising awareness of human rights issues.

Dr Aslam Khaki, chairman, Insaaf

Welfare Trust pointed out the religious aspects of human rights. He said, "The dignity of labour is based on the dignity of man. A person most often retaliates when humiliated, and Islam protects the dignity of all individuals irrespective of the fact that they are criminals." Islam recognises the rights of the child and the most important of them are, the right of education, rearing, skills and entertainment.

Zafar Shaheed, of ILO, Geneva Office explained the workings of his organisation. He stated that when ILO started its campaign aimed at promoting the ratification of seven fundamental human rights Conventions on freedom of association, forced labour, discrimination and child labour in March 1995, there were 25 ratifications of these instruments by countries in the South Asian region. Since then, three more have been added. Moreover, a number of countries are in the process of considering one or more of these Conventions for ratification.

There have, however, been a number of difficulties in the application of these instruments. They may vary from country to country but the common problems faced by South Asian countries are denial of union rights to workers in export processing zone; undue restrictions on the right to strike; and the exclusion of all public servants from the right to organise. The most serious problem with regard to forced labour remains the prevalence of bonded labour, sometimes involving children, in some countries of South Asia. Despite efforts made in preventing such practices, more than one country in the region is having considerable difficulties in doing so.

Equality of opportunity and treatment for women needs to be strengthened in all of the countries of South Asia. More efforts will be required to improve implementation of the principle of equal remuneration for work of equal value. Limited access to work and employment of certain religious minorities has also been addressed.

The lack of official dialogue under the framework of the Convention in South Asia is regrettable, considering that child labour, including in its most serious forms, remains common throughout the region.

Naheeda Mehboob Ilahi, advocate, Supreme Court, discussed the problems of sexual discrimination in Pakistan. She outlined the fact that women in

Pakistan are subjected to torture and inhuman treatment by not only their husbands, but are also sexually exploited by their employers; whereas the law provides security to women. "The attitude women deal with at work place, the forms of discrimination which hinder actualisation of their productive potential are a result of their systematic repression inherent in structures of patriarchy institutionalised in Pakistan through cultural sanctions."

Sexual harassment at work is often regarded as a personal problem that did not warrant work place regulations. Gender discrimination is widespread acceptance of polarised gender roles, subsumed in the rhetoric of biological determination has allowed such behavior.

Dr Shireen Mazari, director general Defense Strategic Studies, in a discussion emphasised on the fact that the NGOs' role should be more proactive in Pakistan. Most of the NGOs are urbanised and, therefore, cannot understand the societal problems of rural communities. She also stressed the role of the media as very crucial in bringing about awareness to the masses.

Dr Mazari specified that the first issue to be addressed is the definition of human rights. She stated that the first and foremost right of any individual is the right to be treated as a human being. "Males and females are both suppressed in rural societies. For example, bonded labour which is prevalent in rural societies and in the suburbs of the urban societies." She predicted that the defense of human rights is going to be unpopular in the West after the September 11th attacks. For example, Amnesty International seems to have lost its voice. She also stated that there are misplaced priorities of international organisations like World Health Organization (WHO), which is willing to give thousands of dollars for AIDS but not for hepatitis, which is what Pakistan needs.

Anees Jillani, national coordinator

SPARC, Islamabad outlined the major human rights violations which are prevalent in children: "The percentage of children less than 18 years is almost 50% in Pakistan which is more compared to in India which is 42%. Among the entire population, only 50% of children go to school. The major reason for Europe to develop is because education is compulsory and free. Even in India, the constitution states that education is the fundamental right of every child. In India the education rate is 65% as opposed to Pakistan, which is 42%. The Government of Pakistan invests 1% in health and 2% in education, whereas 35% goes to defense. Eradication of poverty is possible in Pakistan, the Zakat fund is not fully utilised in the provinces. Even though Pakistan has money and resources but the roadmap provided is wrong. The victims are almost always women and children."

According to the law all children above 12 years of age are treated as adults for purposes of liability. Section 29-B of the Code of Criminal Procedure 1898, however, provides for a slight relief, when a trial of a child is involved. It says that any offence committed by a child below the age of 15 years unless the offence is punishable with death or transportation for life can only be tried by the District Magistrate or a Magistrate especially empowered by the Provincial Government for this purpose. Cases involving a death sentence and life imprisonment can only be tried by a Session Judge.

These provisions have been in existence since 1860 when the British introduced the Penal Code. The case of Salamat Masih, a 14-year-old Christian juvenile sentenced to death on February 9, 1995, brought this fact to everyone's attention that even a child could be judicially executed in Pakistan. The imposition of death penalty on children runs counter to Pakistan's obligations as a state party to the CRC (UN Convention on the Rights of the Child). This Convention, which is now signed and ratified by all countries of the world except Somalia and the US, states that death penalty may not be imposed on anyone below the age of 18 at the time of offence. Pakistan's laws are also inconsistent with an emerging international consensus that the execution of juveniles is contrary to international law.

Letters and articles are welcome and should be addressed to:

The Editor
Political Economy, The News on Sunday,
4th Floor, AI-Rahman Bldg., I I Chundrigar Road
Karachi-PAKISTAN

Voice: 9221-2630611-5 ext 2567. Fax: 9221-2418343-44
Email: edpe@mail.com

All must include writer's full name, address and home telephone; contents may be edited for purposes of clarity or space.

