

Ethics in Action

Vol. 7 No. 4

August 2013

ISSN 1997-2997



Asian Human Rights Commission

Cover photograph :

School visit in Madhya Pradesh by the state advisor to the Supreme Court
Commissioner on the right to food, August 2013.

Source: *Sachin Kumar Jain*.

Asian Human Rights Commission Ltd 2013

Published by

Asian Human Rights Commission Ltd (AHRC)

Unit 701A, Westley Square,

48 Hoi Yuen Road,

Kwun Tong, Kowloon

Hong Kong, China

Telephone: +(852) 2698-6339

Fax: +(852) 2698-6367

E-mail: eia@ahrc.asia

Web: www.humanrights.asia

August 2013

Printed by

Clear-Cut Publishing and Printing Co.

A1, 20/F, Fortune Factory Building

40 Lee Chung Street, Chai Wan, Hong Kong

CONTENTS

'Film generates greater empathy'	
<i>Interview with Josefina Bergsten</i>	3
Dysfunctional institutions and the absence of remedies in Bangladesh	
<i>Meryam Dabhoiwala</i>	7
Inclusion of jihadi material in school curriculum is fuel for terrorism	
<i>Nida Nida</i>	15
Midday meals must stay; Bihar government should go	
<i>Simon Ladegaard Jakobsen</i>	18
Pakistani government to do away with the Ministry of Human Rights	
<i>Asian Human Rights Commission</i>	25
Gender imbalance in Pakistani judiciary	
<i>Sarmad Ali</i>	28
Documentary: Human rights education and the AHRC's Folk School	
<i>Asian Human Rights Commission</i>	30

‘Film generates greater empathy’

Interview with Josefina Bergsten

You have made a few short films on human rights issues in Asia. How were they received and how did you end up choosing these particular themes and/or countries?

The first human rights film I made was a feature length film called *Unjust*. I was interested in making a film about women and human rights. A friend (and former AHRC staff) and I discussed different options, and he suggested combining the three stories of Padma, Suciwati and Angkhana—three wives from three Asian countries, whose husbands had been murdered for defending human rights. We chose their stories as while they were independent of each other, they had a lot of commonalities. By combining the stories, we were hoping to get a sense of the widespread and systemic nature of human rights abuses across Asia. These were not isolated incidents by individual rotten apples, but part of a larger institutional problem.

Unjust played in a few international film festivals, including at the Movies That Matters Film Festival in Holland, where it won a Golden Butterfly Award.



Some of the other short films I have made are about police torture in Sri Lanka and Nepal. It is a central focus of AHRC’s work and a topic in need of a deeper understanding by the public as well as by organizations around the world. Often when police torture issues are reported, for example to a UN body in Geneva, they recommend prosecuting the perpetrator. However, when the entire



judicial system is in a state of collapse and torture is the most common (or indeed the only) method for “investigating” and “solving” a crime, prosecuting the perpetrator is not going to work. By making these films we were hoping to clarify the issue.

Josefina Bergsten is a Hong Kong-based filmmaker specialising in making documentary and educational films about human rights and environmental issues. She works part time for the AHRC and the rest of the time on projects with her production company Pictures by the Wayside (www.picturesbythewayside.com). Josefina is Swedish by birth but has spent half her life in Hong Kong and Asia.

We have a few new films in the pipeline, such as a documentary to be filmed in Manipur, India, about the high rate of “encounter killings” (essentially extrajudicial killings) that have taken place there. This will be partly a hopeful story, as the organizations working for justice for the families of those killed have won significant victories recently.

Currently I am working on an educational series of films about trauma counselling in relation to human rights work. AHRC recently held a five-day workshop with a number of human rights defenders from around Asia. Traditionally, human rights defenders deal with the legal aspects of assisting victims/survivors of human rights violations. But more and more it has been recognized that human rights defenders are often dealing with deeply traumatized people and they need the tools to be able to help them on that level too. The workshop was led by very experienced psychologists and counsellors and by making educational films based on the workshop, we are hoping to reach many more human rights defenders with these important tools.

Please discuss why you think these films are important. Does film have any added value when it comes to human rights abuse?

I think that film, as an audio visual medium, is powerful as it can deliver information and knowledge through the facts presented and at the same time have an emotional impact, for example by meeting the victims of human rights abuse face to face and hearing their stories in a very direct and personal way. Other visual ingredients as well as music can add to the emotional impact. Often, the film medium is able to convey its message with strong impact and immediacy. The viewer is maybe able to feel greater empathy with the individuals featured after “meeting” them in the film and identifying with them on some level rather than reading about their cases in a text for example.

In addition, with the rapid spread of smartphones, social media and faster internet connections, videos are increasingly the preferred medium to engage with for people around the world. The latest figure I read was that people watch four billion hours of video on You Tube, and seven million new videos are uploaded on Facebook every month. So it seems to me that video is very much here to stay.

Is film making your profession or your passion/hobby?

Making films is my work AND passion. I can't say I'll ever make much money from it, but I want to make films until the day I die! It's incredibly fun, interesting, varied and stimulating. No day is the same and you meet such a variety of people. Technically, I often run into problems and frustrations as there is always a lot that can go wrong and the technology evolves at breakneck speed. So it's important to try to keep up. As a one-(wo)man crew it can be hard to keep track of everything during filming. You've got to

try to get the right light exposure, frame the image well, get the focus, make sure the sound levels are balanced, avoid interfering noise AND ask the right questions during interviews, all at the same time. I can safely say that I don't always get it right...

What is your relationship with human rights, particularly in Asia?

I have always been interested in human rights issues and been involved on some level with the AHRC for more than 10 years. I come from Sweden where the human rights and the judicial systems are working relatively well – compared with many other parts of the world. I think this has instilled in me the importance of defending human rights in any society. Most Asian countries have a long way to go and many Western countries seem to be heading in the wrong direction, which is very worrying.

Please describe the process of making such a film.

The process of making a film starts with the idea. You play with the idea, do some research and try to figure out if the idea is compelling, engaging and interesting enough to make a film about. Sometimes a single person is interesting enough to make a film about, at other times it may be an event or a place or, in the case of human rights films, an issue that needs highlighting, such as police torture.

Then you start shooting, which may involve traveling to a place to conduct interviews. You need to remember that interviews alone usually don't make a film compelling, you also need to film the setting and surroundings of the people or society featured, preferably some events or activities that the protagonists are involved with. That way you get more of a sense of the life of the person. Otherwise the viewer's ability to empathize and identify with the protagonists may be limited. It may be when you see that the torture survivor is just like you—spending his days with his children, sharing meals with the family, dealing with difficult in-laws, traveling to work and so on—that you can identify better and feel more outraged and angry at the injustice this person has suffered. I am certainly not saying that my films succeed in this way, but that is the aim.



Once you finish the filming process, the more time-consuming process starts. You need to transcribe interviews and then start to put together a script based on the interviews. Then you start editing, finding a pace that works, adding music to find the right mood and so on. It's like a puzzle, fitting all the pieces together for a whole that makes sense and tells a compelling story. This is the part that takes the longest, which people often don't realize. I have often had clients who think I can hand over a finished film almost as soon as you finish the last day of filming. But of course the raw footage is just an incomprehensible jumble of the pieces of the puzzle.

Where have these films made the most impact? What is your distribution policy?

I don't really have a sense of whether the films have an impact or not. Winning a couple of film awards for *Unjust* made me realize that it may have made an impact on some level. I've had a couple of people cry when watching *Unjust* too, which I guess is an indication that they were able to identify with and feel empathy with the characters in the film.

I make the films to the best of my ability and hope that they will be useful tools for human rights advocacy—to help explain issues or encourage more people to engage with the issues with a stronger sense of outrage and determination to improve the system.

I don't normally have a distribution policy as I make the films for organizations such as AHRC. It is up to the organizations as to how they use the films. I am working on a couple of other films on the side, which I hope to sell for broadcast at some point. But they are a long way from being finished.

Could you share with us some anecdotes/experiences during filming? Any lessons or stories that touched you personally?

It is always very humbling for me to meet and interview survivors of human rights abuses. I know it is not easy for them to have to almost re-live the trauma all over again by talking about it. Their courage and willingness to talk (to camera) always impresses me. You get a sense of the unstoppable drive in many people to fight for justice.

I have made some films about animals too, which I love, particularly elephants in Southeast Asia. This is always hilarious as you can be certain the animals will get up to mischief. One time I interviewed an elephant conservationist in Cambodia. He was standing next to an elephant that he knew very well. All of a sudden the elephant decided to play a trick on him. He picked up a twig with leaves on it with his trunk and swatted him across the face with it! It was so funny we all fell about laughing and the elephant looked very pleased with himself. We caught it on camera and it ended up playing on NatGeo Wild.

Dysfunctional institutions and the absence of remedies in Bangladesh

Meryam Dabhoiwala

Three cases of threats and abuse faced by Bangladeshi human rights defenders—two current ones and one from 2011—delineate clearly how unsafe and treacherous the country has become. Of the current ones, there is the case of Shahed Kayes, where thugs with political backing are unchecked as they harass, abduct and torture an activist who has been attempting to safeguard the rights of a particular community from sand-grabbers. The other current case is that of Adilur Rehman, a prominent human rights defender who the government arrested as a way to silence his criticism. In Razzak's case, he was targeted by influential persons who made use of the country's justice institutions for their own benefit. Ultimately, the dysfunctioning of institutions meant to protect individual rights makes it irrelevant whether it is state or non state actors violating your rights; the bottom line is the same; no remedies are available.

A society that offers its citizens no remedies for violence, injustice and impunity cannot possibly grow or flourish. Such a society only instills fear, uncertainty and greed. There can be no social development, no progress in such a society. Democracy, economic development, an educated youth; these are all possible only when there is political stability. And stability cannot coexist with violence and impunity. Remedies to violence are essential if such violence is to be eliminated from society.

Razzak's story

There is numerous documentation available on Bangladesh's dysfunctional justice institutions—police, prosecution and judiciary. The brutal attack on human rights defender FMA Razzak in 2011 delineated how the police and judiciary were working to protect violence and impunity, and resulted in much analysis of the government and its institutions.¹ Razzak's arrest, detention and torture over a period of several years categorically demonstrate what happens when justice systems do not function and how people indirectly associated with powerful politicians or the military can easily misuse the systems for their own benefit.

1. See <http://www.article2.org/mainfile.php/1002/> and <http://www.article2.org/mainfile.php/0801/335/>

A veteran human rights defender for close to 20 years, FMA Razzak has had his life threatened on several occasions. The latest and most brutal attempt was in April 2011, after Razzak had been implicated in yet another fabricated case by police and military officers for whom his human rights work was becoming very troublesome. Razzak was already in hiding at this time, as for a few months mobs led by the brother of an army major had been attacking his home and family.

On 29 April 2011, around 40 men surrounded Razzak and his younger brother as they were trying to hire a car. Razzak recognized them as men attached to the major's family. Kazal, the major's brother, was also present. In Razzak's words, this is what followed:

Immediately, the gang jumped on me. They began to indiscriminately hit me: my head, back, chest, hands, legs--every part of the body. Kazal and his gang tried to push fingers into my eyes to gouge the eyes out. I tried to block the eyes with my hands. Then, they severely pressed on my testicles. I was about to die! I had to move my hands from the eyes to the testicles at that moment. Immediately, they pushed fingers and a rod into my eyes and kept moving the rod inside the eyes. They tried to take out my eyeballs.

Simultaneously, many others were hitting me with rod and stick. I cried out for help. But nobody responded to my cry. Only my younger brother tried to rescue me. But the gang caught him and brutally beat him, taking him a few yards far from where I was being beaten. I had no scope to follow or understand what was happening to my brother. I could do nothing to save myself. They knocked me down to the ground and jumped on my body and hit me as they wished.

They constantly hit my right leg, which broke on the scene as I fell. When I tried to block the hits with my right hand, they hit my right hand, which also broke. I became completely motionless. They took away my mobile phone and some money that I had in my pockets. I was almost dead there.

Razzak then feigned death, lay still and listened to the men talk. Kazal called his brother, Major Mustafizur Rahman Bokul. He put the phone on speaker:

"Brother, the kuttar bachha (son of dog) is caught in our hands now!"

"Only caught? What do mean? Break his legs and hands! Take out his eyes!"

"We have already taken out his eyeballs making him blind and have broken his hands and legs!"

"Where are you now?"

"We are in front of the paribahan (long route bus) counter."

"Throw his body into some ditch!"

Instead of following the order, Kazal and the mob took Razzak in a van to a place where other members of the officer's family and more people were present. The group again assaulted him. Kazal then called the officer in charge of the Paikgachha police station, who said he would send police officers there.

After two police arrived, they began coordinating with the attackers. Neither the police nor the family wanted to take Razzak's body away. Finally, the police agreed to escort the attackers to the hospital, with the latter bringing Razzak by van. At this time it seemed that he was dead, or would soon die. Hospital staff kept him on the verandah and offered no help. Later, they sent him on to Dhaka, where at last he received treatment. According to medical tests, Razzak has lost 75 percent of his right vision.

Dysfunctional institutions

The role of the police in enabling the attack and colluding with the attackers is obvious. No investigation was conducted after the attack, nor did the police record Razzak's testimony. While the police did record a First Information Report about the incident, which listed 38 persons as accused, no charges were brought against any of them. Instead, the police lodged two further fabricated cases against Razzak, his brother, wife and some other relatives and supporters. One journalist implicated in these cases was detained.

The local judiciary initially placed some of the accused in custody, but because Razzak's lawyers could not bring a proper medico-legal certificate to court in time, the judge released 14 of the 15 persons detained. In other words, to benefit the accused, the responsibility to ensure that official medical examinations are properly recorded and brought to court, is placed on the victim, rather than the justice system.

The army has taken no action against Major Bokul, who continues in his post as usual, despite requests for him to be suspended coming from high levels inside the country and abroad, and despite public rallies in Khulna calling for his dismissal.

Not even the National Human Rights Commission took any action in this case. It is quite outrageous that without recording any statement from Razzak, the NHRC chairman seemed to believe Major Bokul's lies, that Razzak was a criminal, and the attack related to a personal dispute rather than human rights work.

And so rests Bangladesh's justice system, unable to protect or offer remedies to victims of abuse. The justice institutions are perverted to protect the perpetrators and further harass those seeking justice and remedies. Two years after the attack on Razzak, he and his family continue to face harassment—in April 2012 two of his brothers were attacked by Major Bokul's thugs—while all the perpetrators remain free.

Shahed's story

The current plight of Shahed, and his long standing attempts to obtain justice for the Mayadip and Nunertek communities is yet another story delineating the same systemic flaws and dysfunction. In his case, the perpetrators, associated with powerful politicians, got their thugs to beat him up, taking justice into their own hands, while the country's justice institutions remain dysfunctional and silent.

Shahed was abducted from a boat on 25 July 2013, by a group of people who reportedly told him, "...you are fighting against us and we have lost lot of money because of your movement in our deals. We made the mistake of not killing you before. This time we will kill you. We will cut your arteries on your wrists and legs, tie your hands and legs, and throw you in the river." Shahed was sailing towards Ramprasader Chor Island when he was intercepted by the thugs in motorboats. They were not bothered that Shahed was with an American Peace Fellow and several others. They tried to force everyone into their motorboats and only spared the others when Shahed agreed to go with them without resisting in exchange for their safety.

He was then taken to a nearby island on the river, Faraji Kandi, where over 40 others joined the abductors. Shahed was brutally beaten with rods and sticks before being stabbed in the neck and having his left wrist slashed.

The abductors are involved in illegal sand mining near Mayadip and Nunertek islands, against which Kayes and the islanders have been protesting.² Their enormous struggles have born little fruit, largely because the perpetrators are allied with Bangladesh's ruling political party, the Awami League; political support has greater weight than justice and professionalism.

Alerted by the American Peace Fellow, local journalists were able to get the Sonargaon police to rescue Shahed. The Superintendent of Police of Narayanganj immediately alerted his counterpart in Comilla and requested them to save Shahed's life and arrest the perpetrators. Comilla Police then reached the spot and rescued Shahed. They only arrested one of the assailants, seemingly under the influence of a local parliamentarian, a retired army major general. The parliamentarian brashly admitted that his men had not wanted to kill Shahed and he had 'scolded' them for their misadventure.

Shahed was taken to a private hospital in an unidentified location, as his security in a public hospital could never be guaranteed with the major general around. In fact, the

2. See Shahed Kayes, 'Bangladesh: People's movement against sand-grabbing', *Ethics in Action*, vol 5 no 3, June 2011.

retired army officer is still trying his best to find out where Shahed is getting treated, claiming to want to 'talk to him', but many strongly suspect that Shahed would be killed if found.

Shahed's work against illegal sand extraction, which has led to acres of lands from Mayadip island eroding into the river Meghna, has affected the sand miners' earnings from the lucrative trade. This is why they deployed every possible method, from threats to fabrication of criminal charges against Shahed and other activists, in order to stop them.

When these strategies failed, the sand-miners started directly attacking activists. August 2012 saw one of the most serious such incidents, where hired thugs went into villages across Mayadip and attacked the fisherfolk and their families. Not even the elderly, women or children were spared. Armed squads of the sand miners also stopped fishermen from fishing in the Meghna river on many occasions, while several activists were jailed under fabricated charges filed by them.

The sand mafia had tried to abduct Shahed previously as well, on 3 September 2012. Shahed and the Assistant Commissioner of Land of the Sonargaon sub-district were on a court ordered visit of the area to assess the problem at that time. The perpetrators surrounded their speedboat in the middle of the Meghna river for more than two and a half hours and left only when a large contingent of police arrived.

Silencing Shahed would in effect silence the entire community. In fact, with Shahed out of the picture for at least some time, the sand mafia is already preventing the fishermen from fishing in the Meghna River.

Dysfunctional institutions

From the beginning, government officials, including politicians and a former Assistant Commissioner (AC) of Land of the Sonargaon Upazilla Administration, have been supporting the company committing illegal sand extraction. Two-thirds of the neighboring islands of Nalchar and Ram Prasader Char were eroded by the company's sand extraction, forcing residents to relocate in search of food and livelihood. Even though the company has no permit to extract sand from Mayadip and Nunertek, it falsely informed the villagers that it had permission to extract sand at the Nunertek sand extraction point. Bangladesh's Balumahal and Soil Management Law 2010, which prohibits illegal sand extraction and promotes environment protection, is being ignored and violated by both the company and local government. But who is taking note?

After the Mayadip residents wrote a petition regarding the erosion of their island in September 2010 and subsequent media attention, the AC of Land visited Mayadip and

gave a public order that the company must not come beyond the extraction point for sand extraction. His announcement, however, proved that the administration still allowed the illegal extraction as the company did not have a lease. Similarly, although the Deputy Commissioner (DC) of Narayanganj district publicly announced in October that the company has never been given the license to extract sand from Mayadip and assured the villagers that the administration would always be with them, on the following day administrative officers led by the AC of Land came to the island to make a geographical boundary to mark the point that the company must not cross. This boundary was blithely crossed by the company only a couple of days later, and continues to be crossed on a regular basis to extract sand after midnight. All subsequent complaints by the villagers to the local administration have fallen on deaf ears. In fact, this one-step forward, two-steps backward dance performed by the local government bodies and officers, clearly indicates its unwillingness to genuinely take any steps against the influential perpetrators. The persistence of the islanders and activists forces them to shuffle some papers and scrape some chairs, but their dysfunctionality—lack of independence and professionalism—prevents them from doing more.

The same can be said of the Sonargaon and Meghna police stations, who assisted company staff to file false cases against the villagers in December. The police were reportedly bribed by the company, as well as under pressure from the ruling party. The way the Bangladeshi police function is that rather than conducting a proper investigation of the case, they submitted a fabricated investigation report to the Judicial Magistrate Court of Comilla district, which tallies with the complaint made by the sand-grabbing company. As a result, the accused persons have to go to court every month. On those days, not only are they unable to earn their livelihood, but they have to instead pay their transportation, food and legal fees. Once again, it is the complainant who is being harassed, while the perpetrators continue their horrid practices.

Even the courts seem helpless to take effective action; on April 26, the Supreme Court issued a stay order against the government's April 20 public notice of areas leased for extracting sand in Nunertek and Mayadip. The order has made no difference to the company, which continues to extract sand. The overlooking of a Supreme Court order by an ordinary company is not to be taken lightly; this is the extent to which justice institutions have weight, and the extent to which persons and groups with money and influence are able to make them dance to their tune.

Adilur's story

Dysfunctional as justice institutions are, they become more dangerous when misused by the state. Not just Bangladesh, but many countries in Asia and elsewhere, use justice institutions not to protect, but to punish its citizens. The recent arrest and detention of

Adilur Rahman is yet one more such case for the Bangladesh government to add to its list. His case demonstrates how the system works to target government opponents and critics.

Secretary of Odhikar, a prominent Bangladeshi human rights organization, Adilur was arrested by the Detective Branch Office in Dhaka at 10:20 pm on 10 August 2013. Adilur has also served as the Deputy Attorney General of Bangladesh and is a Senior Lawyer practicing at the Supreme Court. Adilur was arrested by about 8-10 men in civilian dress, who came in two vehicles to his home. They surrounded Adilur's car when he returned home with his wife and children. He was forcibly taken into one car without being informed of the reason for his arrest, or where they were taking him.

The reason subsequently given for the arrest was Adilur's apparent violation of the Information and Communication Technology Act, 2006. The use of this Act as the basis of the arrest was associated with a report prepared by Odhikar about the massacre of 61 people during an operation conducted by law enforcement officers on 5 May 2013 against the Islamic activists in Motijheel area. The government demanded Odhikar to produce proof regarding the murder of these people, with the details of the family members, who spoke to Odhikar in confidence. Fearing that the government would then hunt down these families, Odhikar requested the government to constitute an independent enquiry commission to probe the deaths, and assured the government that it will produce its findings before such a body and not to the government. In fact, the government has been denying any deaths in the May 5 incident and has been trying its best to silence everyone who has spoken against the killing spree that hit the country in May this year.

The day following Adilur's arrest, August 11, Odhikar's office was raided and documents and computers seized. This is blatant proof that the government wishes to silence/punish those speaking out against it.

Adilur himself has noted that it is not uncommon for Asian states to enact laws that are in fact repressive: *"In the 10 years since 9/11, Asian countries have enacted many national security acts and emergency laws. In 1974, Bangladesh did the same. Torture is legitimized by law! Therefore we cannot only talk about rule of law. The 1982 Citizenship Act made the Rohingya non-citizens of Myanmar, although these people have been living there 500-700 years.*

At 12:30am, on August 11, Odhikar went to the Detective Branch Office at 36 Minto Road, where the sentries denied them entry into the office. At 2am, Odhikar went to the Gulshan Police Station, and the police there denied having registered any case against Adilur and claimed that they learnt about Adilur's arrest through the media. This indicates that the case was later filed to justify his arrest, rather than the other way around.

This misuse of state institutions is a sign of politicization, which is an evil present throughout Asia. Until this is removed, until justice institutions are reformed and made independent, there can be no awarding of genuine remedies for injustice. This is a chilling thought for those continuing their work as human rights defenders, as critics of illegality and immorality. The least we can do is stand with them in solidarity, and provide as much international pressure as possible on the Bangladeshi government to ensure their safety and the continuance of their work. The work of these defenders involves many ordinary people, their struggles and aspirations. When these defenders are targeted, or when their voice is silenced, it makes a serious impact on society, particularly their circle of contacts.

Inclusion of jihadi material in school curriculum is fuel for terrorism

Nida Nida

It is a bitter truth to swallow, but since the birth of Pakistan, the army, militant groups and the government have played a vital role in defaming its image. Pakistan is no more a peaceful country on the world map, but is instead recognized as unstable and extremist, where a factory manufacturing terrorists and fanatics is run under the supervision of the militants, military and the government. This was made painfully obvious from the presence of Osama Bin Laden, who lived 1.3 km away from the Pakistan Military Academy in Abbottabad.

Glancing back on Pakistan's history will reveal the origins of this factory, as well as the subsequent bigotry and hatred. In 1979 Pakistan's military created the Taliban to fight against the Soviet Union with the help of American and Saudi funds. This was during the dictatorship of Zia-Ul-Haq, who fought tooth and nail against the Russian forces using the name of Islam, purely for monetary gain. He obtained huge funds for war 'against revolutionist forces', which were also used to build many madrasas, where bigotry and jihad (holy war) were taught. This material was also included in the curriculum taught in public schools. Zia included Islamiyat as a compulsory subject at all levels of education up to BA, as well as Arabic for all students belonging to different religions. Furthermore, madrasa certificates were considered equivalent to university degrees. Not only did such education of the country's youth fuel Zia's factory of fanatics, but it also inculcated bigotry and violence into much of society.

Today, 43 years later, we are facing the aftermath of Zia's regime. The inclusion of many jihad promoting Quranic verses and a distorted history of Pakistan in the national curriculum, has served to mislead our youth towards jihad and bigotry, justifying the hatred and discrimination against non-Muslim communities. The school curriculum is largely based on the teachings of love and aspiration towards jihad, its blessings, proselytism and sacrifice which urges youth to fight holy wars against non-Muslims and become martyrs. The impact of this brainwashing is seen in the many youth willing to die as martyrs for the sake of religion. The two-nation theory¹ is also used as a tool for

1. The theory expounds that religion is the determining identity of Muslims and Hindus in the sub-continent, hence leading to the partition of India and creation of Pakistan. See http://en.wikipedia.org/wiki/Two-nation_theory.

promoting hatred among the youth. In school curriculums, Muhammad Bin Qasim, a cruel Arab, is considered a hero. He conquered Sindh and Punjab from the Hindu leader of that time Raja Dahir, who was killed during the war. Muhammad Bin Qasim sent the daughter of Raja Dahir as a gift to the Khalifa of the time, Sulayman ibn Abd al-Malik. Other facts are not mentioned however, such as the large number of women who were raped during this war by Muslims.

Such material is not limited to Islamiyat, but found in many areas of Pakistan's school curriculum, including Urdu, English and social studies. Students of different faiths are also forced to learn and recite Quranic verses. The syllabus taught in schools thus includes much false history, forming negative impressions in the minds of the youth, who are the building blocks of the country. Their minds are like empty lands, where whatever will be sowed, so shall be reaped.

Zia's factory from 1978 has spread its operations to each corner of Pakistan. The business continues in full swing, with only the owners changing with the passage of time. General Pervez Musharraf during his rule tried to reform Pakistan's education by adopting secular and scientific material. He ordered jihadi verses to be excluded and replaced with peace promoting verses, beneficial for the development of peace and harmony in society. Gun culture was replaced by pens and books. His efforts were not completely successful, due to nationwide protests led by the Mullahs, but some changes were made in the last few years, with jihadi material excluded from the text books. The process of changing the curriculum, which began in 2006 at the federal level, trickled down to the provincial level after the devolution of the education ministry under the 18th Amendment to the Constitution, giving the provinces autonomy to make changes in the curriculum.

After the May 2013 general elections, the newly elected government in Khyber Pakhtunkhwa (KPK) province led by Pakistan Tehreek-i-Insaf (PTI) with its coalition partner Jamaat-i-Islami, demanded the jihadi verses to be once again included in the syllabus. According to PTI member and education minister Mr. Atif Khan, "Islamic teachings would be the basis of [the] government's steps regarding curriculum and [the] government would accept no bar on religious education and would not tolerate any external interference." He noted that all 'mistakes' in the curriculum, including the mention of Kashmir as an undisputed area, eating with the left hand, and the removal of Quranic verses on jihad, would be rectified.

This step by a provincial government will lead to severe problems, as Pakistan is already mired in war and terror conditions. In particular, not knowing the historical background of the Quranic verses on jihad will pollute the minds of youth, and lead them astray. Dozens of people are abducted and killed by militants daily, along with the many extrajudicial killings taking place. Pakistani politicians and militants are using the

innocent youth of Pakistan, spoiling their future for their own vested interests. They are busy promoting jihad for the benefits they get in the shape of power and funds. If they were true patriots and genuinely believed in jihad, why does jihad not begin from their homes? Why are their children studying in developed countries under secular education systems rather than gaining jihadi education? Why are they not wearing bomb jackets on their own bodies?

In the Quran, it is clearly mentioned, “Lakkum deenukum, waley yaddeen” [verse 109:06]; “your religion is for you and our religion is for us”, indicating tolerance and a way of coexistence. The Pakistani version of jihad and Islam however, are nothing but tools for the factory owners and others to obtain power, and these tools are tested on the country’s youth. Not only should Pakistan’s youth be aware of this, but civil society and NGOs should take a firm stand against these peace violators and protect youth. The curriculum of grades 1-10, heavily loaded with religious material, false history and hatred, should be urgently changed. Instead, events and material supporting a progressive and democratic Pakistan should be included, which will likewise have a positive effect on the youth in the long run.

Bihar school meal disaster: MDMS must stay, while government should go

Simon Ladegaard Jakobsen

On 16 July 2013, school children at a government school in Bihar complained that the midday meal they were served tasted bad. They ate it anyway, because they were hungry, and could not be sure that they would get another opportunity to eat that day. The food was in fact filled with concentrated pesticides, causing 23 children to die and more to fall ill. This was a direct result of the complete lack of oversight and accountability in the implementation of the Mid Day Meal Scheme (MDMS), for which the state government is to be blamed. In addition to this failure, more children died from the lack of available antidotes at health clinics. The government's indifferent attitude towards the basic rights of its citizens has created the horrifying paradox that children have no choice but to risk dying from eating in a starving country. As a consequence the Bihar state government must go.

In making this conclusion, it is important to remember that the MDMS is not a charity. It is an essential component in ensuring the right to food. India's Supreme Court has ruled that the right to life with human dignity, including the right to food and other basic necessities, is a fundamental right, which is the government's duty to respect, protect and fulfil. The Supreme Court has ordered that the national government and the state governments provide cooked midday meals in all schools so that children will not starve and die in a country that has enough food. Even though the MDMS is a national scheme, each state is responsible for implementing it within its territory.

MDMS Bihar

In their 11th report on the status of implementation of right to food in Bihar, the Supreme Court Commissioners, appointed by the court to monitor the compliance of its orders, said there were severe problems regarding the implementation of the MDMS in Bihar. First, most schools did not serve a meal regularly because of problems with the flow of funds and supply of grains. Second, the quality of the food was generally poor.

Mr. Simon Jakobsen is a student at Aarhus University and currently interning at the AHRC. The author can be contacted at simon.jakobsen@ahrc.asia.

For example, the quality of rice was very different from school to school and was generally below standard. Third, teachers and government officials' knowledge of the MDMS was poor and their attitude towards the programme indifferent. The report states that community participation was completely absent. Fourth, the facilities were very poor. Most schools did not have sufficient cooking utensils, and half of the schools did not have kitchen sheds. Water facilities were below standard in all schools. Hand washing facilities existed in only half of the schools, and the maintenance of toilets was poor. Most schools did not have any plates for the kids to eat from. The report recommended improved financing, systematic oversight and monitoring, and improvements of the distribution system to ensure the quality and safety of the food. The recommendations of the report have not been followed, and it is therefore no surprise that children have died as a direct consequence. It was a disaster waiting to happen.

Under these circumstances, the Bihar government's attempt to frame the deaths as an unfortunate accident can only be viewed as contempt for its own people. It cannot be called an accident when the government could have prevented it, and when it happens frequently. On July 17 for instance, a further 50 students fell ill in another Bihar government school after eating the midday meal. P. K. Shahi, minister of human resource development in Bihar attempted to put the blame on local corruption:

It is a very daunting task to provide freshly cooked quality meals in 73,000 schools. Many are involved in managing the food programs, including teachers, village elders and state officials. All these people look for easy money, and there is very little scope of making money without compromising the quality and quantity. It is just not possible to taste meals in all the 73,000 schools before children eat the food.

Mr. Shahi and the rest of the government seem to think that preventing corruption and ensuring quality in government services is not the responsibility of the government. This is an absurd proposition. The government has created a system without any form of oversight and accountability despite the Supreme Court directly telling it to do otherwise. Besides trying to avoid the blame, the government has only taken three initiatives in addressing this tragedy. The first was to promptly promise a small compensation to the victim families. This compensation was offered when the ill children did not yet receive adequate health care, and the only purpose of this thus seems to be to improve the public attitude towards the government. The second initiative was to issue a directive in local newspapers that every head teacher has to taste the food before serving the children. This clearly shows the lack of seriousness of the government. The idea of the midday meal is to provide nutrition to the children because the state has failed to secure opportunities for a decent livelihood for their parents. The food should therefore be scientifically tested to ensure its safety and nutritional value. Making teachers taste the food first is missing the point completely, as the food can still be both dangerous and of bad quality without any proper test. It will also not improve accountability since this directive is impossible to

enforce. Lastly, the government plans to make it mandatory to paint the safety norms on school walls. Of course, this will not eradicate the real problem. None of these initiatives will prevent future incidents. The lack of any serious action on behalf of the government pointedly speaks to its attitude towards the rights of its people and the MDMS. What is required is prevention of corruption and quality maintenance of government services. The death of 23 children is an enormous tragedy in itself, but the damage done to the reputation of the MDMS might turn out to be even worse.

As described by Shweta Sharma, a Jharkhand teacher, in her passionate account of her experiences with the MDMS, the school meal is often the only opportunity to get a meal for these children, and many parents would not send their children to school, if it were not for the midday meal. Now reports say that the children are refusing to eat the food, and teachers are beaten by students as lawlessness prevails. One can only guess at the number of parents who will not send their children to school in the future, and thus take the only opportunity that these children have at education and development. When the MDMS is properly implemented, it is very effective. Studies show that for a cost of only three cents per school child per school day, the programme can reduce protein deficiency by 100 percent and thus play a crucial role in the implementation of the right to food and also improve school attendance and effectiveness through the reduction of malnutrition. Bihar cannot relieve hunger if the government continues to view the right to food as some kind of charity that people should be grateful to receive. The very purpose of the government is to ensure the rights of its people, including the right to a life in dignity. To have no choice but to risk dying from eating in a starving country because of the government's indifference is a grave violation of this right. The Bihar government has failed its most basic duty; it should admit this failure and resign.

MDMS versus cash transfers

In recent years, India's central government has expressed an increased interest in introducing cash transfers instead of subsidized food. Bihar's MDMS disaster plays nicely into the hands of those arguing in favour of cash transfers. While proponents of cash transfers will be eager to forget the responsibility of the Bihar state government, and argue that the incident shows that the MDMS has failed, in fact, the real problem is the disastrous implementation of the scheme by an indifferent government. When implemented properly, the MDMS delivers safe, cheap meals that improve attendance and class room teaching, and provide a safety net for children who would otherwise starve.

Proponents of cash transfers make three main arguments against the MDMS. First, they argue that the MDMS will not deliver improvements in nutrition and educational attainment because the MDMS fails to target the children and interferes with teaching.

Second, they argue that the midday meals are a health hazard. Third, it is argued that the Public Distribution System (PDS), which makes the distribution of food to schools possible, is fundamentally flawed and corrupt. What the supporters of these arguments fail to appreciate, is that these problems are not inherent to the MDMS. Ineffectiveness, health hazards, and corruption are a result of poor implementation. And at its root, poor implementation is the result of a lack of political will.

In recent years, several studies have been conducted to investigate the impact of the MDMS in India. In one of the first surveys on the midday meal, Drèze & Goyal (2003) found that the scheme has several good consequences such as improved attendance rate, child nutrition, and social equality. Interviews revealed that the introduction of the MDMS improved not only the attendance of children, but also made them more likely to stay after the lunch break. Before the introduction of the midday meal, many children would go home for lunch and not return. Now the children stay within the school premises, allowing classes to resume smoothly. The study also suggests that the program has proved to be very effective in eradicating hunger. The midday meal helps the children maintain energy levels throughout the day, ensuring better concentration in the process. More importantly, midday meals act as a security net, not only for the children coming from poor families, but also for those affected by natural calamities like drought. In areas where hunger is endemic, the midday meal might be the only thing saving the children from chronic malnutrition.

Some problems are also noted by Dreze and Goyal, such as the programme's interruption of classroom teaching in some schools. This happens because of bad infrastructure such as inadequate utensils, lack of cooking sheds, and poor water supply. It can also happen due to the lack of cooks and helpers, which can put extra workload on the teachers. The authors conclude that the functioning of the programs is determined by political will to a large extent. In the states where the midday meal has been implemented properly with political backing and sufficient funding, the programme tends to function much better. Subsequent studies have since supported these views.

Afridi (2010) has studied the short term nutritional impact of the midday meal. The data shows that the scheme reduced the daily protein deficiency by 100 percent, the daily calorie deficiency by almost 30 percent, and the daily iron deficiency by 10 percent. Singh et al (2012) tested the long term impact of the programme using longitudinal data from Andhra Pradesh. They conclude that the midday meal effectively acts as a security net for children affected by drought. These children initially had a much lower height-for-age (called stunted growth) than the average child. The children who received midday meals were able to reverse this stunted growth and catch up with children unaffected by drought, while the children who did not receive midday meals remained stunted. This reversal is possible because long term malnutrition in childhood also delays skeletal

growth, making it possible to reach one's growth potential if adequate nutrition is provided. Normally the reversal does not occur because the child will often face the same socioeconomic constraints that resulted in their initial stunted growth. This does not mean that the negative consequences of years of malnutrition in childhood can suddenly be turned around, but it does show the high impact midday meals have on long term nutritional status. It is well established that stunted growth impairs cognitive development and reduces the learning ability of children.



After analyzing data from 41 villages in Madhya Pradesh, Afridi (2007) concluded that the average monthly attendance rate for girls increased by more than 10 percent as a result of the MDMS, and thereby increased overall attendance rate and reduced gender inequality. Bonds (2012) analyzed India's 2004 Socio-Economic Survey



dataset, and found that attendance rates are 29.5 percent higher among children in public schools who receive the midday meal compared to those who do not, after controlling for sex, age, rural/urban, family size, household income, and religion. The study also concludes that the rise in attendance is significantly higher among children from poor families.

Singh (2008) found that the midday meal improves the children's learning. The midday meal scheme in Andhra Pradesh improved the pupils Peabody Picture Vocabulary Test scores by more than 0.6 standard divisions. Whether the increased educational attainment is due to the increased attendance rate or increased learning ability through improved nutritional status, long or short term, has not been thoroughly examined.

These studies show that the MDMS does succeed in targeting the children. The MDMS has proved an essential part of the implementation of the right to food, and aids India's development goals by improving educational attendance rates, learning, and health.

What about the PDS then? If the distribution system is inherently ineffective, then the policy of transfer in kind will be ineffective as well. This, however, is not the case. As Khera (2011) points out in her analysis of leakage in the PDS, the states that make the PDS a priority are also the ones having low leakage in the system. Chhattisgarh is a good example of this. The diversion of grain in Chhattisgarh was very high before the government suddenly decided to stop corruption and make the system work. Reforms of the PDS began in 2004, and now the diversion of grain is close to nothing.

On the supply side, the Chhattisgarh government decided in 2004 to de-privatize the ration shops. Community institutions, such as Gram Panchayats, have been put in charge instead. Another reform was to deliver the grain to the shops instead of having the shop owners pick it up from the warehouses. This way the shop owners cannot falsely tell their costumers that there was a shortfall at the warehouses, in order to sell the grain on the black market. Another important step was to improve grievance redressal, such as providing active help lines, where complaints from the users can be lodged, and action will be taken. Chhattisgarh has also experimented with SMS alerts to inform citizens, and writing the entitlements of the households on their houses. All these inexpensive measures have the purpose of creating a transparent and responsive system led by the community, and ensure that corrupt shop owners and truck drivers will be punished if they try to cheat.

On the demand side, the government increased the amount of beneficiaries to almost 80 percent of all rural households in 2008. In 2012 this was increased to 90 percent. When almost everybody, including the better educated, has a stake in the PDS, the pressure on the system to deliver is greater. States such as Tamil Nadu, Himachal Pradesh, and Orissa have improved their PDS using similar methods. Ration shops in Bihar, on the other hand, are almost exclusively owned by private dealers, and the government does not deliver the grain directly to the shops. It is thus not surprising that Bihar has the most corrupt system by far, with the highest amount of diversion. Only 45 percent of the grain reaches its intended beneficiaries, and 70 percent of respondents report that they have to skip meals because of a lack of food (Khera 2011b).

The alternative to the PDS, cash transfers, remains unpopular with the poor. In a survey of nine states by Khera (2011b), only 19.5 percent expressed preference for cash transfers while 72.8 percent preferred food. The reasons for this are many. First, people have bad experiences with the National Rural Employment Guarantee Act (NREGA) wage payments. Since 2008, NREGA wages have been paid through bank or post offices. Many workers have experienced delays in payment (sometimes up to a year), and rampant corruption in the payment of the wages. The banks are often overcrowded, and many workers have to make repeated trips to the bank before collecting their wages. Second, many worry about access to markets to buy food, as well as to banks/post offices

to receive money. The study found that the average household has to go a further 3.8 km to reach banks/post offices, compared to the distance to the fair price shops. Markets can also be far away, and at some places, for example in parts of Orissa and Chhattisgarh, rice is not available throughout the year. Third, many people would be dependent on local traders to deliver food for affordable prices. There is, however, no guarantee that traders will not take advantage of the lack of fallback options by raising prices. Related to this is the biggest worry of all; that increased market prices will decrease food security as inflation correction of the cash transfer will happen with a time lag. In a starving country like India, this will often mean the difference between life and death.

Cash transfers might be a viable option when infrastructure and technology allows for frictionless implementation, but the disastrous results of the government cash transfer pilots prove that this is still a distant future. An attempt to introduce cash transfers instead of subsidized kerosene in a district in Rajasthan for instance, resulted in a 79 percent decrease in sales because a lot of people did not receive their cash transfers consistently. Would it then really be reasonable to expect that the children will receive adequate food and attend school if their parents receive small and unreliable cash transfers? Giving meals directly to the children ensures that the money spent by the government has the intended impact.

Replacing a programme like MDMS with cash transfers would be to disregard available evidence. Studies show that with proper implementation, midday meals are safe and effective, and should be seen as both an essential part of the implementation of the right to food, as well as a high yield investment in human capital. This should be kept in mind when observing how some governments fail to implement the scheme, since it shows their contempt for the fundamental rights of the people, as well as the economic development of society. Good implementation is a matter of creating transparency and accountability, and the achievement of this is a matter of political will. There are plenty of good examples of successful reforms, and the governments of India and Bihar should learn from them. Corruption and neglect can never be an excuse to deny the people their basic rights.

Pakistani government to do away with the Ministry of Human Rights

(Statement by the Asian Human Rights Commission: AHRC-STM-140-2013, 5 August 2013)

Pakistan's newly elected government of Prime Minister Nawaz Sharif has decided to do away with the Ministry of Human Rights, merging it with the Ministry of Law and Justice. In effect, the entire human rights ministry will now be relegated to a small unit of the Ministry of Law and Justice. The government's justification for this is its reorganization of the Federal Secretariat, but civil society accuses Mr. Sharif of never being happy with the existence of Human Rights ministry, which was established by former Prime Minister Benazir Bhutto.

This decision will have a considerably adverse impact on the state of human rights in Pakistan, due to several reasons, starting with the difference of mandates between the Ministry of Law and Justice (MoLJ) and the Ministry of Human Rights (MoHR).

The incumbent government of Sharif, since being sworn in, has placed human rights low on its priority list, as demonstrated by ending the death penalty moratorium, and assigning the work of the human rights ministry to that of law and justice. This dissolution is but an obvious emphasis of the government's lack of political will to deal with human rights issues.

The National Human Rights Commission legislated by the previous assembly has not yet been constituted and this delay is a further cause for concern.

Below is a statement by various civil society groups against the abolishment of the MoHR and merging it with the MoLJ:

The Civil Society Network expresses grave concern and dismay that the newly elected Government of Pakistan has merged the federal Ministry of Human Rights (MoHR) with the Ministry of Law & Justice (MoLJ). The important subject of Human Rights is now to be relegated to a unit in the MoLJ. This ill-advised decision will have a serious adverse impact on the MoHR and, consequently, on the state of human rights in Pakistan due to several reasons listed below:

The mandates of the two Ministries are in direct conflict with each other. The MoLJ's mandate includes defending the existing laws, and representing the State in court cases pertaining to human rights violations by the State, while the MoHR is expected to redress

the grievances of survivors/victims and to protect and safeguard their rights and interests. As a unit of the MoLJ it will not be able to perform these functions independently.

The Constitution of Pakistan (1973) lays down the Principles of Policy and Fundamental Human Rights, protected and promoted through several Articles. In addition, Pakistan, as a Member State of the United Nations, accepts the UN Charter and the Universal Declaration of Human Rights; and is also a State Party to several Human Rights Conventions. After the establishment of the MoHR, Pakistan secured membership of the United Nations Human Rights Council (UN/HRC). The merger will cause Pakistan's image to suffer.

Consequent to the merger, both the National Assembly and Senate Standing Committees on Human Rights will stand dissolved. This would result in the issue of human rights no longer being closely watched and monitored by the Parliament, which would further undermine the importance of human rights and their violations in Pakistan.

After devolution the subject of Women's Development was retained as a Federal unit in the MoHR. After the merger, women's issues will lose priority and focus; as will the rights of non-Muslim citizens, children and youth.

The MoHR's Human Rights Defenders Mechanism initiative; preparation of the UPR report and others (CRC/CEDAW) will be neglected.

The MOLJ simply cannot handle the representational functions of the MoHR at the UN, EU and other international fora, nor will it be able to respond to queries from foreign delegations visiting Pakistan, especially with reference to the current ongoing cases against the State institutions in the Supreme Court and the High Courts.

The important function of the MoHR to harmonize national laws, regulations and practices with Pakistan's international human rights covenants and agreements will be halted or adversely affected.

In May 2013, the people of Pakistan voted for a change, for progress and development; not for a retrogression of the gains achieved. As Pakistani citizens, we want a strong Pakistani human rights agenda, based on the rule of law, independent judiciary, transparency and responsibility. We need the relevant institutional mechanisms, structures and resources to ensure this. This entails a fully restored and strengthened MoHR and a functioning National Commission on Human Rights, free of politicization, pressure and influence, in order to protect and promote our Constitutional rights.

The Network demands the immediate restoration of the MoHR as a separate, independent Federal Ministry, along with the appointment of a Federal Minister who is recognized and respected for her/his views, work and track record on human rights.

The Civil Society Network consists of:

Insani Haqooq Ittehad (IHI),

Child Rights Movement (CRM)

Ending Violence against Women (EVAWG),

Fight against Dowry Network (FADEN),

Human Rights Commission of Pakistan (HRCP),

National Humanitarian Network (NHN),

Pakistan Reproductive Health Network (PHRN),

Women Action Forum (WAF)

Gender imbalance in Pakistani judiciary

Sarmad Ali

The Constitution of Pakistan provides a framework for legislation to empower women. Article 25 of the Constitution guarantees equality regardless of skin, colour, caste, creed, and breed. The Universal Declaration of Human Rights promises parity regardless of colour, caste and breed. Pakistan is also signatory to a plethora of international instruments relating to human rights and has enacted several laws pertaining to gender equality. However, all these laws only exist in books.

In the meanwhile, Pakistani women face gender discrimination in all professions, particularly the legal profession. The percentage of women working in civil services is 5.4 while the representation of women judges in superior courts is 2.91 percent as against the 33 percent required by the UN Beijing Conference of 1996, to which Pakistan is a signatory. In other words, there are only three women judges out of a total of 103 judges.

Currently, 18 judges are working in Sindh High Court and all of them are men. In 2005, only one woman was appointed as a judge of the Sindh High Court, and she retired in 2010. The Islamabad High Court has three judges, none of them women.

In Balochistan, there are eight judges in the High Court, of whom only one is a woman. The Lahore High Court has 40 judges, only two of whom are women. It is not known if there are any women in the prosecutor's office. It is only in the lower judiciary that there is a sizeable number of women working as judicial officers, particularly for civil cases.

In comparison, of India's 21 High Courts with 617 judges, 45 are women. Mumbai High Court has seven women serving as judges; this is the highest ratio of women judges compared to other states. Delhi High Court has six women judges, whereas in the High Courts of Madras and Madhya Pradesh, there are four women judges each. In the last six decades, five women were appointed as judges of India's Supreme Court. On the other hand, the Supreme Court of Pakistan has not appointed a single woman judge.

Fathima Beevi, a Muslim from Kerala, was India's first woman judge at the Supreme Court in 1989. After retiring, she was appointed as the Governor of the state of Tamil

Nadu. Currently, there are 26 judges in the Indian Supreme Court, two of whom are women.

This year in Bangladesh, one more woman has been appointed as a judge at the country's Supreme Court, totaling eight women serving there at present. Of the 107 High Court judges in Bangladesh, 16 are women.

A small country, Sri Lanka is far ahead of the rest of South Asian countries, with Dr Shirani Bandaranayake appointed as the Supreme Court Chief Justice in 2011.

In Tunisia, there are 1698 judges, out of which 470 are women. In Algeria, there are 2324 judges, out of which 547 are women.

Some years ago, a few clerics filed a petition against the appointment of women judges in Federal Shariat Court, stating that Islamic values prohibit women from being appointed as judges. The full bench headed by Justice Agha Rafique dismissed the petition and penned down that women can work as judges and Islam doesn't prohibit that. While the judgment is reasoned, since the formation of the Federal Shariat Court, not a single woman has been appointed as judge.

A judicial policy was announced in 2009 by the Chief Justice, Mr. Iftikhar Mohammed Choudhry, setting out the aims and objectives for the judiciary after its restoration. While it discussed the independence of the judiciary and its separation from the Executive, as well as providing that judicial appointments will be made on merit, there was no discussion on the issue of women. There was no mention of the preference for keeping seats for women judges or the court's will to work against the discrimination of women in society.

While Pakistan has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), its judiciary believes itself to be beyond any international obligations. The Asian Development Bank has spent more than USD 350 million on judicial reforms and has mentioned that women judges should be appointed. The same has been said under the US Aid programme for gender equality and a huge amount was reserved for it under the Kerry-Logger Bill. It also demands that more support be given to women.

Judicial discrimination will not improve unless steps are taken at the top, beginning with the Chief Justice. Without this, other members of the judiciary cannot be expected to change their behaviour. Women must be permitted to fill that 33 percent of the seats under their entitlement.

Documentary: Human rights education and the AHRC's Folk School

Please see the video presentation produced by the Asian Human Rights Commission: AHRC-VID-007-2013, 18 July 2013, <https://www.youtube.com/watch?v=uaGNbKT4VV4&feature=youtu.be>

The AHRC's Folk School for human rights defenders in Asia was initiated 14 years ago. Since then regular sessions have been held, providing opportunities for human rights defenders from various Asian countries to come together and discuss the problems they face in their respective countries, and to develop better methodologies for providing their services to their communities.

The AHRC's Folk School was developed around the ideas of the folk school movement in Denmark. The folk school is a unique Danish idea that was initiated by one of the foremost Danish thinkers and community organisers, N.F.S Grundvig.

The starting point of education is the situation of the learner; the concrete current problems faced by those undergoing education, either directly, or as advocates working with persons directly affected. In the shared analysis of the causes and consequences of these concrete problems, the transfer of information about or references to the relevant universal and regional human rights documents, mechanisms and bodies will be understood and seen to be relevant and practically applicable.

The process of human rights education, as of all human rights work in general, must be a participatory and dialogical process. This is commensurate with the goal of "achieving human rights", which is, ultimately, to achieve a human society where each person, child, woman, man will have all possible access to the channels of communication and participation in the society/ community in which he/she lives, and will enjoy the material and spiritual sustenance needed to participate in the matters that directly or indirectly affect his/her life in society, without fear of discrimination or violence.

An essential component of human rights education is the perspective of action. The knowledge gained through human rights education must result in perceiving the relevance of human rights concepts and principles in the struggle for a humane and just society, as well as in the inspiration to undertake some form of action to promote and enhance these rights. This involves thinking out solutions to the problems that initiated

the learning process, and the development of strategies and tactics to bring about change. It also entails acquiring information about other groups or individuals already engaged in action regarding the issue under discussion, leading to exchange and collaboration.

In addition, training to acquire specific skills for different kinds of action, such as documentation of human rights abuses, advocacy campaigns on specific issues, lobby work, writing and spreading urgent appeals, direct intervention, peace and reconciliation work, should be separately organised and/or facilitated.

In this short video documentary the AHRC presents the development of its Folk School and its achievements.

Practicing Ethics in Action

Ethics in Action begins with the realization that both law and morality have failed the people of many countries, who are today facing incredible forms of cruelty that they have little power to eradicate. Despite all the rhetoric of empowerment, the reality witnessed in most Asian countries is desperation and powerlessness. The two ingredients necessary for any real empowerment of ordinary people are law and morality. If living conditions are to improve, defective legal systems and the failures of upholding ethics and morality cannot be ignored. *article 2*, a publication of the Asian Legal Resource Centre, sister organization of the Asian Human Rights Commission, is devoted to discussing matters relating to defective legal systems obstructing the implementation of human rights. *Ethics in Action* will be devoted to discussing how movements and leaderships claiming to uphold ethics and morality have failed to promote and protect human rights.

The AHRC invites submissions to *Ethics in Action* by individuals and organizations interested in issues of human rights, ethics and morality in Asia. Submissions can include articles, poetry, fiction and artwork. For more information, please write to eia@ahrc.asia.

Other regular publications by the Asian Human Rights Commission:

Article 2 – This quarterly publication covers issues relating to the implementation of human rights standards as proposed by article 2 of the International Covenant on Civil and Political Rights.

Asian Human Rights Commission Ltd

Unit 701A, Westley Square, 48 Hoi Yuen Road

Kwun Tong, Kowloon, Hong Kong

Tel: (852) 2698 6339 Fax: (852) 2698 6367 Web: www.ethicsinaction.asia

