

Human Rights & Democracy



Community
Appraisal &
Motivation
Programme



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Community Appraisal & Motivation Programme (CAMP)
Human Rights and Democracy Training Manual

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Human Rights and Democracy

This training manual was developed after a detailed consultative workshop with members of Community Based Organizations from the FATA, in November 2009. The other four thematic areas that were prioritized during the consultation included: Advocacy and Lobbying, Communication and Presentation, Conflict Resolution, and Project Planning and Management.

Keeping in mind that emerging grassroots organizations have little or no exposure to training in these areas, this training manual and the workshop that was conducted based on this guide, are a first step towards creating better understanding of human rights and democracy.

We hope this manual and the others in the same series will be as useful for you and your organization, as they have been for CAMP and its partners.

We regret any errors, and look forward to receiving feedback at:
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Day 1: HUMAN RIGHTS

(9:30-4:30)

Topics which will be covered:

1. Human Rights
2. Universal Declaration on Human Rights
3. Islam and Human Rights
4. The Two Covenants
5. Right to Development
6. Millennium Development Goals
7. CRC

Session 1: Introduction

Time Duration: 45 minutes

Required Training Material: Flip charts, Markers, Masking tape

Reading Material: -----

Power Point Presentation: -----

Activities: Ice breaker/ formation of rules of conduct

Step 1: Ask one of the participants to recite Qurani Ayaat (2min)

Step 2: Introduction of the training team and the training session (areas on which the trainings will be imparted) (8 min)

Step 3: Ice breaker: Introduction of the participants; ask the participant to introduce the person sitting on their right, ask their name and the expectation they have from this training session. (5 + 15 = 20 min)

Step 4: Tell them about the importance of Rules of conduct in training and instead of asking them, just list them, with no participation from them; make them very rigid like

- all mobiles to be switched off
- every one to stand up when they answer something
- training will be conducted only in English language
- no tea break
- no one will ask any questions (5 min)

Step 5: Share the list of topics for day 1 with the participants.

{In case some expectations are beyond the scope of this training explain to participants why some of their expectations can't be met}. (10 min)

Session 2: Conceptual clarity of the term HR and History of Human Rights

- Time Duration: 1 hour
- Required Training Material: Multi-media
- Reading Material: Conceptual Foundations of Human Rights (RM1)/ History of HR (RM2)
- Power Point Presentation: Human Rights
- Activities: Individual participants input/Multi Media Presentation with explanation

Step 1: Ask 3 people from the group to volunteer & define HR & give examples. List these examples on Flip chart for every one to see. (5 min)

Trainers guidelines:

- Make sure the examples are not repeated.
- The trainer must read Conceptual Foundations of Human Rights to be prepared for any clarification the participants might need.

Step 2: Discussion on the relationship between rights and duties.

- Give examples from home, school, office, state and citizen, facilitator/participant. (10 min)

Step 3: Trainer to show Power point presentation on HR and explain the history and the concepts (30 minutes)

Step 4: Ask the participants if the rules of conduct were created by keeping in mind the basic definition of HR (5 Min)

Step 5: Once again reformulate the rules with every ones participation and break for tea. (10 min)

Session 3: Islam and HR

- Time Duration: 1 hour
- Required Training Material: Multi-media
- Reading Material: Islam and HR (RM3)
- Power Point Presentation: Islam and HR
- Activities: Q & A session/multi-media presentation

Step 1: Start the session by asking participants their opinion about HR and religion(s). (15 minutes)

Step 2: Ask if only Islam talks about ensuring HR or is it in all religions. (5 min)

Step 3: Start a general discussion about HR in all religions (eg. Christianity: turn the other cheek). (5-10 Min)

Step 4: Show SS on Islam and HR. (30 min)

Trainers guide lines:

- Last sermon of the Prophet (MPBH)
- Haqooq ul ibad/ Haqooq Allah

Session 4: UDHR and The Two Covenants

- Time Duration: 1 hour
- Required Training Material: Photocopies of the reading material on the two covenants
- Reading Material: RM 4: UDHR and RM 5: The two covenants
- Power Point Presentation: SS3
- Activities: Short lecture/Group work with presentations

Step 1: Ask the group if they know any thing about UDHR or about the two basic categories of rights or if all the rights can be classified in only two categories. (10 min)

Step 2: Tell them briefly about UDHR and the two covenants. (20 min)

Step 3: Divide them in two groups, each group to have reading material (RM 4) on the two covenants, ask them to study it and then list the rights they have under the two categories. (15minutes)

Step 4: Ask each group to present its findings. (10 minutes for both presentations)

Step 5: Share the list of rights given under two covenants with the participants. (SS 3) (10 minutes)

Session 5: Right to Development, Millennium Development Goals

- Time Duration: 1 hour
- Required Training Material: flip chart, markers
- Reading Material: RM 6 Development, RM 7: MDGs
- Power Point Presentation: development
- Activities: discussion/Group work with presentations/Brain storming session

Step 1: Ask participants

- to define development.
- Is development a right? 5 minutes

Step 2: Group work 10 min

Divide participants in 3 groups. Give flip charts to each group and ask them to draw development on 1 flip chart.

Step 3: Ask each group to present and share the work with all participants. (10 min)

Step 4: Show presentation on development. (5 min)

Step 5: Ask the participants if they have ever heard of the term MDGs? If yes, ask someone to talk about the MDGs. (5 min)

Step 6: Explain the term Millennium and explain importance of MDGs. (10 min)

Step 6: Show presentation on MDGs. (5 min)

Step 7: Divide participants in two groups, each group to highlight the benefits of MDGs in their areas and who will be the direct beneficiaries. (10 min)

Session 6: Convention on the Rights of the Child

- Time Duration: 1 hour
- Required Training Material: flip chart, markers , hand out on case studies
- Reading Material: RM8 CRC
- Power Point Presentation: CRC
- Activities: discussion/Group work with presentations

Step 1: Ask 1 participant to volunteer as a school teacher and ask the rest of the participants to stand up and say the national anthem. (qaumi tarana) (5 min)

Step 2: Divide participants in 3 groups. Give them case studies handout and each group to answer the questions at the end of the case study. (15 minutes)

Step 3: Each group to present the work to the larger group. (10 min)

Step 4: Ask few participants to volunteer and share some life stories about corporal punishment which they witnessed or heard. (20 min)

Step 4: Show presentation on CRC. (5 min)

Conclude DAY 1

DAY 2: Conceptual clarity on Gender and State and Government

(9:30-4:30)

Topics which will be covered:

1. CEDAW
2. Conceptual clarity on Gender
3. Difference between State and Government

Session 1: Tilawat and Recap of day 1

- Time Duration: 15 min
- Required Training Material: Flip chart/marker

Session 2: Self awareness vis a vis women at home

- Time Duration: 45 min
- Required Training Material, white paper, plates
- Reading Material:
- Power Point Presentation:
- Activities: Individual Exercise: 24 hour clock/discussion

Step 1:

Distribute paper plates among all the participants and ask them to make a 24 hr clock on the plate. Ask each participant to write how their respective spouses/sibling spends 24 hours in the house.

The purpose of this exercise is to find out how much

- We know what is happening in our households
- To get a clear picture of how work load is divided
- To ascertain whether we acknowledge the unpaid labour (labour of love) of women folk who work at home. (25)

Step 2: Ask the participants to volunteer and read out the answers. (10)

Step 3: Ask the ones who didn't volunteer how they felt when they did the exercise. (10)

Session 3: Group Game to transform the gender based disparity in social relations

- Time Duration: 30 minutes

- Required Training Material: prepared zopp cards
- Reading Material
- Power Point Presentation
- Activities: Group Game

Step 1: Ask all the participants to stand in a circle and distribute Meta cards amongst them, (each Meta card to either have a trait, role, characteristic or adjective written on it e.g, shy, happy, angry, funny, rude, miser etc.). Some of these to portray negative images and some will be positive in nature.

Step 2: Ask each participant if they have the quality written on the card they are holding.

Step 3: Paste two Meta cards with the words MAN and WOMAN on the white board.

Step 4: Invite all the participants to stick the card they are holding under either of the two pasted cards, indicating whether the quality is attributed either to man or woman.

- It will be seen that at the end of the session none of the cards will be pasted as there will be a general consensus that all the attributes written on Meta cards are found in both Men and Women.

Session 4: Context setting on Gender

- Time Duration: 1 hour 55 minutes
- Required Training Material: zopp cards, flip charts, markers, prepared statements about gender and sex
- Reading Material
- Power Point Presentation
- Activities: Group work, brain storming, power point presentation

Step 1: Ask participants "What is the first thing that comes to your mind when you hear the word Gender or the phrase Gender Mainstreaming?" (15 mins)

Step 2: Ask the participants to write words or phrases on the zopp cards that capture their thoughts on the subject. Since there can be some illiterate participants, their thoughts must also be written on zopp cards by the co-facilitator and shared with every one. (10 mins)

Step 3: Power Point Presentation: Concepts to be clarified by showing a slide show on gender and sex. (20 mins)

Step 4: Group Work: The participants are to be divided in three groups and each group to imagine that they are at a wedding, where they see a girl and a boy aged 3. After observing them, they have to write about the Physical differences: clothes they wore, kind of games they played, length of their hair etc. After a few minutes the groups are to visualise the same boy and girl after 5 years and write/draw if the differences changed after 5 yrs? After another 5 minutes, the same groups are to write about the changes that happened after 15 years to that imaginary boy and girl. (30 mins)

Step 5: The participants to share the group work and to think whether (15mins)

- All boys all over the world are the same?
- Whether all mature girls are the same; do they work in the same way?
- All old men, old women same every where?

Step 6: Ask them what has made the girl and boy change over time. (10 mins)

Step 7: Individual Exercises: Participants to be given 10 statements in Urdu and they have to mark G for those statements they thought referred to Gender and S to those statements they thought referred to Sex. In Urdu, the terms used for Gender and sex are *sinf* and *jins* respectively. (15 mins)

Session 5: Refresher

- Time Duration: 20 minutes
- Required Training Material: multi-media
- Reading Material
- Power Point Presentation
- Activities: watch video
- Show “Bibi Shireenay” to the participants.

[It has been filmed keeping in view the cultural context of NWFP, it is based on a popular folk song *bibi Shireenay* but the lyrics have been adapted to highlight the plight of rural women. This song draws our attention to how women's chores at home are considered as nothing. There is no one to look after her when she falls sick and although she is considered as the honour of the family yet she is not given any share in the property. One of the primary reasons to show this song is to see if there is a single (male/female) participant who disagrees with the theme/message of the song; if this is the case there would be a further need to initiate a discussion on women's oppressed role in our society due to gender norms}. (15 mins)

Session 6: CEDAW

- Time Duration: 45 min
- Required Training Material: Reading Material: RM 9 CEDAW
- Power Point Presentation: CEDAW
- Activities: Brain storming, Power point presentation

Step 1: Ask participants if they have ever heard of the term CEDAW and what it means. (10 mins)

Step 2: Ask them why they think there was a need to have CEDAW when UDHR already existed. (5 mins)

Step 3: Show Power point presentation on CEDAW, and highlight the areas touched upon by CEDAW. (15 mins)

Session 7: Revisiting agencies of Socialisation

- Time Duration: 1 hour 25 minutes
- Required Training Material: zopp cards, flip charts, markers,
- Reading Material
- Power Point Presentation
- Activities: Group work, brain storming, power point presentation,

After understanding the differences in Gender and sex, the next step is to explain why and how gender roles, values and practices are so deeply rooted in culture and are regarded as difficult to change. This means going into different agencies of socialisation such as family, the school, the religious and political institutions and how these determine our roles, shape our values and attitudes.

Step 1: Brain Storming Exercise: (15 min)

Draw a tree on a white flip chart and ask the participants about the circumstances that developed their personality.

- Give hints like education, relatives, friends, experiences (good/bad), exposure, religion etc.

Step 2: Individual Exercise: Personality Cloud (10 min)

Ask participants to make their own personality clouds on the zopp cards.

- On personality clouds they have to talk about self and the factors that positively or negatively affected their self.

Step 3: Ask a few volunteers to share their work with the larger group. (10 min)

Step 4: Group Work: Divide participants in different groups 3-4 and ask each group to draw a picture of society, the institutions that shape it, and the factors that influence individuals in a society. (15 min)

Answers can vary from family nexus to friends, school, to politicians, mosque imam, cultural values etc.

Step 5: Initiate a general discussion where participants to narrate individual experiences as to how these institutions had played a role in their respective lives. (15 min)

- Remember to highlight instances where surroundings had played a positive role and at the same time it was seen that the same institution had a negative effect in influencing a mind set. Thus the surrounding circumstances can be seen as shaping way of thinking, prejudices and conceptions regarding male-female roles in the humanity.

Step 6: Brain storming exercise on POWER and the institutions/individuals who have the power to influence the mindset of an individual. (15 min)

The facilitator to write the replies on a separate flip chart.

- Power can be defined as leadership, decision making, intellect, and control over resources.

Share the following with the participants on the institutions/individuals who have the power in our society. (5 min)

At home power lies with women, as mothers take decision regarding marriages of their sons etc
Economic power lies with males.
Power lies with the influential people of our communities; these include political agents/maliks and religious leaders.
Highlight that women are neither in mainstream politics nor religion (maulvis/clerics) Power lies within the law.
Or Power lies with the public who has the right to choose the political leaders.

Session 8: State and Government

Step 1: Ask the participants about state institutions (10 min)

- Trainers guidelines: Judiciary, legislature, executive and media

Step 2: Ask participants about the functions of these institutions and explain each one of them. (10 min)

- Trainers guidelines: emphasize the real role of legislature; i.e. law making and not giving jobs to their constituents.

Step 3: Initiate a discussion on the importance of Constitution. (15 min)

Conclude Day 2

Day 3: Governance and Democracy

(9:30-4:30)

Topics which will be covered:

- Democracy
- FATA, FCR and 1973 constitution of Pakistan
- Governance
- Session 1
- Recap of Day 1 and 2: (20 minutes)

Session 2: Governance

Duration: 1 hr 40 minutes

Required reading material: note on governance

Required training material: zopp cards, flip charts

Step 1: Ask participants what they know about the term governance. Now explain the term in simple words with the help of given reading material on Governance. (20 min)

Step 2: Distribute zopp cards amongst the participants and ask them to write down the components of governance. (20 min)

Step 3: Paste these cards on the wall and initiate a discussion on governance. (40 Min)

Step 4: Ask the participants if good governance can take place in FATA, write their answers on flip chart. (20 Min)

Session 3: Democracy

Duration: 1 hr 15 minutes

Required Reading material: Concept Note on Democracy

Activities: Role play

Step 1: Ask participants what do they understand by the term democracy and what are the prerequisites of democracy (20 min)

Step 2: Explain the relationship between democracy and Rights with the help of given reading material (15 min)

Step 3: Divide them into groups and ask them to prepare a role play portraying negative and positive attributes of political representative of their area. (40 min)

Session 4: FATA and the Constitution of Pakistan

- Duration: 2 hrs and 30 minutes
- Reading Material: relevant articles of the constitution of Pakistan given as the reading material. Copy of FCR 1901.
- Required Training Material: zopp cards, flip charts , markers.
- Activities: Group work, brain storming, short lecture, role play, mock elections.

Step 1: Ask the participants about the importance of constitution. Explain it to them in detail. (10 min)

Step 2: Tell them about the relevant articles of the Constitution of Pakistan which pertain to FATA. (10 min) Share with them historical background of democracy by showing power point presentation on historic origins of democracy (20 min)

Step 3: Ask the participants opinion about the Political Parties Act and how will it affect the political climate of FATA. (10 min)

Step 4: Ask the participants to hold mock elections democratically, all participants to be members of this parliament. (30 min)

Step 4: Divide the participants into two groups (opposition and Government) and give them half an hour to prepare a parliamentary debate on the state of Human Rights in FATA. (1 hr 30 min)

READING MATERIAL

Reading Material 1

Conceptual Foundations of Human Rights

Human Rights are inscribed in the hearts of People; they were there long before lawmakers drafted their first proclamation.

What are Human Rights?

Human beings are born equal in dignity and rights. These rights are moral claims, which are inalienable and inherent in all human beings. The universality of Human Rights simply means that all human beings, by virtue of their being human, have the same rights everywhere all the times. A human being from one part of the world does not have any less right than another from a different part of the world.

Cranston (1973) defines Human Rights as

“Moral rights which all men everywhere at all times ought to have and something which no one may be deprived of without grave affront to justice; something which is owed to every human being simply because he is human”.

Wasserstrom (1964) outlines the four characteristics which a human right must have:

First, all human beings must possess it, as well as only by human beings. Second, because it is the same right that all human beings possess, all human beings must possess it equally. Third, all human beings possess Human Rights, we can rule out as possible candidates any of those rights which one might have in virtue of occupying any particular status or relationship, such as that of parent, president, or promisee. And fourth, if there are any Human Rights, they have the additional characteristic of being assertable, in a manner of speaking, “against the whole world.”

Stark (1989) sees Human Rights as

“Internationally recognized norms for behavior of states and other persons in international law”.

Buergenthal (1988) defines Human Rights by reference to the law as

“The law, which deals with the protection of individuals and groups against violation by governments”.

Reading Material 2

Historical Background of Human Rights Movement

The struggle for Human Rights is as old as history itself. Even a cursory look at other cultures and traditions suggests that the need to protect individuals against the abuse of power by the monarch, tyrant or state has been a matter of concern even in the past. The concept of Human Rights can be found in the works of Prophets, sages, philosophers, from different countries and faiths. Cyrus the great, some 2000 years back, recognized & protected, what are now called the right to liberty & security, freedom of movement, right to property & even certain economic & social rights.

According to some Human Rights scholars the early traces of the concept could be found in Stoic philosophy of classical times as embodied in the natural law jurisprudence/ theories of Grotius & the Jus Natural of the Roman law. In the later age, philosophers like Bodin and John Locke once again revived such ideas. Both writers were of the view that limitations/restrictions should be placed on the powers of the sovereign as the sovereign was bound by Natural law which in turn gives way to Natural Rights. In the eighteenth and nineteenth centuries, in Europe, several philosophers evolved the concept of “natural rights;” rights belonging to a person by nature and because of his being human, not by virtue of his citizenship in a particular country or membership in a particular religious or ethnic group. This concept was vigorously debated and rejected by some philosophers as baseless. Others saw it as a formulation of the underlying principle on which all ideas of citizens' rights and political and religious liberty were based.

However, the modern concept of Human Rights has its foundation in the English, French & American Revolutions of the 17th & 18th centuries. It was the liberal democratic tradition of western Europe, a tradition itself the product of Greek philosophy, Roman Law, the Judaeo Christian tradition, the Humanism of the Reformation and Age of Reason, which gave birth to the concept of Human Rights¹.

English Revolution

In England, the Magna Carta of 1215 was considered to be the first document dealing with the rights and liberties of the English citizens to some extent². Later on, after the glorious English revolution of 1688, the “Bill of Rights” was passed in 1689. It was the outcome of the 17th century struggle of Parliament against the arbitrary rule of the Stuart Monarchs³.

The English Bill of Rights provided for the supremacy of the Parliament, freedom of speech, freedom from cruel and unusual punishment, right to fair and free elections etc.

French Revolution

The main theme of the French Revolution was the establishment of new democratic order by demolishing the old authoritarian system of Government and propagation of the idea that sovereignty of a nation lay with the people. The Social Contract and Natural Rights theories of Locke and French philosopher Montesquie and Rousseau were also reflected in it⁴.

The French Declaration of Rights of Man and Citizen, 1789 claimed “true happiness is to be found in individual liberty that is the product of natural, unalienable and sacred rights of man”.

¹ Theodar Maron “International Dimensions of Human Rights”

² Magna Carta was a compromise on the distribution of power between King John and his nobles. However, the language used later on assumed a wider significance because it guaranteed to the citizen's freedom from imprisonment, right to fair trial, freedom from exile and prosecution etc. Its importance can be judged from the fact that it was confirmed and re-issued by the later sovereign's in succeeding centuries.

³ Passed after the abdication of James II and accession to the throne of William the 2nd and Mary the 2nd.

American Revolution

Inspired by the English revolution and political philosophies of Lock and Montesquie, the colonies of North America sought independence from British Rule and the American Founding Fathers like Thomas Jefferson drafted the American “Declaration of Independence 1776”⁵. The Declaration proclaimed equality before law, right to life, liberty and pursuit of happiness. These high sounding ideals were sufficient for declaration but were inadequate as a catalogue of individual rights, therefore, the Declaration of independence was followed by “Virginia Declaration of Rights” drafted by George Mason and it included specific liberties e.g. freedom of press, freedom of religion, independence of judiciary, freedom from taxation without consent etc⁶.

Later on, in 1791 the US adopted “Bill of Rights” which contained a list of individual rights. Following the “Bill of Rights” a number of constitutional amendments were made to the US Constitution and freedom of press, religion, right to assembly and freedom of expression etc. were made part of the US Constitution.

In this way the US Constitution became a model for the revolutionary struggle especially in France and the US experience directly influenced the French Revolution⁷.

In Summation it can be said that the English, French and American Revolutions in their own way contributed towards the development of forms of liberal democracy. The aim of these revolutions was to protect individual liberty and also these revolutions laid down the foundations of Human Rights law⁸.

Other Factors responsible before the 2nd World War

The middle and late 19th century saw a number of issues take center stage, many of those issues would be considered as Human Rights issues in the 21st century. They included slavery, serfdom, brutal working condition, low wages, child labor, and, in the Americas the “Indian Problem”, as it was known at that time. In the United States, a bloody war over slavery came close to destroying a country founded only eighty years earlier on the premise that, “all men are created equal.” Russia freed its serfs the year that war began. Neither the emancipated American slaves nor the freed Russian serfs saw any real degree of freedom or basic rights for many more decades.

The development of International Humanitarian Law for the treatment of sick and wounded soldiers and prisoners of war and protection of Minorities took place after the frontiers were redrawn in the aftermath of World War I under Peace settlement of 1919⁹.

The establishment of International Labour Organization after the 1st World War in early 20th century was another effort in this regard as it aimed at protecting industrial workers from gross exploitation and to improve their working conditions. The League of Nations, an international organization established after the First World War to provide a system of ensuring peace & security & facilitating international co-operation, made no provision for protection of Human Rights.

The Covenant of League of Nations obliged the member states to work towards certain humanitarian objectives e.g. establishing humane working conditions for individuals, prohibition of traffic in women and children and above all the establishment of Mandate system that required the mandatory powers to guarantee certain rights to the people of ex-enemy Colonies.

⁵ Robertson and Merills.

⁶ Davidson Scott “Human Rights”, Buchingham, Open University Press 1993.p3.

⁷ Ibid p4.

⁸ All rights are by nature inherent, Universal and inalienable and can be protected within a democratic framework. Davidson Scott. P5.

⁹ The racial, religious, linguistic minorities under the redrawn frontiers were guaranteed rights of similar treatment and same rights as other nationals in the states. A procedure was also formulated, for the minorities to petition to League of Nations for violation of such rights though they had no standing before the Council or the Court of International Justice.

Reading Material 3

Islamic Concept of Human Rights

As mentioned earlier the idea of Human Rights existed since ancient times. Many countries, cultures and religions have contributed to its basic aim i.e. giving protection, dignity to the people (specially the weak and the poor) and ensuring freedom from tyranny, injustice and exploitation by the powerful. Islam being a code of life has laid down Huqooq Allah (Rights of Allah) that suggest (mode of worshipping Allah) and Huqooq ul Ibad i.e. Human Rights, which are equally important pillars sustaining the edifice of Islam.

The Human Rights granted by Allah are part of the Islamic faith. Muslims have to accept these not only verbally but they also have to practice them. Besides, they are not allowed to amend or change them. Those who do so or practically go against the idea by paying only lip service to them will be considered guilty, and verdict of the Quran for such people is

“Those of you who do not judge by what Allah has sent down are the disbelievers.” (5:44)

Another significance of the Islamic concept of Human Rights is that it is more comprehensive and balanced as it emphasizes equally on human duties also. It caters for physical well-being, needs and aspirations of human beings as well as considers the ethical, moral and spiritual development of personality.

It is the religious duty of a Muslim to protect the rights of his fellow beings in the same spirit as he protects his own rights. True realization and implementation of Human Rights will result in evolving a harmonious, peaceful, dignified human society free from oppression and degradation.

Human Rights in an Islamic State

Quran has given an exhaustive list, from preservation and promotion of life to social, economic and political rights, which *mumins* owe to other *mumins*. Some of these rights are listed below with the translation of verses with verse number from the relevant suras.

Social Rights

The Security of Life and Property:

In the last sermon that Holy Prophet (PBUH) delivered on the occasion of the Farewell Hajj, he said: “Your lives and properties are forbidden to one another until you meet your Lord on the Day of Resurrection.” The Holy Prophet (may peace be upon him) also provided for the Dhimmis (non-Muslim citizens of the Muslim state) by declaring: “One who kills a man under covenant (i.e. Dhimmi) will not even smell the fragrance of Paradise.”

First basic human right and ethical obligation, declared by the Quran is respect, reservation and promotion of life (nafs) as such.

*That whosoever killeth a human being for
Other than manslaughter or corruption in the earth,
It shall be as if he had killed all mankind, and*

*Who so saveth the life of one, It shall be as if he had
Saved the life of all mankind. Al-Ma'idah 5:32*

Right to protection of goodwill and reputation.

*O ye who believe! Let not a folk
Deride a folk who may be better than
They (are), nor let women (deride)
Women who may be better than
They are; neither defames one another,
Nor insult one another by nicknames.
Bad is the name of lewdness
After faith. And who so turneth*

Not in repentance, such are evildoers. (Al-Hujarat 49:11-12)

Freedom of Expression:

Islam gives the right of freedom of thought and expression to all citizens of the Islamic state on the condition that it should be used for the propagation of virtue and truth and not for spreading evil and wickedness. It also does not give anybody the right to use abusive or offensive language in the name of criticism.

*O ye who believe! Shun much suspicion;
For lo! Some suspicion is a sin. And spy
Not, neither backbite one another.
Would one of you love to eat the flesh
Of his dead brother? Ye abhor that
(so abhor the other)! And keep your
duty (to Allah). Lo! Allah is Relenting, Merciful.*

On Sanctity and Security of Private Life:

*O ye who believe! Enter not houses
Other than your own without first
Announcing your presence and
Invoking peace upon the folk thereof. Al-Nur 24-27
That is better for you that ye may
Be heedful.*

The Right to Basic Necessities of Life:

Islam has recognized the right of the needy people for help and assistance to be provided to them; thus Quran says;
and in their wealth there is acknowledged right for the needy and destitute. (51:19)
Give the kinsman his due, and the

*Needy, and the wayfarer, and squander
Not (thy wealth) in wantonness.*

Bani Isra'il 17:26

2. Legal Rights

Islam gives its citizens the right to absolute and complete equality in the eyes of the law.

Right to equality in justice.

*O ye who believe! Be steadfast witnesses
for Allah in equity, and let not
hatred of any people seduces you that ye deal not justly.
Deal justly, that is nearer to your duty.
Observe your duty to Allah. Lo! Allah
Is informed of what ye do.*

Al-Ma'idah 5:8

3. Religious Rights

Right to practice *din*: Religious and Cultural Freedom.

*There is no compulsion in religion. The
Right direction is henceforth distinct from
Error. And he who rejecteth false deities
And believeth in Allah hath grasped a firm
Handhold, which will never break.
Allah is Hearer, Knower.*

Al-Baqarah 2:252

4. Political Rights

Right to struggle for just social order

*And the believers, men and women, are
Protecting friends one of another; they
Enjoin the right and forbid the wrong,
And they establish worship and they pay
The poor-due they obey Allah and His messenger.
As for these, Allah will have mercy on them.
Lo! Allah is mighty, wise.*

Ak-Tawavag 9:71

The Right to Protest Against Tyranny:

Among the rights that Islam has conferred on human beings is the right to protest against a government's tyranny. Referring to this, the Quran says:

"Allah does not love evil talk in public unless it is by someone who has been injured thereby." (4:148)

Accountability of Rulers to the Law and Equality before the law:

A woman belonging to a high and noble family was arrested in connection with theft. The case was brought to the Prophet (PBUH), and it was recommended that she might be spared the punishment of theft. The Prophet (PBUH) replied, "The nations that lived before you were destroyed by God because they punished the common-man for their offences, and let their dignitaries go unpunished for their crimes. I swear by him who holds my life in his hand that even if Fatimah, daughter of Muhammad (PBUH), had committed this crime, I would have amputated her hand."

The Right to Participate in the Affairs of State:

The Shura or the legislative assembly has no other meaning other than that: the executive head of the government and the members of the assembly should be elected by free and independent choice of the people. Thus Quran says,

And their business is (conducted) through consultation among themselves. (42:38)

Right to Political Power sharing

*Allah hath promised such of you as
Believe and do good works that He will
Surely make them to succeed (the present
Rulers) in the earth even as He
Caused those who were before them to
Succeed (others); and that He will surely
Establish for them their religion which
He hath approved for them, and will give
Them in exchange safety after their fear.
They serve me. They ascribe nothing
as partner unto Me. Those who disbelieve
hence forth, they are the miscreants.*

Al-Nur 24:55

Reading Material 4:

Universal Declaration of Human Rights

The Universal Declaration of Human Rights

On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights the full text of which appears in the following pages. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21.

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
- (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Reading Material 5:

The Two Covenants (ICCPR) & (ICESCR)

(i) International Covenant on Civil & Political Rights (ICCPR)

The International Covenant on Civil & Political Rights (ICCPR) was adopted in 1966 and came into force in 1976. The covenant covers all the rights of man, considered as a social being and as an individual. They include the rights of man regarded as a citizen as well as the rights of certain groups and individuals as the members of a given group¹⁰. As part of Bill of Human Rights, it gives binding force to various Civil and Political Rights contained in the Universal Declaration Of Human Rights e.g. the right to life, freedom from torture and inhuman treatment, freedom from slavery, freedom of thought, conscience and religion, freedom of association, the right of assembly, freedom from punishment for death, right to fair trial, equality before law etc. The list is extensive. The number of rights included is greater than given in Universal Declaration of Human Rights or the European Convention. Some of the rights that are not mentioned in Universal Declaration of Human Rights but are included in ICCPR are as following:

- ❖ Right of detained persons to be treated with.
- ❖ The rights of the child.
- ❖ The rights of minorities
- ❖ Prohibition of propaganda for war and incitement to hatred.

On the other hand the right to property that was included in the Declaration is not mentioned in covenant (ICCPR). Art. 1 of ICCPR¹¹ deals with the right of people to self-determination¹². Under Art. 2 “each state party undertakes to respect and ensure to all individuals within its territory and subject to its jurisdiction the right recognized in the present covenant”. Paragraph 2 of the same article creates “an obligation to take the necessary steps and to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in Covenant”.

(First) Optional Protocol to the International Covenant on Civil and Political Rights:

This treaty, which came into force in 1976, was adopted as a separate instrument, which supplements the measures of implementation of the Covenant on Civil and Political Rights. It enables private parties, claiming to be victims of a violation of the Covenant, to file “individual” communications or complaints with the Human Rights Committee. The complaints may only be filed against States Parties to the Covenant that have ratified the Protocol.

¹⁰Imri Szabo “Historical Foundations of Human Rights” in Karl Fasak “International Dimensions of Human Rights”. P30

¹¹Merills T and Robertson “Human Rights in the World” p35

¹²self determination is the right of an entire people or an ethnic group and as such a collective right which leads to the creation of an independent state.

(Second) Optional Protocol to the International Covenant on Civil and Political Rights:

This treaty came into force in 1991 and is deemed as an additional provision of the Covenant on Civil and Political Rights. The objective of the second Protocol is the abolition of the death penalty. To this end it provides that once a state has ratified the Protocol, “no one within its jurisdiction shall be executed”, and, second, that each State Party must take whatever measures are necessary to abolish the death penalty within its jurisdiction.

(ii) International Covenant on Economic, Social, and Cultural Rights (**ICESCR**)

The International Covenant on Economic, Social, and Cultural Rights was adopted in 1966 and in 1976. It is the most detailed document that deals with entire field of international social welfare law. Initially the ICCPR and ICESCR were intended to be one Covenant, but were separated as the rights contained in the ICESCR were aspirational and goal setting and not capable of enforcement. However, some writers argue that they were separated because the rights contained in the ICESCR do not fit into the market economy of the west¹³. Some of the rights recognized are right to work, right to just and favorable conditions of work, right to social security, right to an adequate standard of living, right to health, right to education etc. The implementation procedure provided for in ICESCR is not as rigid as in the ICCPR, which is only by reporting i.e. each year states parties report to the ECOSOC on measures taken for the implementation of the obligations under the Covenant and reasons for failure of such implementation. After considering the state parties report ECOSOC submits it to various specialized agencies of the United Nations and then to the General Assembly.

¹³ Alston P, and Quinn, G. “Nature and scope of State parties obligations under ICESCR” HQR (1987)p161.

Reading Material 6

Development

Development is people-centered, and participatory. It involves economic growth, equitable distribution, enhancement of people's capabilities and widening of their choices.

It gives top priority to poverty elimination, integration of women into the development process, self-reliance and self-determination of people.

It is thus a comprehensive economic, social, cultural and political process with the objective of constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the resulting benefits.

Sustainable development means building our communities so that we can all live comfortably without consuming all of our resources. We make an impact on our environment through how we live our lives. Another way to say this is that we all leave an ecological footprint. Imagine yourself in a garden. If you were to run around the garden wearing heavy boots, you would probably do a lot of damage to the fruits and vegetables growing there. If you were to walk carefully through the garden in bare feet, you would be able to eat just as many fruits and vegetables as the person wearing heavy boots, but you would also be leaving a lot more for yourself and others to eat the next day. It is the same thing with our resources. Living in a sustainable way means leaving more of things we all need to use.

Reading Material 7

Millennium Development Goals

In September 2000, building upon a decade of major United Nations conferences and summits, world leaders came together at United Nations Headquarters in New York to adopt the United Nations Millennium Declaration, committing their nations to a new global partnership to reduce extreme poverty and setting out a series of time-bound targets - with a deadline of 2015 - that have become known as the Millennium Development Goals, for the world to achieve the Millennium Development Goals and to reverse the grinding poverty, hunger and disease affecting billions of people.

The MDGs are drawn from the actions and targets contained in the **Millennium Declaration** that was adopted by 189 nations-and signed by 147 heads of state and governments during the **UN Millennium Summit** in September 2000.

The 8 goals that all the countries have agreed to achieve by 2015 are:

Poverty reduction: to eradicate extreme poverty and hunger;

Environment and energy: to ensure environmental sustainability, water and sanitation: improving the lives of slum dwellers,

Gender: to promote gender equality and empower women;

Disease: to combat HIV/AIDS, malaria and other diseases,

Universal education: to achieve universal primary education;

Health: Reduce child mortality Improve maternal health

Develop global partnership for development

The eight Millennium Development Goals (MDGs) which range from halving extreme poverty to halting the spread of HIV/AIDS and providing universal primary education, all by the target date of 2015 form a blueprint agreed to by all the world's countries and all the world's leading development institutions.

Reading Material 8

Child Rights and The United Nations

Convention on the Rights of the Child

The Convention on the Rights of the Child was carefully drafted over the course of 10 years (1979-1989) with the input of representatives from all societies, all religions and all cultures. A working group was formed that consisted of members of the United Nations Commission on Human Rights, independent experts and observer delegations of non-member governments, non-governmental organizations (NGOs) and UN agencies which drafted the document. NGOs involved in the drafting represented a range of issues from various legal perspectives to concerns about the protection of the family.

The Convention reflects this global consensus and, in a very short period of time, it has become the most widely accepted Human Rights treaty ever. So far 191 countries (with the exception of two) have ratified the Convention. The United States, which has signaled its intention to ratify by formally signing the Convention, now stands as the only industrialized country in the world and one of the only two United Nations member States yet to ratify. The other country is Somalia, which is presently without a recognized government.

The Convention on the Rights of the Child reflects a new vision for the child. Children are neither the property of their parents nor are they helpless objects of charity. They are human beings and are the subject of their own rights. The Convention offers a vision for the child as an individual and as a member of a family and community, with rights and responsibilities appropriate to his or her age and stage of development. By recognizing children's rights in this way, the Convention firmly sets the focus on the child.

The Convention on the Rights of the Child incorporates the full range of Human Rights civil and political rights as well as economic, social and cultural rights of all children. The underlying values or 'guiding principles' of the Convention show the way each right is to be fulfilled and respected and serve as a constant reference for the implementation and monitoring of children's rights. The Convention's four guiding principles are as follows:

- Non-Discrimination
- Best interest of the child
- Survival and Development
- Participation

The Text of the Convention

The Convention on the Rights of the Child outlines, in 41 articles, the Human Rights to be respected and protected for every child under the age of 18 years and requires that these rights be implemented in the light of the Conventions guiding principles.

Articles 42-45 cover the obligation of States Parties to disseminate the Convention's principles and provision to adults and children; the implementation of the Convention and monitoring of progress towards the realization of child rights through States parties' obligations; and the reporting responsibilities of States Parties.

In May, 2000, two Optional Protocols to the Convention were adopted by the General Assembly, titled respectively, as

- (i) Optional protocol to the Convention on the Rights of The Child involvement in the Armed Conflict
- (ii) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

The Optional Protocol places emphasis on the criminalization of serious violations of children's rights namely sale of children, illegal adoption, child prostitution and pornography. Similarly, the text stresses the value of international co-operation as a means of combating these transnational activities, and of public awareness, information and education campaigns to enhance the protection of children from these serious violations of their rights.

To date, 92 countries have signed and 18 have ratified this Protocol. In order for the Optional Protocols to enter into force, States must ratify each of the Protocols following the same procedure required when ratifying the Convention. In the case of the Optional Protocol on the involvement of children in armed conflict, upon ratification States are also required to make a declaration regarding the age at which they will permit voluntary recruitment into national forces.

Reporting Mechanism

The Convention under Art. 43 establishes a ten member Committee of experts on the Rights of the Child to examine the progress made by States parties in achieving its objectives. The experts are to be selected by the states parties from among their nationals.

For each of the Optional Protocols, the Committee on the Rights of the Child has adopted guidelines which provide information which States are expected to give in their implementation reports.

Reading Material 9

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

The convention is the outcome of efforts of the UN Commission on the Status of Women. It is a single international instrument, which carries in its legislative ambit the provisions of various international instruments on women's rights as well as includes many of the recommendations of the commission adopted since the commission's inception in 1946. Thus, it unites in a single document not only the then existing documents for improving rights of women but also contains new rules.

To put it in brief the Women's Convention is a major break through in international Human Rights law as it recognizes the need to go beyond the legal documents to address factors, which will eradicate de facto inequality between men and women.¹⁴ By the adoption of the Women's Convention the separate concepts of "women's rights" were recast in a global perspective and a positive effort was made to integrate women's Human Rights into the main stream of Human Rights framework.¹⁵

The pattern of Women's Convention resembles the 1965 Convention on the Elimination of All Forms of racial Discrimination. The Women's Convention consists of a preamble and is divided into six main parts.

The Preamble

The preamble which consists of 15 paragraphs is very comprehensive and identifies a number of collective rights, it not only recognizes the need for justice in granting to women equal status with men but it also covers several other factors as eradication of de facto Order, eradication of apartheid, racism, colonialism, neo colonialism and foreign occupation and domination and strengthening of International peace and security including disarmament. These are all urged as being essential to the equality of men and women¹⁶.

All these issues are linked in the preamble with the question of elimination of discrimination against women. In recent years there has been an increased understanding within the United Nations to establish a connection between women, peace and development. Although some states have criticized the linking up of these issues to discrimination in the preamble. However this is not the view of a number of third world states, which view Human Rights as part of the worldwide move towards development.

The women convention also realizes that culture and traditions play an important role in restricting women's enjoyment of their fundamental rights. The influence of these stereotype roles, customs and norms has lead to legal, political and economic constraints on the progress of women. Bearing in mind this situation the preamble of the Women's Convention demands "a change in the traditional role of men and women as well as the role of women in society and in the family are needed to achieve

¹⁴ Preamble to the Women's convention.

¹⁵ Shaheen Sardar Ali "A comparative study of Convention On The Elimination of All Forms Of Discrimination Against Women with Islamic Law and Laws of Pakistan", Shaheen Publishers, Peshawar, 1995, P: 6.

¹⁶ Noreen Burrow "The 1979 Convention On the Elimination of All forms of Discrimination Against Women" National Law Report 1985 P. 21.

full equality of men and women". It also requires from the state parties to work for the elimination of such customs, prejudices and all other practices, which are based on the idea of the superiority or the inferiority of either of the sexes.

Part I: Discrimination

The first part which consists of six articles deals specifically with the term "Discrimination" Article 1 while defining the term discrimination says, "Discrimination against women shall mean any distinction, exclusion or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exclusion by women irrespective of their marital status on the basis of equality of men and women of Human Rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field".

In order to eliminate discrimination against women the convention requires the state parties to adopt such measures including changes in the constitutions of the state parties and also changes in those legislative provisions that are discriminatory against women.

Not only those changes in the national constitutions and in various legislative provisions are required but as far as political, social, economic and cultural fields are concerned the state parties should take appropriate measures including legislation for the development of women on an equal basis with men.

Part II: Political Rights of Women

The right to stand for election to all publicly elected bodies, to hold public office and to participate in formulating government and public policy are mentioned in the Convention. This is an area in which an International Convention named as "The Convention on the Political Rights of Women 1952" already existed. However, the Women's Convention expands the concept of political rights and can therefore be seen as an advance on the 1952 Convention on the Political Rights of Women.

Article 9 provides for the state hood of women irrespective of their marital status. Under this article it is the duty of the state parties to grant women equal rights with men to acquire, change or retain their nationality and so instead of depending on husband's nationality they have been given the right to choose their own nationality. It also grants women equal rights with men with respect to the nationality of their children.

Part III Economic and Social Rights

Part three of the 1979 Convention deals with Non Discrimination in the fields of education, employment, and economic and social activities. The Women's Convention not only covers the rights of women living in urban areas but it has also taken into account the problems faced by rural women in order to raise their status and to provide better treatment to them. It is worth mentioning here that it was for the first time that an international legal instrument has dealt with the problems of rural women.

Article 14 specifically states that all appropriate measures on the basis of equality of men and women shall be taken to ensure participation of women in rural development and steps for their benefit will be taken, like access to adequate health facilities, information, counseling in family planning and all types of formal and informal training including that relating to functional literacy shall be given.

Part IV: Civil Rights

It deals with civil law. Article 15 emphasizes the full equality of women in civil and business matters. It requires state parties to give women equal rights to enter into contracts, to administer property and to be treated equally in all stages and procedure in courts and tribunals or in plain words it can be said that it obligates the state parties to ensure equality before the law. It further demands that all instruments aimed at restricting women's legal capacity should be declared as null and void. Article 16 provides for elimination of discrimination in marriage and the family.

Women play a very important role in the family life but in our part of the world they are often not a party to the contract of marriage in the real sense of the word. In order to prove the significance of women's position in the family and marriage contract, Article 16 of the convention lays down that marriage and family relation are to be based on the equality of women and men with same right to choose a spouse, enter into marriage and the same rights and responsibilities for the parenting of children.

Part V: Committee on the Elimination of All Form's of Discrimination Against Women:

The Women's Convention not only aspires to get the ultimate achievement of the elimination of all sorts of discrimination against women but it also emphasizes the obligation of adopting means to achieve this end. The adoption of is a proof that the treaty signifies the means to be adopted to achieve this ultimate result. Part V lays down the procedure for the formation and working mechanism of the Committee on the Elimination of All Form's of Discrimination Against Women (CEDAW). The Committee was established by Article 17(1) of the convention for the purpose of considering the progress made in the implementation of the Convention by the ratifying states. This is done by submitting reports within one year after entry into force of the convention. The report should provide information on legislative, judicial and administrative or other measures, which they have adopted to give effect to the provisions of the Convention.

The Committee consists of 23 independent experts of high moral standing and competence in the field. The members of the committee do not represent their respective governments but serve in their personal capacity.

Limitations of the Convention

The Convention does suffer from many procedural and substantive weaknesses. The language of the Convention is considerably closer to that of a political declaration than that of an international treaty¹⁷. The Convention also fails to address some of the more fundamental issues like violence against women, abortion, rape etc.

Another problem in implementing the Convention is the reservations entered into by state parties. Of all Human Rights instruments the Women's Convention has attracted most of the reservations and some of them are so sweeping and overriding in nature that the issue of good faith and integrity of the instrument inevitably comes into question¹⁸. A recent development is an Optional Protocol that has been added to the convention and provides for individual petition, but it still requires ratification by the states.

¹⁷ L Reanda, in Alston (ed.) "Human Rights and Women's Rights: The UN Approach".

¹⁸ Ali.S.S, and Mullally.S, Women in Muslim countries; A case Study" in Hind, Working out: New directions for Women Studies. (London Farmer Press), 1992, 113-123.

Reading Material 10

Constitution of Pakistan and FATA

Part V OF THE CONSTITUTION

Relations between Federation and Provinces

Chapter 1. DISTRIBUTION OF LEGISLATIVE POWERS

141. Extent of Federal and Provincial laws.

Subject to the Constitution, [Majlis-e-Shoora (Parliament)] may make laws (including laws having extra-territorial operation) for the whole or any part of Pakistan, and a Provincial Assembly may make laws for the Province or any part thereof.

142. Subject-matter of Federal and Provincial laws.

Subject to the Constitution-

- (a) [Majlis-e-Shoora (Parliament)] shall have exclusive power to make laws with respect to any matter in the Federal Legislative List;
- (b) [Majlis-e-Shoora (Parliament)], and a Provincial Assembly also, shall have power to make laws with respect to any matter in the Concurrent Legislative List;
- (c) A Provincial Assembly shall, and [Majlis-e-Shoora (Parliament)] shall not, have power to make laws with respect to any matter not enumerated in either the Federal Legislative List or the Concurrent Legislative List; and
- (d) [Majlis-e-Shoora (Parliament)] shall have exclusive power to make laws with respect to matters not enumerated in either of the Lists for such areas in the Federation as are not included in any Province.

143. Inconsistency between Federal and Provincial laws.

If any provision of an Act of a Provincial Assembly is repugnant to any provision of an Act of [Majlis-e-Shoora (Parliament)] which [Majlis-e-Shoora (Parliament)] is competent to enact, or to any provision of any existing law with respect to any of the matters enumerated in the Concurrent Legislative List, then the Act of [Majlis-e-Shoora (Parliament)], whether passed before or after the Act of the Provincial Assembly, or, as the case may be, the existing law, shall prevail and the Act of the Provincial Assembly shall, to the extent of the repugnancy, be void.

Art. 246. Tribal Areas.

In the Constitution,

- (a) "Tribal Areas" means the areas in Pakistan which, immediately before the commencing day, were Tribal Areas, and include
 - (i) the Tribal Areas of Baluchistan and the North-West Frontier Province; and
 - (ii) the former States of Amb, Chitral, Dir and Swat;
- (b) "Provincially Administered Tribal Areas" means
 - (i) The districts of Chitral, Dir and Swat (which includes Kalam), [the Tribal Area in Kohistan district,] Malakand Protected Area, the Tribal Area adjoining [Mansehra] district and the former State of Amb; and
 - (ii) Zhob district, Loralai district (excluding Duki Tehsil), Dalbandis Tehsil of Chagai District and Marri and Bugti tribal territories of Sibi district; and
- (c) Federally Administered Tribal Areas includes
 - (i) Tribal Areas adjoining Peshawar district;
 - (ii) Tribal Areas adjoining Kohat district;

- (iii) Tribal Areas adjoining Bannu district;
- (iv) Tribal Areas adjoining Dera Ismail Khan district;
- [(v) Bajaur Agency;
- (va) Orakzai Agency;]
- (vi) Mohmand Agency;
- (vii) Khyber Agency;
- (viii) Kurram Agency;
- (ix) North Waziristan Agency, and
- (x) South Waziristan Agency.

247. Administration of Tribal Areas.

(1) Subject to the Constitution, the executive authority of the Federation shall extend to the Federally Administered Tribal Areas, and the executive authority of a Province shall extend to the Provincially Administered Tribal Areas therein.

(2) The President may, from time to time, give such directions to the Governor of a Province relating to the whole or any part of a Tribal Area within the Province as he may deem necessary, and the Governor shall, in the exercise of his functions under this Article, comply with such directions.

(3) No Act of [Majlis-e-Shoora (Parliament)] shall apply to any Federally Administered Tribal Area or to any part thereof, unless the President so directs, and no Act of [Majlis-e-Shoora (Parliament)] or a Provincial Assembly shall apply to a Provincially Administered Tribal Area, or to any part thereof, unless the Governor of the Province in which the Tribal Area is situate, with the approval of the President, so directs; and in giving such a direction with respect to any law, the President or, as the case may be, the Governor, may direct that the law shall, in its application to a Tribal Area, or to a specified part thereof, have effect subject to such exceptions and modifications as may be specified in the direction.

(4) Notwithstanding anything contained in the Constitution, the President may, with respect to any matter within the legislative competence of [Majlis-e-Shoora (Parliament)], and the Governor of a Province, with the prior approval of the President, may, with respect to any matter within the legislative competence of the Provincial Assembly make regulations for the peace and good government of a Provincially Administered Tribal Area or any part thereof, situated in the Province.

(5) Notwithstanding anything contained in the Constitution, the President may, with respect to any matter, make regulations for the peace and good Government of a Federally Administered Tribal Area or any part thereof.

(6) The President may, at any time, by Order, direct that the whole or any part of a Tribal Area shall cease to be Tribal Area, and such Order may contain such incidental and consequential provisions as appear to the President to be necessary and proper:

Provided that before making any Order under this clause, the President shall ascertain, in such manner as he considers appropriate, the views of the people of the Tribal Area concerned, as represented in tribal jirga.

(7) Neither the Supreme Court nor a High Court shall exercise any jurisdiction under the Constitution in relation to a Tribal Area, unless Majlis-e-Shoora (Parliament)] by law otherwise provides:

Provided that nothing in this clause shall affect the jurisdiction which the Supreme Court or a High Court exercised in relation to a Tribal Area immediately before the commencing day.

Reading Material 11

Ancient origins of Democracy

The term *democracy* first appeared in ancient Greek political and philosophical thought. The philosopher Plato contrasted democracy, the system of "rule by the governed", with the alternative systems of monarchy (rule by one individual), oligarchy (rule by a small élite class). Originally it had two distinguishing features: firstly the allotment (selection by lot) of ordinary citizens to government offices and courts, and secondarily the assembly of all the citizens.

All citizens were eligible to speak and vote in the Assembly, which set the laws of the city-state. However, the Athenian citizenship was only for males born from a father who was citizen and who had been doing their "military service" between 18 and 20 years old; this excluded women, slaves, foreigners and males under 20 years old. Of the 250,000 inhabitants only some 30,000 on average were citizens. Of those 30,000 perhaps 5,000 might regularly attend one or more meetings of the popular Assembly. Most of the officers and magistrates of Athenian government were allotted; only the generals and a few other officers were elected.

A Greek historian at the time of Alexander the Great's excursion of India, without offering any detail, mentions that independent and democratic states existed in India.

The Roman Republic contributed significantly into certain aspects of democracy, only a minority of Romans were citizens. As such, having votes in elections for choosing representatives and then the votes of the powerful were given more weight through a separate system and for this reason, almost all high officials, including members of the senate, came from a few wealthy and noble families.

A similar proto-democracy or oligarchy existed temporarily among the ancient Iranian people in the 6th century BC, but which came to an end after the Persian Emperor declared that the best monarchy was better than the best oligarchy or best democracy.

1215, England: Magna Carta: The English parliament had its roots in the restrictions on the power of kings written into Magna Carta, which explicitly protected certain rights of the King's subjects, whether free or fettered and it implicitly safeguarded unlawful imprisonment with right to appeal.

First elected parliament was in England in 1265. However only a small minority actually had a voice; Parliament was elected by only a few percent of the population (less than 3% in 1780.), and power to call parliament was at the pleasure of the monarch (usually when he or she needed funds). In 1689 English Bill of Rights was enacted, which codified certain rights and increased the influence of Parliament.

A little closer to modern democracy were the Cossack republics of Ukraine in the 16th-17th centuries: The highest post - the HETMAN - was elected by the representatives from the country's districts. Because these states were very militarized, the right to participate in Hetman's elections was largely restricted to those who served in the Cossack Army and over time was curtailed effectively limiting these rights to higher army ranks.

Democracy was also seen to a certain extent in tribes. However, only the males of certain clans could

be leaders and some clans were excluded. Only the oldest females from the same clans could choose and remove the leaders. This excluded most of the population. An interesting detail is that there should be consensus among the leaders, not majority support decided by voting, when making decisions.

The United States founders shared a determination to root the American experiment in the principle of natural freedom and equality. The US constitution adopted in 1788, provided for an elected government and protected civil rights and liberties for some.

In the colonial period before 1776, and for some time after, only adult white male property owners could vote; enslaved Africans, free black people and women were not extended the franchise. However, slavery was a social and economic institution, particularly in eleven states in the American South, that a variety of organizations were established advocating the movement of black people from the United States to locations where they would enjoy greater freedom and equality

In 1789, French Revolution, the French adopted the Declaration of the Rights of Man and of the Citizen and, although short-lived, the National Convention was elected by all males in 1792. Universal male suffrage was definitely established in France in March 1848 in the wake of the French Revolution of 1848.

The Australian colonies became democratic during the mid 19th century, with South Australia being the first government in the world to introduce women's suffrage in 1861. (It was argued that as women would vote the same as their husbands, this essentially gave married men two votes, which was not unreasonable.)

New Zealand granted suffrage to (native) men in 1867, white men in 1879, and women in 1893, thus becoming the first major nation to achieve universal suffrage. However, women were not eligible to stand for parliament until 1919.

Since World War II, democracy has gained widespread acceptance. Governments not self identified as democratic: Vatican City, Saudi Arabia, Myanmar and Brunei.

India is the largest current democracy in the world.

20th century transitions to liberal democracy have come in successive "waves of democracy," variously resulting from wars, revolutions, decolonization, religious and economic circumstances. World War I and the dissolution of the Ottoman and Austro-Hungarian empires resulted in the creation of new nation-states from Europe, most of them at least nominally democratic.

In the 1920s democracy flourished, but the Great Depression brought disenchantment, and most of the countries of Europe, Latin America, and Asia turned to strong-man rule or dictatorships. Fascism and dictatorships flourished in Nazi Germany, Italy, Spain and Portugal, as well as nondemocratic regimes in the Baltics, the Balkans, Brazil, Cuba, China, and Japan, among others.

World War II brought a definitive reversal of this trend in Western Europe. The successful democratization of the American, British, and French sectors of occupied Germany (disputed), Austria, Italy, and the occupied Japan served as a model for the later theory of regime change.

However, most of Eastern Europe, including the Soviet sector of Germany was forced into the non-democratic Soviet bloc. The war was followed by decolonization, and again most of the new independent states had nominally democratic constitutions. India emerged as the world's largest democracy and continues to be so.

A subsequent wave of democratization brought substantial gains toward true liberal democracy for many nations. Spain, Portugal (1974), and several of the military dictatorships in South America returned to civilian rule in the late 1970s and early 1980s (Argentina in 1983, Bolivia, Uruguay in 1984, Brazil in 1985, and Chile in the early 1990s). This was followed by nations in East and South Asia by the mid- to late 1980s.

Currently, there are 123 countries that are democratic, and the trend is increasing (up from 40 in 1972).

Theory

Parliamentary democracy is where government is appointed by parliamentary representatives as opposed to a 'presidential rule' wherein the President is both head of state and the head of government and is elected by the voters. Under a parliamentary democracy, government is exercised by delegation to an executive ministry and subject to ongoing review, checks and balances by the legislative parliament elected by the people

Voting is an important part of the formal democratic process.

For Aristotle the underlying principle of democracy is freedom, since only in a democracy the citizens can have a share in freedom. In essence, he argues that this is what every democracy should make its aim. There are two main aspects of freedom: being ruled and ruling in turn, since everyone is equal according to number, not merit, and to be able to live as one pleases.

In contemporary usage, the term *democracy* refers to a government chosen by the people, whether it is direct or representative.

The term *republic* has many different meanings, but today often refers to a representative democracy with an elected head of state, such as a president, serving for a limited term, in contrast to states with a hereditary monarch as a head of state, even if these states also are representative democracies with an elected or appointed head of government such as a prime minister.

Reading Material on Governance

Recently the terms "governance" and "good governance" are being increasingly used in development literature. Bad governance is being increasingly regarded as one of the root causes of all evil within our societies.

GOVERNANCE

The concept of "governance" is not new. It is as old as human civilization. Simply put "governance" means: **the process of decision-making and the process by which decisions are implemented (or not implemented)**. Governance can be used in several contexts such as corporate governance, international governance, national governance and local governance.

Since governance is the process of decision-making and the process by which decisions are implemented, an analysis of governance focuses on the formal and informal actors involved in decision-making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decision.

Government is one of the actors in governance. Other actors involved in governance vary depending on the level of government that is under discussion. In rural areas, for example, other actors may include influential land lords, associations of peasant farmers, cooperatives, NGOs, research institutes, religious leaders, finance institutions political parties, the military etc. The situation in urban areas is much more complex. At the national level, in addition to the above actors, media, lobbyists, international donors, multi-national corporations, etc. may play a role in decision-making or in influencing the decision-making process.

All actors other than government and the military are grouped together as part of the "civil society." In some countries in addition to the civil society, organized crime syndicates also influence decision-making, particularly in urban areas and at the national level.

Similarly formal government structures are one means by which decisions are arrived at and implemented. At the national level, informal decision-making structures, such as "kitchen cabinets" or informal advisors may exist. In urban areas, organized crime syndicates such as the "land Mafia" may influence decision-making. In some rural areas locally powerful families may make or influence decision-making. Such, informal decision-making is often the result of corrupt practices or leads to corrupt practices.

GOOD GOVERNANCE

Good governance has 8 major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.

From the above discussion it should be clear that good governance is an ideal which is difficult to achieve in its totality. Very few countries and societies have come close to achieving good governance in its totality. However, to ensure sustainable human development, actions must be taken to work towards this ideal with the aim of making it a reality.

Reading Material on STATE:

A **sovereign state** (commonly simply referred to as a **state**) is a political association with effective internal and external sovereignty over a geographic area and population which is not dependent on, or subject to any other power or state. While in abstract terms a sovereign state can exist without being recognized by other sovereign states, unrecognized states will often find it hard to exercise full treaty-making powers and engage in diplomatic relations with other sovereign states

In casual usage, the terms "country", "nation", and "state" are often used as if they were synonymous; but in a more strict usage they can be distinguished:

Definition

Although the term often includes broadly all institutions of government or rule ancient and modern the modern state system bears a number of characteristics that were first consolidated beginning in earnest in the 15th century, when the term "state" also acquired its current meaning. Thus the word is often used in a strict sense to refer only to modern political systems.

- **Nation** denotes a people who are believed to or deemed to share common customs, origins, and history. However, the adjectives *national* and *international* also refer to matters pertaining to what are strictly *sovereign states*, as in *national capital*, *international law*.
- **State** refers to the set of governing and supportive institutions that have sovereignty over a definite territory and population.

Because terminology has changed over time and past writers often used the word "state" in a different ways it is difficult to accurately define the concept of state. Karl Marx defined the state as the institution used by the ruling class of a country to maintain the conditions of its rule.

Government

A **government** is the organization, machinery, or agency through which a political unit exercises its authority, controls and administers public policy, and directs and controls the actions of its members or subjects

Typically, the term "government" refers to a civil government or sovereign state.

List of forms of Government:

- **Authoritarian** Authoritarian governments are characterized by an emphasis on the authority of the state in a republic or union. It is a political system controlled by nonelected rulers who usually permit some degree of individual freedom.
- **Constitutional monarchy** A government that has a monarch, but one whose powers are limited by law or by a formal constitution. Example: United Kingdom.
- **Constitutional republic** A government whose powers are limited by law or a formal constitution, and which is chosen by a vote amongst at least some sections of the populace (Ancient Sparta was in its own terms a republic, though most inhabitants were disenfranchised; The early United States was a republic, but the large numbers of slaves did not have the vote). Republics which exclude sections of the populace from participation will typically claim to represent all citizens

(by defining people without the vote as "non-citizens").

- **Democracy** Rule by a government (usually a Constitutional Republic or Constitutional Monarchy) chosen by election where most of the populace are enfranchised. The key distinction between a democracy and other forms of constitutional government is usually taken to be that the right to vote is not limited by a person's wealth or race (the main qualification for enfranchisement is usually having reached a certain age). A Democratic government is therefore one supported (at least at the time of the election) by a majority of the populace (provided the election was held fairly). A "majority" may be defined in different ways. There are many "power-sharing" (usually in countries where people mainly identify themselves by race or religion) or "electoral-college" or "constituency" systems where the government is not chosen by a simple one-vote-per-person headcount.
- **Dictatorship** Rule by an individual who has full power over the country. The term may refer to a system where the Dictator came to power, and holds it, purely by force - but it also includes systems where the Dictator first came to power legitimately but then was able to amend the constitution so as to, in effect, gather all power for themselves.
- **Monarchy** Rule by an individual who has inherited the role and expects to bequeath it to their heir.
- **Oligarchy** Rule by a small group of people who share similar interests or family relations.
- **Plutocracy** A government composed of the wealthy class. Any of the forms of government listed here can be plutocracy. For instance, if all of the voted representatives in a republic are wealthy, then it is a republic and a plutocracy.
- **Theocracy** Rule by a religious elite
- **Totalitarian** Totalitarian governments regulate nearly every aspect of public and private life

The Three organs of the Government:

- 1. Legislature: Function is to make laws**
- 2. Executive: Function is to implement the laws**
- 3. Judiciary: Function is to interpret laws**

(CAMP) Community Appraisal and Motivation Programme is a national non-profit and non-governmental organisation established and registered in May 2002. We work with some of the most underprivileged communities in the Federally Administered Tribal Areas (FATA) and North West Frontier Province (NWFP) of Pakistan; responding to emergencies, improving access to quality health and education, creating livelihood opportunities and working closely with communities and government departments to promote human rights, peace and security.

Communities for Change Project: Laying the Grassroots Foundation for Political Reform in FATA

Policies for FATA are made at the Federal level, leaving very little opportunity for the people of FATA to voice their needs and demands. And although the Government of Pakistan is taking steps to increase development spending in FATA, there is a need to facilitate and create a sustained and viable grassroots movement, which would assert and protect the social, political and economic rights of the people.

With support from the Embassy of the Federal Republic of Germany, CAMP initiated a 21-month project in May 2009, titled 'Communities for Change'. The objective of this project is to empower the people of FATA to claim and defend their social, political and economic rights, as well as actively develop their resilience to sectarian and inter-tribal conflict and influences.

The project will form and strengthen a sustained network of Community Based Organizations (CBOs) of local leadership in FATA, and build grassroots level capacity to tackle issues that are contributing to poor governance, underdevelopment, radicalization, deteriorating law & order, and violation of human rights, through partnership and networks. The project strategy will be CAMP's underlying strategy in all its work: to encourage active participation from all community members without any discrimination.

By the end of January 2011, the Project aims to:

1. Facilitate and transform a sustained network of Community Based Organisations (CBOs) of local leadership in FATA.
2. Establish local facilities for building grassroots level capacity to tackle issues that are contributing to poor governance, underdevelopment, radicalization, deteriorating law & order, and violation of human rights through partnership and networks.
3. Support and enhance advocacy efforts at the grassroots level for pressing social issues that affect the local communities in FATA.
4. Facilitate conditions for community mobilization, ownership and control of local resources.



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