

Introduction

Arguably, since the signing of the United Nations Declaration of Human Rights in 1948 not only has much been written about human rights but it has also been fraught with controversy. Most of the controversy revolves around the fact that while human rights espouses to be non-ideological and non-partisan, it is in fact grounded in an ideological framework that is largely influenced by contemporary variations of liberal democracy that are typically found in Western democracies. International law of human rights has been embraced by a wide range of individuals and organizations that use the laws to camouflage themselves and their agendas in a way so as to create a perception of righteousness and empowerment. Notwithstanding the critical elements of how, and why, laws of human rights are invoked, the Declaration has expanded and evolved through a range of international initiatives, international efforts to engage in training, support, and social-political transformation. For example, today, we have a host of human rights organizations (e.g., Human Rights Watch, Amnesty International, Carter Centre, International League for Human Rights, etc.) that espouse the virtues of human rights and seek to 'right the wrongs' in society. In essence, they attempt to respond to the needs of communities where perceived injustices have, or are, occurred/occurring. Yet, it can be said that human rights tend to most relevant to those persons those persons whose lives are in most of need – torture, slavery, forced labor, ethnic cleansing, etc.

This special issue represents a unique opportunity to share a series of mostly criminologically oriented articles that address different aspects of human rights from different regions of the world. Collectively the articles, although not exhaustive in their breadth and scope and at times not perfect in their composition (appreciating the language challenges for a number of the contributors. However, given the geographic location of the journal, it was felt important to share their voices), provide a window into some of the issues that currently confront us today. It is the anticipation of the Guest Editor that the reader, particularly the primary audience of this journal, will find the articles contained in this special issue interesting and stimulating enough to want to engage in further discourse about a subject and theme that truly has no clearly defined, or agreed upon definition.

Before providing an overview of the articles entailed in this issue, I will provide a brief context of the human rights movement as we know it today. First, Article 18 of the UN Declaration of Human Rights states that: "everyone has the right to freedom of thought, conscience, and religion." This right includes freedom to change his/her religion or belief, and freedom, either alone or in community with others and in

public or private, to manifest his/her religion or belief in teaching, practice, worship and observance. Similarly, Article 5 of the UN Convention of Human Rights states:“that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Finally, but by no means exhaustive in illustrating the extent to which human rights of people continue to be violated in modern times, I refer to Article 4 of the UN Declaration of Human Rights which states that:“no one shall be held in slavery or servitude.”

Yet, in terms of religious intolerance, there are numerous examples of religious intolerance to be found around the world. For example, an internet search can provide a host of examples in such countries as Afghanistan, Algeria, Brazil, Burundi, Colombia, Ethiopia, Indonesia, Liberia, Nigeria, many countries of the Middle East, Congo, Russia, China, among others.

Similarly, in terms of cruel and unusual punishment and/or degrading treatment of suspects/offenders, one only needs to be reminded of the recent events that transpired at Abu Graib prison, to the fact that under sharia law there is no legal lower limit for marriage (see for example, surah 65:4 in the Koran) or read the story of Nonie Darwish in her 2007 book: *Now They Call Me Infidel: Why I Renounced Jihad for America, Israel, and the War on Terror*. Even in my country, Canada, the controversial sentence given Lord Conrad Black who at one time owned the third largest media publishing firm (i.e., Hollinger International) in the world but around 2005 was charged with fraud and professional misconduct was described by some lawyers as ‘cruel and excessive’. The point is that human rights violations know no jurisdictional boundaries.

Finally, in terms of slavery and servitude, we are reminded of the fact that human trafficking (sometimes referred to as “modern day slavery”) is the second or third (depending on ones’ source) most profitable crime in the world. As I have described elsewhere, human trafficking is a true domestic and international problem with countries serving as points of origin for their victims, countries of destination for the victims of trafficking, and/or countries of transit where victims are transported through as part of various sophisticated methods.¹

While it is not the intention of the Guest Editor to espouse a particular point of view, I feel that given the comparatively recent shift in many countries’ criminal justice policies toward being less punitive and

¹ If the reader is interested in exploring/examining some of the other major human rights violations, consider examining and reviewing examples of violations in relations to Articles 3, 13.1, and 19 of the UN Declaration of Human Rights. Examples of human rights violations can be readily found through an internet search.

more restorative, it is worth noting that sanctions towards domestic and international human rights violations tend to be mostly punitive and/or punishment in their orientation. For example, the recent 2012 case of Charles Taylor; the former leader of the National Patriotic Front of Liberia (NPFL) who led a rebel group that fought in Liberia and was found guilty of committing gross human rights violations as well as being charged with various war crimes. His punishment was 50 years – although the prosecution had asked for an 80 year sentence.

Again, it is not the purpose of this Introduction to present a detailed discussion about human rights and all its related issues but I trust that I have drawn enough attention to the complexity of the subject as to invite further reading of the articles that are presented in this special issue.

Before providing a brief overview of the articles, however, I would like to acknowledge the open mindedness of Mr. Fasihuddin, the publisher of the PJC for his vision and courage in trying to support a topic and issue that within his own country - Pakistan – has been challenged for its various alleged human rights violations. For example, in 2011 the Human Rights Watch group asserted that human rights violations had deteriorated considerably as the military continued to operate with relative impunity and “seized near-total control of foreign and security policy as the civilian government looked on helplessly” (Human Rights in Pakistan, 2012). There has also been a reported increase in the number of politically motivated killings in the country. To westerners, these issues seem perhaps very remote but it takes considerable courage to try and use a public platform to help raise a level of consciousness that is grounded in some fundamental principles.

The articles are presented in alphabetic order with no perceived priority to relative importance to the subject matter. In an effort to prepare this issue, invitations went out to a wide range of academics who have been involved in human rights issues to varying degrees. All articles that were submitted were peer reviewed with the proviso that for some authors’ their first language is not English. Therefore, the first and most important criterion for assessment/review was the relative merit of the topic and subject matter of the article. If an article was accepted, varying degrees of editing were required but in an effort to not undermine or distort the intended meaning of the author(s), final approval of the article was left to the discretion of the original author(s).

The article by Prof. Fakhur-ul-Islam offers an interesting descriptive and at times critical reflection of the Islamic perspective on and towards human rights and contrasts it with the more convention occidental approach as defined through the 1948 Human Rights

Convention as well as provides an overview of Lord Bryce's Model of Liberalism and Democracy. As the author points out, he attempts to take into account the role of Islam in the promotion of human rights. Farhr-ul-Islam concludes by pointing out that it would be a grave error if we (especially Westerners) were to confuse the recognition and observance of Human Rights by Islam with the conduct of the contemporary Muslim states.

The second article was prepared by Fasihuddin, Basharat Hussain and Imran Ahmad Sajid and it focuses on an initiative to shift policing in Pakistan to a more human rights based law enforcement practice than its current paramilitary model. The authors begin by pointing out that despite the "deplorable law and order situation" in Pakistan, the discussion of human rights as it relates to policing is a relatively new topic. The paper focuses on a new shift and ideology being introduced in Pakistan that emphasizes a more police friendly approach towards offenders by respecting their human rights. The ideological shift is also being supported and reflected in the comparatively new Police Order in 2002. However, the authors conclude on a somewhat pessimistic, if not realistic note, pointing that while the new ideological shift is necessary it will require additional capacity and support before it can be fully actualized in the country.

The third article by Gavriledes and Ashley attempts to draw on experiences from both Britain and Canada to ground some recommendations for Pakistan. The article opens with an overview of the development of the human rights convention and set out to challenge some of the skepticism surrounding the value of human rights. One of the fundamental assertions for human rights to work is the need according to the authors of ensuring an awareness that will help to empower people – being it minority groups in Pakistan or Gypsies and Travellers in the United Kingdom. The second primary example the authors use are the Aboriginal peoples of Canada. In suggesting that they are somewhat analogous to ethnic minorities in Pakistan, the authors offer a number of human rights based lessons. From here, the authors attempt to argue that the lesson is less about comparability between the UDCR and the Cairo Declaration but the attention should focus on what we all share and that is human rights values.

In the fourth article by Ms. Sarwat Inayat Mirza, the author focuses on the plight of Pakistan in trying to fulfill its' international obligations to the handling and treatment of juvenile offenders. While the problem/challenge is not unique to Pakistan, the article serves to hi-lite the challenges that the country faces. Drawing on a sample of juveniles and their parents, Mirza points how and why it is difficult for juveniles

basics rights to be honored and projected as they proceed through the juvenile justice system. However, the author also attempts to show how efforts are afoot to try and rectify the current challenges within the system.

In the fifth article by Ivan Gyozo Somlai who although now living in Canada worked for a number of years in Pakistan and the Middle-East region. He, therefore, brings a wealth of practical and experiential insight into his paper. In his article, Somlai explores the interesting dilemma of the “unresolved academic definitions... (and) the reality of a clash of traditional or customary laws with modern or common law at all levels of society” within Pakistan. The article carefully examines the complex interplay between trying to balance, within a human rights framework, criminal justice principles with various ‘enshrined’ cultural values in an effort to establish what the author describes as a “peaceful resolution.” Somlai offers a range of pragmatic and philosophically grounded ideas about how a state like Pakistan might begin to move through its criminal justice evolution while ensuring adherence to fundamental human rights issues. One example discussed is the importance of understanding domestic law.

The sixth and final article in this issue was prepared by two Greek scholars, Vasso Artinopoulou and Michael Iro who address the human rights of Muslim immigrants in Athens, Greece. Based on field research the authors explore how the rights of Muslim women are/are not being supported through the various NGOs in the city. While there are a host of programs available to assist Muslim women in assimilating into Greek culture, few of the programs are substantive enough to ensure their sustainability as most rely on volunteers and there is no clear infrastructure to fully support the needs of this segment of the population.

Finally, this Special Issue is dedicated to the Pakistan Supreme who in spite of being confronted with what at times must appear to be insurmountable human rights violations, are the true champions of trying to forge Pakistan into reform and clearer alignment with the rest of the international community.

John Winterdyk
Guest Editor