

# Centre of Biomedical Ethics and Culture

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# Bioethics Links

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In our two lead articles we highlight major moral issues currently confronting the nation. Anika Khan discusses the rehabilitation efforts at a camp for people displaced by the recent floods, and Sharmeen Khan addresses the frequent injustices resulting from the existing blasphemy law. Editor

This year Pakistan is coping with the worst floods in its history. Raging waters of the Indus and its tributaries have killed hundreds, washed away entire villages, fields and livestock, and displaced an estimated 15 million people. Water has still to recede from some areas, and many still live in makeshift shelters scattered in and around major cities. The stories less told are how many Pakistanis, individually and in groups, are rising to the challenge of helping fellow citizens. This is one such story. The Northern Bypass Camp is in the vicinity of Karachi and home to over 350 displaced families from interior Sindh.

## Northern Bypass Camp: In the Wake of the Floods

*Anika Khan\**

It is Monday evening, the fifteenth of November, as I arrive in the Northern Bypass Camp. The hazy heat which persists in November afternoons has dissipated and the camp has come alive. Women stand by tents and gossip. Men sit outside the *chai* (tea) shop. And children caper around the cloth and plastic school walls. They jostle playfully at corners for a better look at “Miss” who has come unexpectedly.

In two days, it will be Eid. Karachi schoolchildren have donated warm clothes and people from far off America have sent money for the camp. That is why I am at the camp at this unusual time, bearing gifts from strangers - a vanload of new shoes for the children, an assortment of winter clothes. And that is why the children, orderly in their tent classrooms every morning, now shout and laugh in eager curiosity. Comically, they stick wide-eyed faces through holes in the plastic walls of the schoolyard. The teachers take sticks and shoo away rambunctious kids with mock fierceness. Gradually, the children retreat, like frisky waves receding from the

beach.

Sunset approaches. There are no dramatic sunsets at the camp, no heroics of colour. The sky simply darkens and the pale sun sinks. There is only the flat sandy terrain, with darkening rows of wind-battered tents. Out in the open, there is a wintry nip in the air and I am glad of the warm clothes that have come in the van.

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A class underway in the *Shamiana* (tent) School in the Northern Bypass Camp.

\*Ms. Anika Khan is a teacher at the READyslexics Institute, Karachi.

As our newsletter was going to press, Aasia Bibi, a Christian laborer and mother of five, was convicted by a lower court in Punjab on charges of blasphemy and sentenced to death. The verdict is being challenged in the High Courts. There are renewed calls by Human Rights Commission, women activists, and members of civil society to amend an unjust law.

## Blasphemy Chronicles

*Sharmeen Khan\**

The Pakistan Penal Code (PPC) is a continuation of the criminal code of the pre-partitioned subcontinent which criminalized blasphemy in 1860. In Section 295 of the PPC, blasphemy was a crime, as was destruction of religious sites and places of worship. In 1982, Section 295 A was added criminalizing acts that would outrage the feelings of any person belonging to any religion. The previous punishment of imprisonment for two years was now increased to 10 years. Later, through the Criminal Law (Amendment) Act III of 1986, further additions in the Code specifically criminalized the destruction of the Holy Qur'an and remarks against the Prophet (PBUH) carrying penalties extending to life imprisonment and death. These later insertions make Pakistan's blasphemy laws among the most stringent and the harshest in the world.

Section 295 C of the PPC is worded as follows - "Whoever by words, either spoken or written, or by visible representation or by any imputation, *innuendo*, or *insinuation*, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine." (Emphasis mine)

The words *innuendo* and *insinuation* are subjective by definition and thus this section includes language that is predicated on ambiguity and vagueness. The results of this can be demonstrated by examples of a few recorded cases.

Muhammad Mehboob (alias Booba) was accused of putting *ishtihars* (advertisements) on the main gate of his local mosque. It was further alleged that they were against the dignity of the holy Prophet and hence attracted the provisions of death penalty under section 295C. He was convicted on investigation of a Sub-Inspector who, in his own words, stated that he had proceeded without any guidance, and that it appeared to him that the *ishtihar* were wrong and written by the accused. The police had taken Booba's testimony under extreme coercion and made him give a writing sample that was allegedly the same as those on the advertisements. He was convicted and sentenced to death. On Appeal, when evidence was re-examined, the High Court found that the state had not been able to establish the facts beyond all reasonable doubt and yet Booba was sentenced to death. It is to be noted that the First Incident

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Clinical Ethics Workshop, Shaikh Zayed PGMI, Lahore, Nov. 11, 12, 2010



PGD Alumnus Farkhanda organized this event. Seen here are alumni Natasha (Shaukat Khanum Hospital), Naseer (Fatima Memorial Hospital) and Hamid (Institute of Nuclear Medicine and Oncology) along with other participants.

\*Ms. Sharmeen Khan is a corporate lawyer in Islamabad

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Earlier, we brought 600 blankets from CBEC. Others have given blankets too, and there are now four to each tent. A colleague thinks these people are getting “too much.” I look at the small, tattered tents in the wilderness; there are as many as twelve people living in some. Are four blankets “too much”?

The tents are numbered, from 1 to 330. In the treeless expanse they look insignificant, caught between the immensities of sand and sky. I remind myself that this camp is part of Karachi and this sense of remoteness is illusory. Merely 3 kilometres away is Gulshan-e-Maymar, with all its concrete accoutrements.

Every Thursday morning, we drive for an hour from SIUT to this camp. We have done so since mid-September when it was only a month old. This is one of hundreds of camps, some no more than chaotic clusters of plastic sheets held up with sticks, which are visible along the major highways that lead into Karachi.

But the Northern Bypass Camp “works” because of the efforts and generosity of many people. There are the volunteers of the Karachi Social Forum, some of whom have left jobs and families to be here, and who manage the camp. There are the organisations and individuals who contribute food, money, clothes and services. And there are the camp residents themselves who are increasingly taking on administrative responsibilities. The person coordinating these efforts is Mr. Afaq Bhatti of the Karachi Social Forum.

Dr. Moazam had asked me to accompany her and Aamir on their first visit to the camp and while they ran a medical clinic in one of the tents, I tried to discover how a school could be set up. The answer was apparent: to set up a school, you first

need a schoolroom.

Mr. Abdul Shakoor, a camp resident (and now the school principal), had already collected a group of children that day. In the tent serving as a mosque, he gave them an English lesson while I walked around the camp. Everywhere, I met children who wanted to go to school. A little girl who had taken her brother to the tent clinic told us that she was a “good student” in the village school. “I want to study hard so I can become a doctor,” she said.

Within a week after that visit, some friends donated *shamianas* (large tents). Suddenly, there were four classrooms where there had only been sand, and volunteers from within the camp, willing to teach. PILER (Pakistan Institute of Labour, Education and Research) had already promised Mr. Bhatti more teachers and some school equipment. Donations collected by CBEC and the students of the CAS School bought the books, stationary and more equipment. Almost miraculously, the school came together. The classrooms became crowded as 425 children tried to find elbow room on the *chatais* (mats). A friend donated more *shamianas* and overnight, four more classrooms sprang up. Singsong renditions of ABC and multiplication tables rose from classrooms as children learnt their lessons by rote.

One Thursday, I took wooden alphabet letters and spread them on the sand. In a magical moment, a group of children sat around the letters and almost spontaneously, began to put them in order. The teachers watched their engrossed faces and became convinced; there are more ways of learning than one. During a workshop we held on phonics at the PILER office, one in a series, thirty men and women teaching at different camp schools also attended. New

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words entered their vocabulary; new ideas may filter into their classrooms. Soon, some of them may return to their homes and they will return with new teaching skills.

CBEC's involvement in the camp is not limited to the school. With *Médecins Sans Frontières* now providing primary medical care, SIUT undertakes all tertiary care for the camp residents. A CBEC alumnus, an obstetrician/gynaecologist in the Sohbraj Maternity Home, has promised to provide free delivery care after a Thursday when we rushed a woman in active labour back to Karachi. The following week, we were proudly shown a healthy little boy, eyes rimmed and eyebrows accentuated with *kohl*, whose impending birth had caused us panic in the preceding week.

With the camp management's assistance, many of the men are beginning to work for daily wages at the nearby *Sabzi Mandi* (vegetable market). The women however, have had few outlets for their energies. They told us, “You must now do something for the women.” So, colleagues from SIUT and other organizations are now trying to initiate an income generating project for them.

In tents facing the school, a “women's room” has been set up at our request. Women, many of them experts in exquisite embroidery and *rillee-work* (patchwork quilts), are being provided with fabric and thread and necessary sewing accessories. If this project succeeds, the women will earn money from their work. Those we met had told us that they did such work when they were “home” to supplement household incomes.

I contemplate all this on Monday

evening as we sort out winter clothes. I sit cross-legged on a *chatai*; the others are men who teach at the school. I am struck by the contradictions within Pakistani society. I am a woman, but I sit fearlessly with men in the dark. They are respectful and abashed when I buy them tea. Yet in the darkening tents around us, there are many women, but they do not join us.

Night falls and we depart. I wonder about the camp inhabitants, some of whom may choose not to go back. Some may not have a life to go back to. I remember the woman who wept as she narrated how her two little granddaughters were drowned but added, “I am thankful to God that we found the bodies so we could bury them.” And the other woman who lost her son in the flood. His name was tattooed onto her wrist. Nearby, her daughter-in-law sat unspeaking. She had lost two children to disease. Grief kept her silent. Pain lined her face.

We drive away and the camp disappears from view.

### PGD Class of 2010, Final Examination Approaches

The Examination Module of the PGD Class of 2010 is scheduled for December 8 to 11. This consists of two theory papers followed by oral defense of an “ethics project” that all PGD students must develop and begin in their parent institutions next year. The panel of examiners includes Dr. Siti Nurani Mohamed Noor Ph.D, Faculty of Science, University of Malaysia, Kuala Lumpur, Malaysia, Drs. Rehana Kamal (AKU), Fozia Qureshi (SIUT) and Naim Siddiqui (SIUT).



**Ms. Zehra Nigah connects Poetry and Ethics**



Famous national poet Ms. Zehra Nigah was a guest at CBEC for the second time in September 2010. As guest faculty, she taught the “Humanities and Bioethics” session during the third module for students in the PGD Class of 2010 and MBE Class of 2011. “Humanities and Bioethics” sessions form a regular feature of all teaching modules. Eminent literary figures are invited to lead the sessions and interact with students. Ms. Nigah proved to be a big hit. She recited some of her poems that contain strong social messages and that led to a lively discussion.

**Dr. Fox and Dr. Swazey “visit” CBEC**



In October 2010, MBE students in Karachi “met” erudite medical sociologist Dr. Renee C. Fox and renowned historian Dr. Judith P. Swazey in Philadelphia. Using Skype, Anika Khan, Bushra Shirazi, and Aamir Jafarey spoke with the two scholars, and gave them a “virtual” tour of CBEC. Both have a long relationship with CBEC and are among the NA faculty who assess MBE students’ assignments. The success of this venture opens the door to further interactions with Drs. Fox and Swazey and other scholars around the world.

**Recent (Selected) International Presentations by CBEC Faculty**

- \* Aamir Jafarey, “Perspectives from Pakistan. After the Transplant Law: What Next?” *Third National Bioethics Conference, New Delhi, India, Nov. 19, 2010*
- \* Farhat Moazam, “The Complexity of Ethical Reality: Through the Lens of Kidney Donation and Transplantation,” *John P. McGovern Annual Award Lectureship in The Medical Humanities, Institute for Medical Humanities, University of Texas, Galveston, USA, October 18, 2010*
- \* Farhat Moazam, “Beyond the Gift: Reflections on Kidney Donation in Pakistan,” *Tenth World Congress, International Association of Bioethics, Singapore, July 30, 2010*
- \* Aamir Jafarey, “Comparison of UNESCO Bioethics Core Curriculum with CBEC Ethics Curriculum,” *Eleventh Asian Bioethics*

*Conference, Singapore, August 1, 2010*

- \* Farhat Moazam, “Organ Donation and Transplantation through the Lens of Muslim Scholars,” *Second ELPAT Congress, Rotterdam, Netherlands, April 19, 2010*



Aamir Jafarey with Richard Cash, Mala Ramanathan, ZHAI Xiaomei and another participant at the 10th World Congress of Bioethics, Singapore, July 2010.

**CBEC goes to India! The Third National Bioethics Conference,  
New Delhi, November 17 to 20, 2010**

*Mariam Hasan\**

“We've got the visa! We are going to Delhi!” exclaimed Natasha over the phone from the Indian High Commission literally hours before our scheduled departure for India. Five of us from Pakistan had finally been granted visas at the very last minute.

Three of us, including Farkhanda Ghafoor from Shaikh Zayed Hospital, Lahore (PGD Alumnus 2006), my colleague Saima Faisal and myself (PGD, Class of 2010) embarked on a 12 hour long bus journey from Lahore to New Delhi on Eid day. Our exciting experiences included the dramatic Wagah border crossing (a must-have experience), lunch at a floating restaurant, and amazing views of the Indian towns along the way. Aamir Jafarey (CBEC-SIUT) and Natasha Anwar of Shaukat Khanum Hospital, Lahore (PGD Alumnus 2007) flew into Delhi the same evening, missing all the fun!

The Pakistani participants were warmly welcomed at the inaugural session, a warmth that only increased throughout the conference. In addition to the two formal

\*Dr. Mariam Hasan is from Shaukat Khanum Cancer Hospital, Lahore

research papers by Natasha and Aamir, we also conducted a workshop on “Using films to teach Bioethics” in which Aamir shared CBEC's experiences with its video productions. He was also invited to conduct a special session sharing the Pakistani experience in formal bioethics education, an area in which CBEC is increasingly being recognized as a regional leader.

Our hosts seemed amazed at the independence of Pakistani women, exemplified not only by our non-chaperoned bus journey across the border, but also by our late night excursions all over Delhi in pursuit of *saris*, *kajoo kee barfi* and *Jaypuri razais*. Aamir proudly boasted of our bravery, every chance he got!

As we crossed the border back to Pakistan, a billboard caught our eyes and captured our hearts: “*Darwaja dil ka khol kay ana, par wapis ja kay bhool na jana.*”

We can certainly never forget this conference, and the hospitality and the warmth that we experienced from the bioethics community in India.



Packed like Pickles: Natasha, and Siva from Mumbai, hold on for dear life in the famed Delhi Metro.



From left to right: Natasha Anwar, Vrinda Marwah, Beenu Rawat, Farkhanda Ghafoor, Aamir Jafarey, Mariam Hasan and Saima Faisal.

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Report (FIR) in this case was registered by a Homeopath, who did not remember the institution that awarded him the degree and professed no knowledge of religion. (PLD 2002, Lahore 587)

In another case, a group of complainants belonging to an illiterate labor class registered a case against Ayub Masih, alleging that he had praised the book of Salman Rushdie and spoken in accolades about his Christian religion. What was ignored, both by the Trial Court and a Division Bench of the Superior Court, was the unlikelihood of Ayub Masih, a bricklayer, to be speaking about literature to a group of illiterate laborers who were unknown to him, and that the FIR was lodged after concurrence of village elders with the complainants and was likely to be fabricated. The fact that land belonging to Ayub Masih's father was in dispute, and that his conviction would have benefited some of the elders, was also not found pertinent to the facts. It was only in the Supreme Court that Ayub Masih was able to clear his name and that he had never committed blasphemy. The completion of the entire trial process took years. (Ayub Masih 2002, SC 1048)

Many of us are familiar with the case of Professor Younas Sheikh, a physician, who was accused of committing blasphemy against the Prophet. He spent three years in jail, his bail being refused repeatedly for fear of his safety. In 2002 he was finally cleared of all charges and released, but he has since left Pakistan and now lives in Europe.

Section 295 B is worded as follows - “Whoever *willfully* defiles, damages or desecrates a copy of the Holy Qur'an or an extract there from or uses it in any derogatory manner or for any unlawful

purpose shall be punishable with imprisonment for life.” (Emphasis mine.) Many examples also exist about abuse of this Section.

Muhammad Ali, a Muslim bedsheet maker, was accused by Qadir Khan Mandokhel of defiling holy verses of the Qur'an because some Arabic letters were printed on a linen line that he had launched. Following conviction by a Trial Court for 295 B and sentence of life imprisonment, he was released earlier this year by the High Court by virtue of the fact that the letters on the linen had nothing to do with the Qur'an. It is significant that his false accuser is not liable for any fine under PPC.

In 2010, the High Court of Punjab released Dilshad Hussain, a man from Bahawalpur who was convicted and sentenced to life imprisonment. The Trial Court had failed to take into account that Dilshad Hussain had been diagnosed to be suffering from episodes of loss of reason (insanity) and so was highly unlikely to have done anything *willfully*.

In none of the reported cases, a majority against practicing Muslims, has any accused admitted to committing blasphemy. Yet in almost all cases, Trial Courts of the first instance pronounced the harshest penalties possible. None of them seemed to have kept in mind that Sunnah requires that Hudood punishments should be avoided as far as possible, and with the smallest chance for repentance the accused should be released. When an accused denies a charge, doubt is automatically created and the maximum punishment cannot be awarded. The Holy Prophet (PBUH) is recorded as stating that releasing a guilty man in error is better than punishing an innocent man in error. *Continued on page 8*



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The cases presented here demonstrate combinations of exploitation of law, the police's failure to record facts, fabricated charges, and faulty investigations. Inherent prejudices surface as soon as an FIR is lodged for blasphemy. As Honorable Justice Ali Nawaz Chowhan wrote in his landmark judgment, “the nature of the accusation so overwhelmed the trial court that it had become oblivious to the simple standard of proof of establishing facts and the mere accusation itself had created prejudice in the Court.” (PLD 2002, Lahore 587)

It is interesting to note that between 1947 and 1986 there were only 14 cases reported under blasphemy but from 1986 to 1999 this number jumped to 40. Today, we have approximately 700 cases registered in courts related to blasphemy. Should this lead us to conclude that people are blaspheming more with the passage of time, or that a harsher criminal law is serving as ammunition for people to settle scores, grab land, suppress a group, and victimize and terrorize minorities, artists and intellectuals?

It is essential that our Parliament undertakes three amendments in the Pakistan Penal Code and the Criminal Procedure Code. First, the language of Section 295 C must be changed to remove words which are subjective and undefined allowing false accusations based on something that may have been heard and construed as being derogatory. The second amendment required is to add a Section 295 D which criminalizes false accusations of blasphemy and makes those who do so prosecutable and punishable with imprisonments of up to ten years. Third, cognizance of the blasphemy offence

should only be taken by a Magistrate to discourage false accusations.

Without these amendments, the current blasphemy laws are fulfilling no purpose except to provide a weapon for those in power to exploit the weak. Blasphemy laws, like any other criminal law, must include within them deterrence against their misuse and abuse. Otherwise, these horrifying blasphemy chronicles will continue.

**CBEC International Bioethics Seminar,  
March 8 to 11, 2011**

The seminar will highlight current ethical debates with a focus on issues related to Muslim women. Sessions will also be devoted to environmental ethics.

International speakers include Dr Ziba Mir-Hosseini, an Iranian anthropologist with expertise on gender issues, Dr Farid Esack, a scholar of Islam from Johannesburg, SA, and Dr Kecia Ali from Boston University, USA, who has written extensively on the historical role of Muslim jurists on the position of women. Dr Khalid Masood, former Chairperson and Dr Mohsin Naqvi member of the Council of Islamic Ideology, Pakistan, are among the national speakers.

Morning sessions will be open to general public and afternoon interactions limited to small group discussions.

**ABA Board Position Retained by Pakistan!**

Dr Bushra Shirazi, Associate Faculty CBEC, was elected Vice President (West Asia) on the Board of the Asian Bioethics Association (ABA) for the term 2010 to 2012.

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