

## Introduction to the 6<sup>th</sup> Global Issues Conference Special Edition

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The 6th Global Issues Conference in April of 2021, co-organized by East Carolina University and Carpathian State College, Krosno, Poland, took place in virtual space and lasted for five days. On each day one could select a topic of interest from a variety of options provided and attend a chosen session as they were held simultaneously. That year the following topics were selected:

- Business and Technology
- Ecology and Environment
- Education, Language & Translation
- Educational Policy
- Gender Issues
- Health, Medicine and Well-Being
- Human Right and Prejudice
- Impact and Awareness of COVID-19
- International Relations
- Propaganda and Political Speech

During each session up to six papers were presented. The presenters (over 80 in total) came from our partner universities in a variety of countries, such as: Algeria, Chile, China, Colombia, The Dominican Republic, India, Japan, Macedonia, Morocco, Pakistan, Poland, Russia and the USA.

The current journal issue presents a small selection of best papers from the conference. We are extremely grateful to the authors for submitting their papers and sharing their findings with international readers.

The paper entitled: 'Insulin Injection Technique in Tlemcen, the Western Region of Algeria', presented by a group of authors from Abou-Bekr Belkaïd University in Tlemcen, shows the results of the research done on the insulin injection techniques as well as provides new information and recommendations for the future.

Another paper that deals with medical issues focuses on medico-legal aspects of HIV/AIDS. The authors of this research draw our attention to the fact that it is vital to continue introducing legal procedures to help with treatment as well as enhance prevention of this fatal disease.

The Rights of Transgender Community were the topic chosen by a group of authors from Fatima Jinnah Women University in Pakistan. The paper presents a comparative study of legal rights in three countries: The USA, the UK and Pakistan as well as shows inadequate laws for all the groups of citizens, with a special focus on transgender community.

Another group of authors from Fatima Jinnah Women University in Pakistan presented a paper entitled: 'Kashmir as a Nuclear Flashpoint: Complexities of the Issue and Measures for its Resolution.' This paper shows the importance of solving the Kashmir Issue which remains a problem and may have serious consequences on an international level.

The next paper addressed a problem of cybercrime and is entitled: 'Cybercrime: An Emerging Global Challenge for the States.' It shows a variety of cybercrimes as well as shows what impact it has on various business sectors. The authors try to investigate what the causes of cybercrime are as well as find the ways of controlling it.

There are two papers chosen for this publication that focus on educational issues. The first paper presented by Hanlu Liu, Lingjie Yue and Qian (Sarah) Wang from China concerns shadow education. The paper is an investigation into challenges faced by the teachers and principals who want to introduce this way of teaching but also gives practical hints on what needs to be done in order to improve the current style of teaching in China.

The second paper presented by Maria Pushkareva from The Ural State Pedagogical University was called: 'Reading aloud in English and discussing the discovery of America: one CLIL lesson plan from a double-focused integrated course for primary school.' This paper shows a detailed analysis of how content and language integrated learning (CLIL) method helps in gaining reading fluency in second language education in Russia.

The Global Issues Conference has proven once again that Global Partners in Education is an international organisation that allows people from around the world to meet and exchange ideas on a variety of topics. We would like to thank all the attendees for active participation in this event. The papers show that students are eager to investigate various phenomena and are ready to present them on an international level. The editors of the Global Partners in Education Journal hope that every reader will find a topic of interest in the present issue.

It is also worth mentioning that the publishing process would not be possible if it was not for the assistance of our invaluable proofreaders from Carpathian State College in Poland:

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## **Insulin Injection Technique in Tlemcen, the Western Region of Algeria**

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### **Abstract**

This study presents the second part of the results of the research on the insulin injection technique in patients in the region of Tlemcen, Algeria. The 100 patients included in the study were interviewed using the “patient” questionnaire in the Injection Technique Questionnaire (ITQ) 2016 survey and the results were compared with those of the ITQ 2016 worldwide survey. The more frequent use of injection pen needles longer than 6 mm exposes Algerian patients to the risk of IM injections and glycemic fluctuations. Hypoglycemic and hyperglycemic episodes are more frequent among Algerians whereas DKA is as frequent as around the world. Algerian patients expose themselves and others to injuries from insulin injection devices more than the global population. That happens mainly through improper disposal of the injection equipment and using public waste bins instead of designated containers for medical waste. This second part of the Algerian study on insulin injection technique provides new information and insights into patient practices. The gaps and deficiencies observed should be corrected in the future to improve this aspect of insulin users' care management.

### **Introduction**

According to the International Diabetes Federation's latest figures, the incidence of diabetes in Algeria has increased to 7.2 percent among people aged 20 to 79, or one adult in every 16 people. Algeria is among the top ten countries in the world for both the number of children with type 1 diabetes and the number of new cases of type 1 diabetes ("Atlas du diabète de la FID - Neuvième édition," 2019). As a result, strengthening diabetes control continues to be a national public health priority.

Insulin is the gold standard treatment for type 1 diabetes, which is caused by a complete lack of this hormone in the body. It is also used in the early stages of type 2 diabetes, but mostly as the last resort in this group of patients when the disease has progressed (Sorli & Heile, 2014). Mastering the injection technique allows the patient to deliver the desired dose of insulin in order to achieve the glycemic goal, making it critical in diabetes management. In a previous work, we highlighted certain injection practices of Algerian patients using insulin. “Almost all Algerians prefer pens, injecting preferentially with 6- and 8-mm needles in thighs and arms instead of the abdomen; they do not seem to pay attention to re-suspending cloudy insulins and tend to overuse their pen needles”. This work constitutes the continuation of the previous paper on the “insulin injection technique of Algerian patients from the region of Tlemcen, Algeria”. Bearing that in mind, please refer to the previous part for more details on the germination of this work, its methodology and the results, as well as on the characteristics of the 100 surveyed patients (Boukli Hacene et al., 2020).

## Results

### Skipping injections

Skipping an insulin injection is more common (77%) in the Algerian population compared to worldwide statistics, where most patients (55.6%) concede that they do so very rarely (several times a year), the highest percentage of our patients (44.2%) tend to skip their injection more frequently (several times per month). Like in published studies, forgetting is the main reason why most patients never reach their glycemic goal (Table 1)

Table 1: Skipping injections for Algerian and other ITQ2016 patients

Skipping injections		Algeria		Worldwide	
		%	N	%	N
Skipping injections	Yes	77	77	45	5870
	No	23	23	55	7274
Frequency	Often (several times a week)	15.6	12	9	419
	Sometimes (several times a month)	44.2	34	36	1759
	Almost never (several times a year)	40.3	31	56	2724
Reason	I forgot	33.54	54	52	3127
	I didn't eat	18.63	30	9	536
	I was sick (e.g. nausea and vomiting)	8.70	14	N/A	N/A
	I just didn't want to inject	13.66	22	N/A	N/A
	My glucose was too low	25	41	7	439

### Hypoglycemia, Diabetic Ketoacidosis (DKA) and Hyperglycemia

The frequency of hypoglycemic and hyperglycemic episodes is higher among our patients (76% and 86%) compared to worldwide patients (57% and 47%), whereas DKA numbers are almost close between the two compared groups (77% vs 83%). Detailed information related to hypoglycemic, DKA and hyperglycemic episodes of Algerian patients are summarized in Tables 2, 3 and 4 respectively.

Table 2: Hypoglycemia for Algerian and ITQ2016 patients

Hypoglycemia		Algeria		Worldwide	
		%	N	%	N
During the last 6 months	Yes	76	76	57	5605
	No	24	24	43	4170
Frequency of needing 3rd party assistance	None	9.2	7	57	3563
	1-2 times	32.9	25	24	1502
	3-5 times	21.1	16	9	587
	More than 5 times	36.8	28	9	559
Needed hospitalization	Yes	18	18	8	594
	No	82	82	92	6563
Number of finger-pricks to check blood glucose	> 4 times a day	11	11		
	3-4 times a day	35	35		

	1-2 times a day	31	31		
	Several times a week	13	13		
	Rarely or never check	10	10		

Tables 3: Diabetic ketoacidosis for Algerian and ITQ2016 patients

DKA		Algeria		Worldwide	
		%	N	%	N
Hospitalization	Yes	23	23	17	1680
	No	77	77	83	7949
Timing	I've had DKA but only when I was first diagnosed with diabetes	47.8	11	49	867
	I've had DKA but not within the last six months	17.4	4	37	643
	I've had DKA within the last six months	34.8	8	14	248

Table 4: Hyperglycemia for Algerian and ITQ2016 patients

Hyperglycemia		Algeria		Worldwide	
		%	N	%	N
Occurrence	Yes	86	86	47	4531
	No	14	14	53	5079
Frequency	More than 5 high readings/week	26.7	23	24	1179
	3 to 5 high readings/week	32.6	28	26	1306
	1 or 2 high readings/week	25.6	22	26	1279
	An occasional high reading (less than 4 times/month)	15.1	13	24	1198

### Needle Stick Injury (NSI)

About half (48%) of Algerians admit that a family member could accidentally get stuck by their needles, most often children (63.8%) because sharp material hangs within hands' range for 56.9% of the surveyed patients (Table 5). Also, the great majority of Algerian patients (80%) recap needles, which constitute a risk for accidental pricking, and put injection material into the trash (90%).

Table 5: Needle Stick Injury for Algerian and ITQ2016 patients

Needle Stick Injury		Algeria		Worldwide	
		%	N	%	N
NSI Risk	Yes	48	48	15	1423
	No	52	52	85	8276
NSI Persons	Children	63.8	37	23	368
	Other family members (e.g. spouse)	32.8	19	39	622
	House keeper or rubbish collector	3.4	2	8	129
	Nurse or other professional	0	0	5	73
	Yes	72.9	13	9	410

NSI Occurred	No	27.1	35	91	4379
Reason	I don't use devices that prevent injuries to others (safety devices)	26.2	17	23	489
	I don't have appropriate disposal containers for my used sharps	16.9	11	36	760
	Used sharps are sometimes left in places where others might get stuck	56.9	37	19	409
	I'm positive for hepatitis or another blood-borne illness	0	0	4	79

### Disposal of injection material

Disposing of injection equipment dangerous for health and the environment in specific containers is a habit that has not yet entered Algerian consumers' lifestyles, since the overwhelming majority gets rid of it in the trash compared to just over the half worldwide (Table 6).

Table 6: Disposal of injection material for Algerian and ITQ2016 patients

		Algeria		Worldwide	
		%	N	%	N
Disposal of used pen needles /syringes	Into a container specially made for used sharps	2	2	21	2650
	Into a home container such as an empty bottle	8	8	23	2943
	Into the rubbish with the cap on	80	80	48	6150
	Into the rubbish without recapping	7	7	7	882
	I clip the needle and it stays in the clipper	3	3	1	160
What is done with the container?	Put it into the rubbish	90	9	40	2489
	Take it to a pharmacist	0	0	13	791
	Take it to a doctor's office	0	0	6	389
	Take it to a laboratory	0	0	0	25
	Take it to the hospital or a clinic	0	0	22	1367
	Take it to a local deposit or collection service	0	0	11	682
	None of the above	10	1	7	440

### TTD and HbA1c as a Function of LH

The total daily dose (TTD) of insulin and glycosated hemoglobin (HbA1c) values in patients affected with LH versus those not suffering from LH and injecting into the LH bump area versus those avoiding this bad practice are not statistically significant (Table 7).

Table 7: TDD of insulin and HbA1c as a Function of LH for Algerian and ITQ2016 patients

Population characteristics	TDD Algeria (UI)		TDD Worldwide (UI)		HbA1C Algeria (%)		HbA1c Worldwide (%)	
	Mean± SD	N	Mean ± SD	N	Mean± SD	N	Mean± SD	N
<b>Presence of LH</b>								
Yes	56.75 ± 35.17	44	55.2 ± 33.0	2192	8.68 ± 2.68	44	8.85 ± 2.7	2205
No	53.61 ± 31.32	56	45.1 ± 31.5	4889	8.28 ± 1.55	56	8.30 ± 1.9	4795
Total	54.99 ± 32.94	100	39.9 ± 17.2	7081	8.46 ± 1.96	100	8.47 ± 2.2	7000
<b>Injecting into LH</b>								
Yes	56.45 ± 35.08	8	56.1 ± 33.2	1644	8.88±1.32	8	NI	
No	53.38 ± 16.85	36	47.1 ± 32.2	2064	8.71±2.48	36	NI	
Total	45.23 ± 21.17	44	51.1 ± 32.9	3708	8.75 ± 2.31	44	NI	

HbA1c: Glycosated Hemoglobin, NI: Uninformed, TDD: Total daily dose of insulin

### Risk of IM injection

Hirsch and collaborators estimated intramuscular injection risk depending on needle length and injection site (Hirsch, Byron, & Gibney, 2014). Whether injecting into the abdomen, thighs or arms, Algerian patients have a 25% greater risk of getting stuck deeper than in the subcutaneous tissue area and of touching the muscle when using pen needles longer than 6-mm. (Frid, Hirsch, Menchior, Morel, & Strauss, 2016). The Table 8 adapted from Hirsch et al. (2014) was generated assuming that injections were performed straight at 90° angle without pinch-up and that a patient may use more than one site to inject insulin.

Table 8: Estimated IM injection risk by body site for Algerian and ITQ2016 patients

	Abdomen N %	Thigh N %	Buttocks N %	Arm N %
12.7 mm	0	0	0	0
12 mm	1 1.56%	1 1.19%	0	1 1.23%
10 mm	1 1.56%	2 2.38%	0	2 2.46%
8 mm	15 23.43%	21 25%	0	24 29.62%

6 mm	23 35.93%	29 34.52%	1 100%	28 34.56%
5 mm	14 21.87%	19 22.61%	0	15 18.51%
4.5 mm	1 1.56%	2 2.38%	0	2 2.46%
4 mm	7 10.93%	8 9.52%	0	9 11.11%

## Discussion

The risk and the occurrence of needle stick injury are more frequent in the Algerian study population compared with the population worldwide. Our findings incriminate negligence and nonchalance of the patients, who tend to leave their injection tools within the reach of others, especially children. Algerian patients disposing of their injection material in special containers may be considered as marginal, and those taking this effort have no other choice, forced as they are by the lack of services or health care related waste collecting services, but to dispose of the containers into the public rubbish.

The fight against insulin therapy waste is not optimal in many parts of the world (Hassan, Shalaby, Atalla, & Younis, 2021; Montoya, Thompson, Boyle, Leighton, & Cook, 2021; Moray, Manjunath, & Shalini, 2020). Our country should not be left behind, which is why Algerian health authorities must make greater efforts in this field. Firstly, a better education should be carried out to alert and alarm DM patients on insulin of the danger of sharp contaminated products being vehicles for a number of blood-borne diseases. This is critical as the poor knowledge of insulin users on this particular point has been highlighted in many studies (Frid et al., 2016; Hasan et al., 2019a; Moray et al., 2020). Secondly, education alone cannot yield significant results and an effort must be made to ensure the availability of home containers and their collection at the level of local health institutions. Positive results were obtained when this approach was adopted in some countries, for example in Malaysia (Hasan et al., 2019b).

Hospitalizations of Algerian patients due to DKA are almost as common as around the world. Even though mostly described in the pediatric population, more than 80% of patients experiencing this life-threatening preventable condition due to diabetes are adults (Kitabchi, Umpierrez, Miles, & Fisher, 2009). Thus, DKA is experienced by around one third of the cumulative T2DM patients (Nyenwe & Kitabchi, 2016). A recent publication suggests that in this last category of patient, the main precipitating factor of DKA is skipping or missing an insulin injection (Flores et al., 2020). This fits perfectly with our results (77% of the Algerian patients miss their insulin dose). Therefore, we suggest that insulin adherence should be reviewed at every medical visit, even a routine one.

Studies suggest that the presence of lipohypertrophy and injecting into LH bumps are associated with an increased TDD of insulin and higher levels of HbA1c (Kumar et al., 2021; Wang, Huang, Chen, & Tu, 2021), which is not demonstrated in this study probably due to the sample size. Focused detailed information on proper rotation sites, on the use of the recommended short 4-mm pen needle, on a single use of pen needles to reduce the occurrence of LH area and on avoiding injections into LH should be

received by all patients starting on insulin and those expressing the need for training by a professional (Bochanen et al., 2021; Chen et al., 2021)

Insulin leakage, more common in Type 1 DM than in Type 2 DM and in patients who have or inject in LH bumps, thought to be caused by an insulin needle kept under skin for too short a time and by using longer needles, was reported by more than half of Algerians.

Algerian health professionals might need to pay greater attention to the inspection of insulin injection sites. This would certainly help to detect problems earlier and more effectively as well as to correct some attitudes and complications, such as LHs, LH injections, inadequate rotations, insulin leaks and bleeding. This may lead to a lower injecting apprehension and a better quality of life.

## Conclusion

Improvement of the insulin injection technique of Algerian patients will require effective involvement of the entire care chain: patient, health professional and health authorities: the first one by getting more involved, the second one by providing a more detailed and comprehensive injection education, and the last one by providing the first two with the necessary support and resources to catch up with the rest of the world in this matter.

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### Author Notes

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## **Awareness About Medico-Legal Aspects of HIV/AIDS**

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### **ABSTRACT**

The purpose of this research is to elucidate the fact that the AIDS/HIV pandemic requires a unique and truly global response. The incidences of AIDS are continuously rising all around the world affecting both the highly developed countries like the US and the developing countries like India and Pakistan. Despite improvements in technology, the modern world is not prepared to cope with this quickly spreading disease the definitive cure for which is not yet known. AIDS is a serious medical issue, which, due to its prevalence and complexity-affects many aspects of our life, resulting in legal issues as well. Moreover, the discrimination against HIV patients makes the situation critical to such an extent that medical care and health facilities are not provided to them properly. The law can prevent these things by acting as a barrier to HIV but unfortunately the legislatures nearly around the world lag in enacting specific laws to prevent AIDS.

### **INTRODUCTION**

Since its identification, HIV/AIDS cases have been continuously rising all around the world. HIV first originated when SIV, a virus closely related to HIV that attacked the immune system of chimpanzees and monkeys, was transferred to humans who had hunted and eaten those animals in the area of Kinshasa, the Democratic Republic of Congo, presumably in 1920. At that time HIV was unknown and did not come to the attention of the public (History.com 2017). The human immunodeficiency virus is a retrovirus that weakens the immune system of the human body. HIV causes AIDS in human beings. More than 40 years ago, in 1980 the first case of HIV was identified in the United States. Today, HIV/AIDS has attained pandemic status. Approximately 37.7 million people were living with HIV across the world in 2020. Out of these, 36 million were adults and 1.7 million were children of 0-14 years and 53% were women and girls and 1.0 million people have died from HIV in 2020 (Doychinov 2021). AIDS is one of the most serious, deadly diseases in human history and the most terrifying public health issue because, since the beginning of the pandemic, 55.9-110 million people have been infected with HIV, and 36.3 million people have died of HIV (Doychinov 2021).

The continuously rising numbers of HIV/AIDS cases pose serious challenges not only to the medical but also to the legal field. The medico-legal issues surrounding this disease are complex and interdisciplinary like HIV Antibody Testing, duty to warn third parties, charting and disclosing HIV antibody testing results, the diminishing stigma attached to HIV (Sahai-Srivastava 2009). Although the medical world has become more aware of how HIV works has been able to develop methods of its spread despite improvement in technology, the world is not able to cope with this deadly disease because of the non-availability of a definitive cure. HIV/AIDS creates legal challenges

as well because the emergence of the HIV epidemic has challenged the ethical values of the medical professionals including the infectious nature of HIV regarding the spread of disease, the social stigma attached to the disease, and its ethical and legal conundrum. AIDS will remain a disease that gives rise to stigmatization and discrimination regardless of how much we give awareness to the people about the nature and consequences of the disease but the law can its role control the disastrous effects of the infection by acting as a barrier to the spread of HIV by imposing sanctions regarding the spread of HIV. Also, the law can prohibit the discrimination faced by HIV patients especially in workplaces, or in hospitals, and treat HIV by effective HIV testing, but the law is often overlooked to deal with the complex moral and ethical issues arising from the HIV / AIDS epidemic and unfortunately, the legislature of the world has lagged in making specific law that could prevent HIV. (Pietrangelo 2020).

## **1. HIV/AIDS, Stages, Symptoms and Causes**

Acquired immunodeficiency syndrome of humans is caused by two lent viruses: human immunodeficiency viruses of type 1 or type 2 (HIV-1 and HIV-2). They can enter the genome, attacking and destroying CD-4 cells. They also attack B cells and cause and cause macrophage dysfunction. This process finally results in acquired immune deficiency (AIDS). (Ellis 2020) HIV infection happens in three stages. Without treatment, it gets worse over time and eventually overpowers your immune system. Symptoms will depend on the stages. The first stage is the acute infection stage. During this stage, some people have no symptoms in the first month or so after contracting the virus, but they often realize HIV causes those symptoms. Early symptoms of HIV can include fever, chills, fatigue, sore throat, body pain, muscle aches, nausea, and upset stomach (Felman 2020). After a month or so, HIV enters the clinical latency stage. Some people don't have any symptoms during this time, while others may have minimal or nonspecific symptoms. These nonspecific systems may include: headaches and other aches and pain, swollen lymph nodes, recurrent fevers, night sweats, fatigue, nausea, vomiting, diarrhea, weight loss, skin rashes, recurrent oral or vaginal yeast infection, pneumonia, and shingles (Pietrangelo 2020). AIDS is the advanced stage of HIV infection. This is usually when your CD4-cell drops below 200 and your immune system is badly damaged. People with AIDS who don't take medication live about 3 years, or less if they get another infection. But HIV can still be treated at this stage. If you start on HIV drugs, stay on them, follow your doctor's advice, and keep healthy habits, you can live a long life (Pathak 2021).

The Human immunodeficiency virus (HIV) pandemic has developed as the single most impressive challenge to public health, Human Rights, and improvement within the modern thousand years. Spreading information and awareness about HIV is one of the key methodologies utilized within the avoidance and control of HIV/AIDS around the world. Lacking information and unsafe practices are major obstacles in avoiding the spread of HIV. Awareness about HIV, its signs and symptoms, about its modes of transmission is necessary because by getting awareness about HIV people will be able to understand how HIV and AIDS are spread and by what ways they can protect themselves (Alhasawi et al 2019).

### **1.1. Diagnosis and HIV testing**

HIV can be most effectively detected with the aid of HIV tests. HIV testing, also called HIV screening, is the only way to know if you have the virus. Several types of tests check your blood or other body fluid to see whether you are infected. Most cannot spot HIV right away, because it takes time for your body to make antibodies or for enough of the virus to grow inside you. Diagnoses are based on:

1. History and essential tests CD-4 cell, diminished TLC/ DLC
2. HIV counteracting agent in serum (agglutination, immunofluorescence, or ELISA) (Brouwer et al. 2000).

### **1.2. Importance of HIV testing**

If you have the virus, finding out quickly means you can start treatment right away so you can feel better and live a long, full life. Studies show that the sooner people start treatment after diagnosis, the more they benefit from ART (Antiretroviral therapy). Treatment with ART reduces the amount of HIV in the blood (called viral load), reduces HIV-related illness, and helps prevent transmission to others. Pregnant women should get tested because early treatment means you probably won't pass it to your baby (Watson 2021).

### **1.3. Modes of AIDS transmission**

HIV is present in certain bodily fluids. The virus is present in the blood, semen, vaginal fluid, milk, and other secretions. Blood and semen are not only the way of transmission of HIV. A person with AIDS transmits HIV through sexual contact, sharing needles and syringes, and the transfusion of blood. An HIV-positive pregnant woman may transmit HIV to her child during pregnancy or at the time of birth. Research shows that HIV cannot be transmitted through skin-to-skin contact, mouth-to-mouth contact (unless open-wound / blood are involved), sharing food, saliva, tears, sweat, sharing a toilet, or through insect bites (Pietrangelo 2020).

### **1.4. Treatment**

There is no definitive cure for HIV/AIDS nor is there a vaccine. However, there are some medications that not only can slow down the progression of the infection but can also slow down the growth of the virus permitting the infected individual to lead a normal life. Antiretroviral therapy (ART) is somewhat considered a cure for HIV/AIDS. Antiretroviral therapy includes a combination of HIV medicines (HIV treatment regime). ART is suggested to everyone infected with HIV. This Therapy does not cure the HIV patient completely but it prevents his/her condition from becoming chronic, at the same time reducing the risk of virus spread. There are several types of HIV/AIDS medicines. Some of them block or change the protein that HIV uses for its duplication within the human body. This hinders HIV from replicating itself, which reduces the amount of HIV within the body (Kasaye and Levy 2009).

## **2. Legal Point of view about HIV/AIDS**

AIDS has become an acute legal issue nowadays. HIV/AIDS cases rising daily. Given the fact that medical options for stopping the disease are limited, the law could also play an important role in controlling its spread. Many legal issues related to HIV and

AIDS arise in the sphere of public health, medical law, and civil rights. Both developed and developing countries are trying to solve these issues attempting to cope with this disease. Many countries particularly from Asia and the United States have introduced several laws to control the spread of HIV/AIDS and to protect the rights of HIV-positive patients since HIV patients face many problems regarding their care, treatment, and discrimination (Klinck 2004).. The United States was the first country to introduce HIV-related laws and since then approximately 75 countries have enacted criminal laws specifically mentioning HIV. Some are discussed below (Wasnik et al. 2018).

## **2.1. Laws regarding HIV/AIDS in different countries**

### ***2.1.1. AIDS related laws in Pakistan***

Pakistan has four provinces, and each of them has the authority to make its laws concerning various issues including health. There is no specific legislation regarding HIV in Pakistan on a national level but there are certain provisions of the Pakistan Penal Code regarding the spread of infection and there are various Acts regulating safe blood transfusion (UNDP 2014). At the provincial level, only Sindh has a specific law regarding HIV (The Sindh HIV/AIDS control treatment and protection Act, 2013; HIV Justice Network 2020).

### ***2.1.2. Provisions of Pakistan Penal Code to control the spread of HIV***

- In Pakistan Section 269 of the Pakistan Penal Code –Negligent act likely to spread infection of disease dangerous to life states that whoever **unlawfully or negligently does any act** which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease which is dangerous to life” shall be liable for a penalty of imprisonment and /or a fine.
- Section 270 of Pakistan Penal Code – Malignant act likely to spread infection dangerous to life. Whoever malignantly does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. These laws could be a help to control the spread of HIV (UNDP 2014).

### ***2.1.3. Sindh HIV/AIDS Control treatment and protection Act 2013***

- This act provides both responsibilities and protection for HIV patients. According to sections 21, 22 and 24 of this Act, a person who commits any act which results in the transmission or spread of infection shall be punished with fines, imprisonment, or both. Moreover, this Act provides protection to HIV patients concerning HIV testing (**section 14**), protects them from the disclosure of HIV-related information (**section 19**), and protects them against discrimination (**section 8**) (UNDP 2016).

### ***2.1.4. Blood Transfusion Acts***

- Blood transfusion without screening is the source of the HIV spread. Thus, to avoid the spread of a virus through blood transfusion there are various Acts like

Balochistan safe blood transfusion Act,2004, N.W.F.P Transfusion of safe blood Act,1999 or Sindh Transfusion of safe blood Act,1998. According to these Acts, blood banks should be registered with blood transfusion authorities and the violation of rules of the Acts will lead to imprisonment and a fine (UNDP 2014).

Moreover, the drafts of the HIV&AIDS prevention and treatment act 2007 and the HIV safety bill are pending in the national assembly of Pakistan. Both support the free HIV testing, control of this disease by adopting effective preventive measures and prohibiting the discrimination against AIDS patients yet the pending of these bills proves that Pakistan is lagging in enacting specific laws against HIV/AIDS due to which the numbers of HIV cases in Pakistan are increasing. Also, the National HIV and AIDS Policy draft 2007 is pending in the national assembly. The policy aims at reducing discrimination, establishing a legislative framework regarding HIV, initiating awareness programs about HIV, strengthening the health system as well as insuring HIV prevention. (UNDP 2014: 24-25)

### **3. AIDS-related laws in India**

Indian law comprises numerous provisions related both specifically to HIV and, generally, to the spread of life-threatening illnesses/infections.

#### **3.1. HIV/AIDS Prevention and Control Act 2017**

The HIV/AIDS Prevention and Control Act 2017 were implemented from September 10 onwards, announced the Ministry of health and family welfare on Tuesday. The bill passed in March criminalizes the discrimination against patients suffering Acquired Immune Deficiency Syndrome (AIDS), a condition caused by Human Immunodeficiency Virus (HIV), which attacks and weakens the body's immune system.

The Act makes Anti-Retroviral Treatment (ART) a legal right for all HIV/AIDS patients. The “test and treat” policy has been adopted, which means any person testing positive will be entitled to free treatment from the State and central government. It also makes HIV-related information confidential and makes it necessary to get informed consent for understanding HIV tests, medical treatment, and research (Khaire 2017).

#### **3.2. Section 269 and 270**

Under sections 269 and 270 a person who unlawfully or negligently commits an act of dissemination of a life-threatening infection shall be liable to imprisonment for any term of minimum for six months and maximum for two years or to a fine or to both under section 269 of the IPC.

The provision of section 270 extends to cases when a person dies as a result of receiving infected blood from a blood bank and a latter can be sued according to the above-mentioned law. (Waskin et al 2018).

#### **3.3. Article 21: Right to life and liberty**

Article 21 of the Constitution of India guarantees the right to life and liberty. It is a basic right for people with HIV to get adequate treatment provided by the government. (Yadav 2021).

#### **4. AIDS-related laws in the United States**

- In 26 U.S states, you can be sent to prison if you have not informed your sexual partner that you are HIV positive, even if the virus wasn't transmitted In some states that could mean a life sentence
- N.Y. PUB. Health Law § 2307 (2016), Venereal disease; a person who knows he or she is infected with an infectious venereal disease yet has sexual intercourse with another is guilty of a misdemeanor and may face up to one year in prison and a \$1,000 fine.

#### **5. Legal rights of HIV/AIDS Patients**

##### **5.1. Right to treatment**

HIV patients have the right to medical treatment. The doctor or the hospital staff cannot refuse the treatment of any person with HIV/AIDS. It is unethical if the medical staff refuses to treat HIV patients and they will be considered guilty if they do. (Osime & Odigie 2006).

##### **5.2. Right to informed consent**

HIV patients have the right to get information about their HIV-positive status and to make queries before the treatment. The doctor should not perform any procedure such as HIV testing, discuss the nature of the disease, the results, or the treatment without obtaining the informed and voluntary consent of the patient. (Gupta 2015)

##### **5.3. Right to Confidentiality**

HIV patients have the right to confidentiality. The doctor should not disclose any information of the patient without his/her consent unless provided for public interest such as to prevent the spread of infection protecting people from getting HIV. The doctor would be held liable if he/she failed to respect the privacy of the patient. In other words, HIV-positive patients have the right to keep their medical information to themselves. (Gupta 2015) The right to privacy is widely recognized in Human rights law.

##### **5.4. Right against discrimination**

The most important thing is the stigma attached to HIV/AIDS and it is a major obstacle in treating HIV/AIDS and taking control over it. Discrimination against HIV patients refers to the prejudice, negative and abusive attitude towards the people infected with HIV. According to the available data 35% of countries, 50% of people report having discriminatory attitudes towards HIV patients. In 2015 70,000 people from 70 countries have been interviewed and around the 50 countries, showed that one in every eight HIV-positive people is being denied health services because of discrimination (Avert 2020). HIV patients face discrimination more generally in workplaces, public places,

Hospitals, etc. All are equal before the law and they should have equal protection of the law without any discrimination. So, the HIV -positive patients have the right to have their dignity respected and protected (Thom 2003). It is widely recognized that all forms of Discrimination against HIV-positive people are prohibited by international Human rights law.

## **5.5. Basic rights**

Everyone has the right to liberty, the right to life, the right to education, the right to work, the freedom of expression, the freedom of movement, the right to social security, and the right to health, etc. All the rights are protected by international Human rights law instruments and each country has its laws regarding such rights. No one shall be deprived of those basic rights to the fact that they are HIV positive.

## **6. Recommendations**

### **6.1. HIV screening**

Screening for HIV is important so that everyone knows their HIV status. It should cover the population as widely as possible, however, within the bounds of human rights, that is only with the consent of the people in question.

- People who learn that they have HIV can receive treatment that might protect or improve their health. Today's treatments can suppress HIV, prevent the progression to AIDS, and lower the risk of transmitting HIV to others.
- Everyone between the ages of 15 and 65 and anyone pregnant should be screened.
- People younger than 15 or older than 65 who are at increased risk should also be screened.
- Clinicians should discuss the results with the patients. (Paltiel et al 2006).

### **6.2. HIV prevention**

- When a person does not have HIV but is at high risk, clinicians offer pre-exposure prophylaxis or PrEP. PrEP is a medication that substantially reduces the risk of acquiring HIV. However, as PrEP is not suitable for everyone, it should be taken under strict medical supervision. After a general assessment of whether a given patient belongs to a group at risk of HIV (through discussing their sexual history and HIV-risk-related behaviors), the doctor may decide whether the patient qualifies for PrEP. Among the behaviors putting people at high risk of contracting HIV the following could be mentioned:
  - having an HIV-positive sexual partner,
  - having sex without a condom with a partner who is at high risk of HIV,
  - sharing drug injection equipment
  - having sex in exchange for money, drugs, or housing,

- having a recent history of a sexually transmitted infection

### **6.3. What do patients need to know about PrEP?**

People need to know about PrEP. PrEP reduces the risk of getting HIV by up to 99% when taken consistently as prescribed. There are several important issues to discuss with the patient while considering PrEP:

- PrEP needs to be taken as prescribed. Otherwise, it's much less effective.
- People who take PrEP need to be tested for HIV regularly to confirm that they are HIV- negative, as PrEP is only for people who do not have HIV.
- It's important for people who take PrEP to continue to use condoms and practice safer sex.
- PrEP can cause side effects such as kidney problems or nausea though the benefits of taking it far outweigh the risks.
- Far too many people continue to get HIV. We have highly effective preventive measures based on compelling evidence, yet too few people benefit from them.
- HIV screening and HIV prevention with PrEP reduce rates of HIV infection and can help toward the goal of ending HIV.
- Clinicians should screen all patients aged 15 to 65, all pregnant women, and anyone at any age who is at increased risk of HIV.
- For those who do not have HIV but are at high risk of getting it, clinicians should offer PrEP. (Arnold et al. 2012).

### **6.4. Making specific laws regarding HIV**

Specific laws should be put into effect to reduce the spread of this fatal disease. Many countries have passed laws controlling the spread of AIDS but still, there is a need for more laws regarding different aspects of HIV like the spread of the infection, the treatment, protection of individual people's rights, protection against discrimination, etc. While enacting such laws preventing HIV one principle should be the priority, namely the protection of human rights and the safeguarding of human dignity.

Following these recommendations should reduce the rate of HIV infection, help people with HIV maintain their health, and, ultimately, save lives.

## **CONCLUSION**

AIDS is a fatal disease for which no definitive cure is known. Although there are some medications to treat HIV-positive patients, these medications are not 100% effective. AIDS is a pervasive and intensive medical and legal issue. In the various legal systems of the world many laws have been made to control the spread of HIV infection but the legislatures around the world lag in enacting specific laws preventing the spread of AIDS due to which the number of HIV cases are rising day by day.

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## **Rights of Transgender: National and International Legal Protection**

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### **Abstract**

This study focuses on the rights of transgender persons, who are a vulnerable human group facing a lot of challenges. Transgender persons are humans whose gender identity is not in alignment with birth sex. International Human Rights treaties do not specifically protect gender non-conforming people, but general treaties for the protection of Human Rights are interpreted to include transgender persons. International Human Rights Law aims at making states conscious of universal Human Rights and binding states to address such rights in their domestic legal frameworks. For this purpose, this study analyses the legal protections available to transgender persons in the United States of America (USA), the United Kingdom (UK), and Pakistan. The USA has no specific legislation yet at the federal level, but multiple case laws extend the general protection of fundamental rights to transgender persons. The UK has protected the rights of transgender persons actively by legislating on the matter. Pakistan is the first and only Muslim State which enacted the law to specifically protect the transgender community. This study further analyses Islamic law and its implication in the Muslim States concerning the rights of transgender persons. In Islamic law, there is no specific evidence against the rights of transgender persons. In the Muslim States, there has been a conservative approach of societies and governments towards transgender persons, which is by no means justified leading to years of misfortune for transgender persons. This study finds that, although constitutions of many jurisdictions guarantee equal protection to all citizens, laws are still not adequate for the protection of the rights of transgender persons because the vulnerable groups of society need additional and specific legal protections.

### **Introduction**

Transgender persons are a vulnerable human group whose position in society needs strong consideration. After birth, a human psychologically tends to identify his/her gender, it may or may not align with the birth sex. Gender identification is influenced by multiple factors; prenatal gonadal hormonal exposure and cognitive development etc. (Roselli, 2018). Transgender is an umbrella term and can be defined as to include persons who have gender identity not aligning with birth sex: sexually female with the gender identity of male or vice versa (Tauches, 2021). Due to such deviation from prevailing gender sex alignment, resulting in social non-acceptance and marginalization, transgender persons have to face discrimination and struggle for fundamental rights globally.

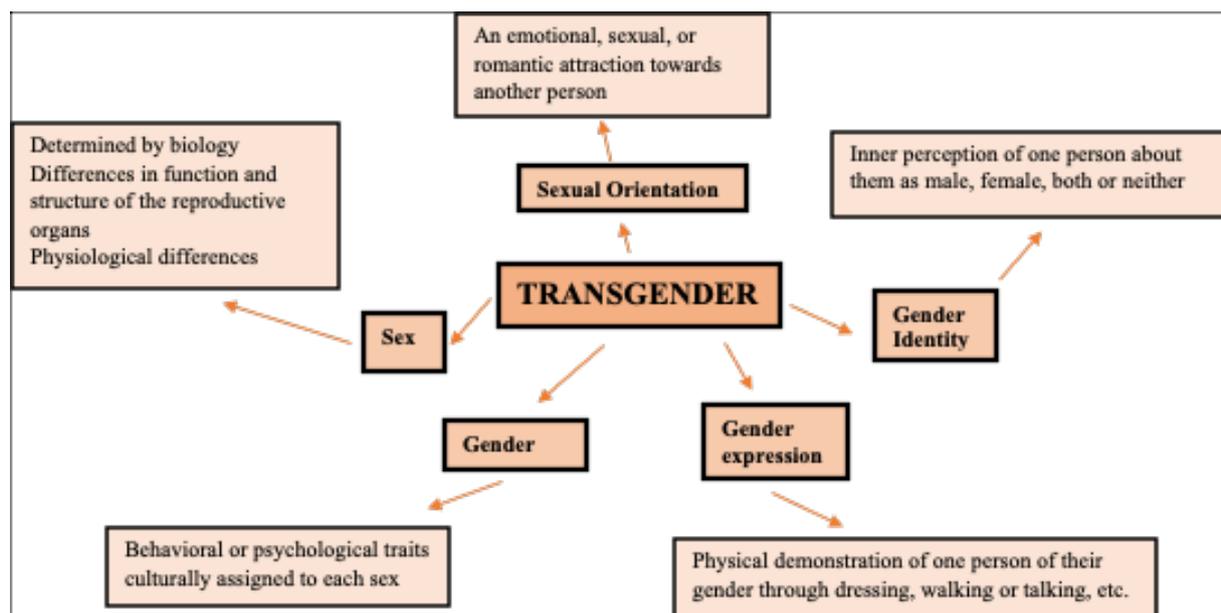
The following research work will first address certain misconceptions towards transgender persons and the challenges they have been facing in general. It will then highlight the legal protections available for the rights of transgender persons internationally as well as in the national legal systems of the USA, the UK, and

Pakistan. Moreover, it will highlight the Islamic perspective on the rights of transgender persons. The research will lead to critically analyzing the adequacy of laws in this respect, pointing out gray areas in law and thereby, making recommendations for the better protection of the rights of transgender persons globally.

### **Who are Transgender Persons?**

Before analyzing the position of transgender persons in the contemporary world, at first, we need to understand who they are. Multiple factually wrong perceptions prevail in the mindset of common people. People mistakenly use the terms gender and sex interchangeably without realizing the difference between them. Sex is determined by the biology of a person and refers to differences in the function and structure of the reproductive organs and consequential physiological differences based on which humans are distinguished as female or male. In contrast, gender refers to the behavioral or psychological traits culturally assigned to each sex (Walker, 1998). Transgender persons deviate from prevailing gender stereotypes for their sex. Furthermore, people associate transgender persons with sexual orientation due to the commonly used acronym LGBT. In LGBT, L stands for lesbian, G for gay, B for bisexuals, and T for transgender. LGB people are distinguished by sexual orientation which describes a person's romantic and sexual attraction towards another person, while T people essentially are distinguished by gender identity which is a person's perception about his/her gender.

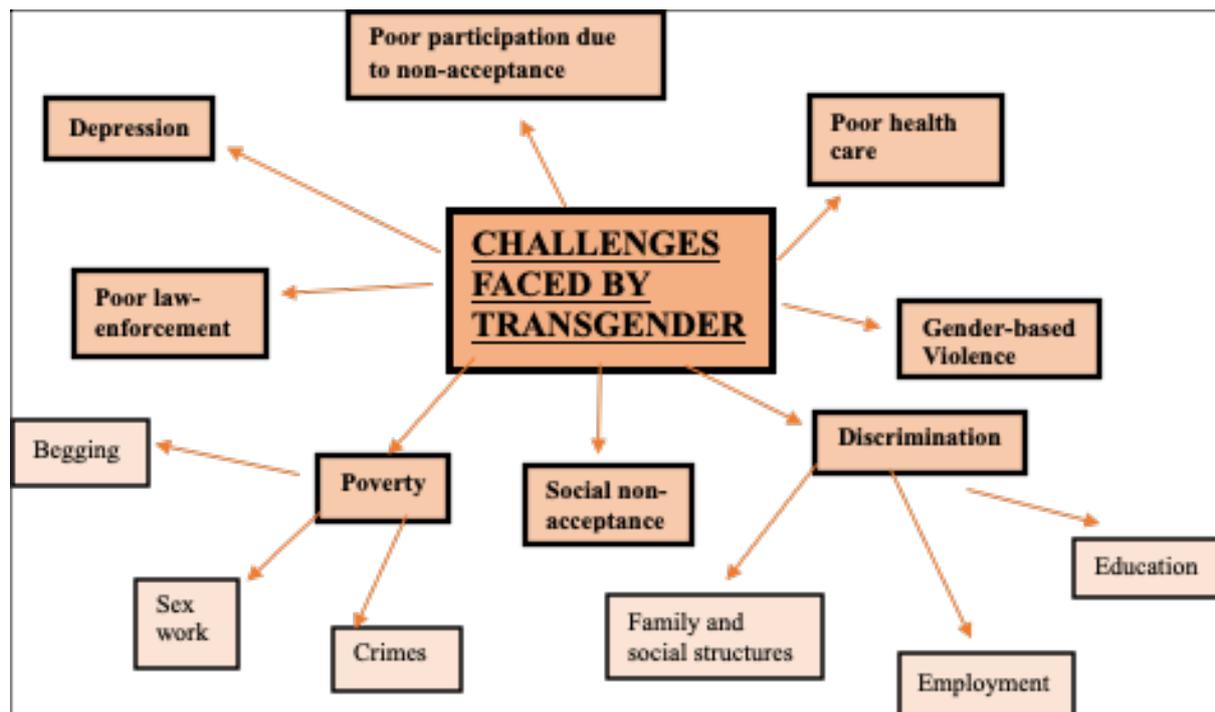
Another misunderstanding about transgender people is that they deviate from their gender expression. Gender expression is an outward character implying one's physical expression of one's gender, that is by way of dressing, talking, and walking etc., which is not inherent to one's gender identity that is an inner character relevant to the psychology of a person. Thus, one person may perceive him/herself as a female and express as a male and vice versa, and the same goes with transgender persons (Ginsley, 2017). These misconceptions have implications on the treatment of transgender persons specifically in Muslim countries. In the majority of Muslim countries, due to religious constraints, people reject the concept of sexual orientation and gender expression not aligning with birth sex. Being unable to differentiate sexual orientation from gender identity and thereby T from LGB, Muslim states prosecute transgender under anti-gay laws and anti-cross-dressing laws (Watch, Human Rights Watch Country Profiles: Sexual Orientation and Gender Identity, 2021).



### Challenges Faced by Transgender Persons

Transgender persons, unfortunately, have to face a lot of challenges that are a barrier to the full realization of their potentials. Discrimination faced by transgender people makes them socially, economically, and culturally marginalized globally. The discrimination starts from their birth; they are mostly disowned by their families and forced to live in separate small communities, especially in developing countries like Pakistan, India, and Bangladesh, etc. Due to discrimination in educational institutions and job market, transgender persons are suffering from high rates of poverty. Discrimination makes transgender persons face economic and financial pressures, hence they are forced to get involved in begging, crimes, and sex work for their living. Transgender persons are more susceptible to health disorders like HIV due to involvement in sex work and poor health facilities. For transition-related needs, there is a lack of tailored medical assistance. Moreover, para-medical staff and health professionals are not trained enough and lack awareness regarding transgender terms to deal with them properly (Gupta, 2016).

There is an all-time high rate of physical violence against transgender people especially those who are involved in sex work and informal ways of earning a livelihood. Brutal murders of transgender persons are recorded frequently that are not redressed by law-enforcing agencies. Due to a lack of trust in authorities, there is very little formal reporting of violence against transgender persons (Divan, 2016). Due to non-acceptance, there is very little participation of transgender persons in the state decision-making. Suffering leads them to depression and thereby a high suicidal rate among transgender persons is recorded. Despite the extensive legal needs of transgender people, their civil rights are not significantly recognized and duly respected to cope up with the challenges they face (Khan, 2020).



### International Legal Protection

International Human Rights Law does not specifically protect transgender people, even though general treaties are interpreted as extending protection to them. The Universal Declaration of Human Rights (UDHR) in its Article 2 maintains that everyone is entitled without any discrimination to all the rights and freedoms upheld under this declaration (Nations, 1948). This implies that the rights under UDHR extend to transgender individuals on an equal and non-discriminatory basis. Similarly, International Covenant on Civil and Political Rights in its article 9 provides for the right to liberty and security for everyone, and its Article 26 guarantees equality before the law without discrimination for everyone (Nations, International Covenant on Civil and Political Rights, 1966). Moreover, International Covenant on Economic, Social and Civil Rights in its Article 12 protects the human right to health and is interpreted to include transgender persons requiring positive state protections in this regard (Nations, International Covenant on Economic, Social and Cultural Rights, 1966). In 2007, Yogyakarta Principles on the application of international Human Rights Law set up guidelines to instruct state actors to protect LGBT people against violence, abuse, and discrimination (Jurists, 2007). Afterward, in June 2008, United Nations (UN) adopted a Resolution on Human Rights, Sexual Orientation and Gender Identity addressing rights of transgender persons specifically for the first time. Since then, there have been multiple resolutions passed by the UN that recognize the rights of transgender persons and direct member states to take positive steps for transgender protection especially against torture (Watch, UN Makes History on Sexual Orientation, Gender Identity, 2016).

### National Legal Protection

#### Legal Protection for Transgender Persons in the USA

The status of the transgender community in the USA has been evolving for a long time. The Constitution of the USA does not explicitly refer to transgender people. The 14th Amendment's Equal Protection Clause refrains states from denying any person equal protection of the laws which applies to transgender persons as well. In 1975, Minneapolis City for the first time in the USA passed legislation to protect the civil rights of transgender people (Margolin, 2016). There is no explicit legislation at the national level for transgender person's rights in the USA yet, but many judgments from courts have tried to protect the rights of transgender persons in the USA. In the case of Darnell v. Lloyd, the court found that there is no valid justification in denying a change in sex from that which is on the birth certificate (Darnell v. Lloyd, 1975). In Obergefell v. Hodges, Supreme Court upheld that the Constitution's 14th Amendment guarantees all people, particularly same-sex couples and transgender persons, the fundamental right to marry (Obergefell v. Hodges, 2015).

At the onset of the 21st century, many groups started emerging like the Transgender Law Center and the National Center for Transgender Equality for the rights of transgender persons. Resultantly, in 2008, the Subcommittee on Health, Employment, Labor, and Pensions of Congress opened a discussion on discrimination against transgender persons. Under the Obama administration, interpretations of the federal government's major pieces of legislation such as Title VII (employment), Title IX (education), and the Affordable Care Act were made to extend their protection to transgender people. Affordable Care Act, 2010 has been redefined to include gender identity along with sex to strictly prohibit gender-based discrimination in the domain of healthcare (Rhodan, 2016). In Congress, a bipartisan group has introduced the Equality Act which is been passed by the House of Representatives and is pending in the Committee on the Judiciary in the Senate. This bill specifically prohibits the denial of access to public places and places of common use, such as restrooms or dressing rooms, according to the gender identity of a person. It aims to explicitly and strongly extend civil rights protections to LGBTQ people nationwide (Morshedi, 2019). This Act is expected to improve the situation of transgender persons' rights in the USA.

### **Legal Protection for Transgender Persons in the UK**

The UK started recognizing and protecting transgender persons through legal instruments by 2002 (Nevrkla, 2018). In 2002, the European Court of Human Rights ruled in the case of Goodwin v. the United Kingdom that the UK is violating the rights of transgender persons to their private life, marriage and family. The Court directed the UK to take steps for the protection of transgender persons by legally recognizing their transgender identity (Goodwin v. the United Kingdom, 2002). This led to the passage of the Gender Recognition Act of 2004 in the UK to facilitate the rights of transgender persons. Under the Gender Recognition Act of 2004, transgender persons are given the right to obtain a gender recognition certificate as per their perceived gender (Kingdom, 2004). In 2009, a denial of shifting a transgender woman from a men's prison to a women's prison was held to be a violation of her rights by the London High Court, and accordingly, directions were given to authorities (NEWS, 2009). The rights of transgender persons to employment and public services without any discrimination based on sex-reassignment surgery are protected under the Equality Act 2010, except

where the opportunity is limited to a single-sex. It has been reported by the Organization for Security and Co-operation in Europe that incidents of violence against transgender persons are most underreported (Europe, 2006). To properly redress the crimes, reporting is vital; therefore, to tackle this, a policy and practice has been developed by Crown Prosecution Service in England and Wales to ensure investigation of all transphobic crimes. The duty has been imposed on public authorities by the UK Public Sector Gender Equality Duty to eliminate unlawful discrimination and harassment on the grounds of gender (Commission, 2008).

### **Legal Protection for Transgender Persons in Pakistan**

Transgender persons had been a symbol of respect in Muslim communities due to their role inside Haram and the same was manifested in the sub-continent. The status of transgender persons was then adversely affected by the colonial period and the same was carried over to contemporary Pakistan. In the 1850s, eunuchs subverted the hierarchy of masculinity, and in response British rulers started erasing them by criminalizing them under the Criminal Tribes Act, 1871. Similarly, in the post-colonial era, they continued to struggle for their due rights in Pakistan till the state finally provided them with due protection. Being marginalized, transgender persons are forced to live in collective residences under the supervision of Guru in Pakistan (Islam, 2019).

There have been numerous efforts in Pakistan to protect the fundamental rights of transgender persons. These efforts towards the mainstreaming of this community have achieved progress with the aid of judicial decisions and special legislation. Article 3 of the Constitution of Pakistan obliges the state to ensure elimination of any kind of exploitation and Article 4 makes treatment in accordance with the law a fundamental right of every citizen. Moreover, Article 25 states that every citizen is equal and is entitled to equal legal protection without being subjected to discrimination based on sex (Farhat, 2020).

In 2009, Dr. Aslam Khaki filed a petition in the Supreme Court against the reported police violence on the transgender (Khawaja sira) community in Taxila, Pakistan. He claimed that the transgender community has always been subject to sheer discrimination. The respected Supreme Court held that provincial governments should protect the fundamental rights of the transgender community. It led NADRA to add options to the “sex” category and directed Federal Government to legislate new laws (Dr. Muhammad Aslam Khaki Vs. S.S.P, Rawalpindi, 2012). Strict orders and wise recommendations were made which did not lead to overnight change but eventually led to legislation and enactment of the Transgender Persons Act, 2018.

In 2017, the final draft of the Transgender Persons Bill was presented before Parliament by Senator Babar Awan. In 2018, the Parliament of Pakistan approved this bill and it is now enforceable as the Transgender Person (Protection of Rights) Act, 2018. This Act uses the term transgender in a wider sense and its Section 2 defines “transgender” to include intersex (individuals having a mixture of male/female genitals), eunuchs, who are male by birth but later undergo castration, and transgender

man/woman, whose gender identity or expression differs from social norms based on sex assigned at birth (Pakistan, 2018).

Section 3 recognizes the right of transgender people to get registered with governments with their self-perceived gender. The Act does not require any district screening committees to verify self-perceived gender as required in certain other countries including India. This complies with Article 7 and Article 17 of the International Covenant on Civil and Political Rights. Applicants for national identity cards are given a choice between five different genders including male, female, transgender male/female, and Khunsa-e-mushkil (hermaphrodite/intersex). Section 4 prohibits any kind of discriminatory behavior against the transgender community in educational institutions, workplaces and also forbids unfair treatment towards them. Section 5 prohibits any kind of harassment based on their gender identity and expression (Pakistan, 2018).

Section 7 exclusively deals with inheritance rights and states that the transgender person must not be subjected to any discrimination in acquiring a share of property through the inheritance. The share shall be in accordance with the gender recorded on ID card;

- For a transgender male, the share of man
- For a transgender female; the share of woman
- For a person having ambiguous characteristics, upon reaching the age of 18 self-perceived gender identity is to be considered; however, if the individual turns out neither, the share will be a medial three-fourths share (Pakistan, 2018).

Fundamental rights of the transgender community are protected under Sections 8-14 which pertain to the right to education, employment, vote, property, to hold a public office, to health, to protest and assembly, and right to access public places. Section 16 also states that all the rights mentioned in Chapter I, part II of the Constitution of Pakistan shall be equivocally applicable to the transgender community of Pakistan. Section 6 imposes duties on the state which include the establishment of protection centers, separate prisons, and safe houses. The state is now obliged to ensure the awareness of law enforcement officials and healthcare workers. Section 17 prescribes punishment against those who employ/compel transgender persons to beg, which is imprisonment that may extend to 6 months or with a fine of Rs 50,000 or with both (Pakistan, 2018). This Act is by far the most extensive form of protection of transgender rights and its fruitful outcomes can be seen in the society of Pakistan.

### **Islamic Law and its Implications on Rights of Transgender Persons**

Sources of Islamic law do not explicitly cover the concept of gender identity, which has led to miseries for transgender persons in Muslim communities. Islam forbade any behavior that sought to imitate the opposite sex, both in appearance and behavior. The same has been applied to transgender persons and sex-reassignment surgery by many (Afif, 2019). Ibn Hajar, the Sunni scholar, maintains that Prophet condemned those who consciously depart from the norm of their set genders with which they are

born, but not a behavioral abnormality such as dressing like another gender due to such psychological tendency (Snigdha, 2019).

The Prophet (P.B.U.H) respected transgender people as human beings and did not punish them unless they were liable for an immoral act and even then, they were only asked to leave Medina. After Prophet (P.B.U.H), the Mukhannaths (males who resembles females) were accepted in Islam and were appointed as royal teachers and given significant positions in the courts (Aymanee, 2020). Islam forbade same-sex marriage, therefore, a transgender person with visual signs of being a male can marry a non-transgender woman or a transgender person with visible feminine signs. However, a transgender person with clear signs of both sexes is not permitted to marry, according to the fatwa (Deleer, 2016). In Islamic law, a transgender person is to be given inheritance as per birth sex. If a transgender person is Khunsa-e-mushkil, then a transgender person is given a share as a female, except when as a male such a person will get a lesser share according to the majority of Muslim scholars (Nyazee, 2016). The fatwas of Ayatollah Khomeini in Iran and Sheikh Muhammad al-Tantawi in Egypt declare that sex-reassignment surgery is not forbidden in Islam. (Alipour, 2017)

Due to the narrower interpretation of Islam, in most Muslim countries there is no specific legal recognition and protection of transgender persons' rights. In recent years, Bangladesh has taken some positive steps by giving legal recognition to the third gender category, but mandatory medical examination has resulted in the abuse. Egypt rejected recommendations in the third Universal Periodic Review to end arrests and discrimination based on gender identity as it does not recognize the term gender identity. Iran has now permitted sex reassignment surgery for transgender people (Wareham, 2020). In Saudi Arabia as well, efforts made by Human Rights activists for transgender persons are labeled as a violation of the public order. In Turkey, positive steps are taken by the courts to safeguard the right to speech of transgender persons, but still, bans are imposed on their assemblies and events. In the United Arab Emirates, the federal penal code punishes cross-dressing which is used against transgender persons (Watch, Human Rights Watch Country Profiles: Sexual Orientation and Gender Identity, 2021). These restrictive approaches towards transgender persons are a result of a misapplication and misinterpretation of Islamic laws.

## **Recommendations**

International and national legal instruments are not adequate to protect transgender persons because the vulnerable social groups need specific protection. The interpretation of general International Human Rights treaties to protect transgender persons is not sufficient. The status of women and children improved when they were specifically addressed by the international legal framework through specific legal instruments. An International Human Rights treaty should be adopted specifically for transgender persons to enforce the transgender persons' rights more efficiently.

Pakistan's Constitution in its Article 25 maintains that there shall be no sex-based discrimination in any field of life, although it is indispensable in the present context that gender should also be explicitly mentioned along with sex. Furthermore, Article 25

empowers the State to make any special provisions for the protection of women and children, considering them vulnerable, and the same consideration should be extended to transgender people. Federal Legislation is there in Pakistan but now provinces should also bring legal reforms for matters under their jurisdiction to extend the protection for the transgender community at the grass-root level.

There is a need to refer to transgender persons separate from lesbians and gays as they are completely different-natured people scientifically. In Muslim countries, anti-cross-dressing laws, anti-gay laws, and vague provisions of indecency need reforms to protect transgender persons from a misapplication of laws. Medical approval for gender re-assignment should not be there as it is discrimination when no one else is required to give proof of their gender identity. Medical students and paramedical staff should be trained to deal with transgender persons. Domestic legal frameworks should prohibit explicit discrimination based on gender identity. Moreover, policies for better implementation of laws and social awareness campaigns should be introduced for the social inclusion of transgender persons.

## **Conclusion**

In a nutshell, it can be concluded that transgender people are the most vulnerable social group globally. They face challenges of multiple dimensions in respect of their social, civil, economic, and political rights. The rights of transgender persons are not yet specifically addressed by core Human Rights treaties, but protection of these treaties is extended to the transgender persons through interpretation. States, when compared, demonstrate different trends in offering legal protections to transgender persons. Only a few states have explicit laws to provide needed specific legal protections to transgender persons. In the USA, the high judiciary has played a vital role in transgender persons' rights. The UK has been actively addressing transgender persons through effective legislation and policymaking. In Pakistan, the improvements are evident concerning laws as well as social acceptance, but still, there is a need for the strict observance of laws. In Islamic law, there is just confusion in interpretation that displays a sense of conservatism on the rights of transgender persons in Muslim countries. Islam forbade same-sex relationships, although this is a question of sexual orientation, not gender identity, which are erroneously conflated. There is an immediate need to improve legal protections, adoption of effective policies for transgender persons in all jurisdictions, mass awareness movements to sensitize and educate the general public as well as transgender persons about the rights of transgender people for the improvement in the status of transgender persons.

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## **Kashmir as a Nuclear Flashpoint: Complexities of the Issue and Measures for its Resolution**

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### **Abstract**

The paper aims to highlight the issues related to the disputed territory called Kashmir located between India and Pakistan and to look for possible ways for their resolution. The dispute broke out after the partition of the Subcontinent in 1947 and was presented to the UN Security Council by India in 1948 under Article 35 of the UN Charter. The unrest at Line of Control and unleash on the innocent unarmed Kashmiri people has been continuing since the dispute arose. In August 2019, due to the revocation of special status of Kashmir by Modi's regime, curfew was imposed and extreme violations of human rights of the Kashmiri people took place. Pakistan protested on the situation and there was escalation on both sides; however, both countries are equipped with nuclear technology and there is an apprehension that Kashmir can be regarded as a nuclear flashpoint. This study concludes that a peaceful settlement of this dispute is required or else if nuclear war is started, it will impact global peace and security. Thus, the international community should make comprehensive and fruitful efforts to address this issue.

### **Introduction**

After the partition of Pakistan and India in 1947, Kashmir has become a bone of contention, affecting regional peace in various ways. Since the conflict erupted, there has been unrest along the Line of Control, with attacks on unarmed Kashmiri civilians, resulting in multiple wars fought between the two countries. Many efforts have been made on national and international level to resolve the Kashmir conflict, but they have all been fruitless. Both countries have nuclear weapons, and there is apprehension that Kashmir could become a nuclear flashpoint. Thus, peaceful settlement of the dispute is required under International Law.

### **Historical Background of Kashmir Conflict**

The landlocked territory of Jammu and Kashmir is situated in the north-western section of the Indian Subcontinent. The Kashmir conflict between India and Pakistan has remained intractable since the separation of British India and Pakistan in August 1947. After the partition, Kashmir was meant to either unite with one of two countries or remain independent, relying on the wishes of the people and the principle of partition. Kashmir was mostly a Muslim-dominated state. Furthermore, it was closer to Pakistan than India. As a result, it was expected to either join Pakistan or remain independent. However, as a Hindu, the Maharaja (Ruler) rejected the first choice and could not manage the second one (Syed Rifaat Hussain, 2009).

Faced with a popular uprising, the Maharaja devised a plan for India to send its forces to assist him in suppressing the rebellion. India demanded Maharaja to sign an

agreement of accession to India, as a condition for its armed intervention. India, on the other hand, did not wait for his signature before deploying troops into the state. Though meticulously planned and promptly carried out, India's annexation of Kashmir was not easy. So it is suggested after purportedly upholding the idea that when the ruler's wishes collide with the issues of their subjects, the latter must prevail. India's military intervention on support of the besieged Maharaja was condemned by Kashmiri people, and the protest in Kashmir was backed by Pakistan, resulting in the first India Pakistan war over Kashmir (Ghulam Nabi Fai, 2013).

### **UN Resolutions on the Kashmir Issue**

With the passage of time, the UN has issued numerous Resolutions relating to the conflict between the two parties over the Kashmir issue, as well as discussions about the demilitarization of the region and holding an impartial plebiscite to determine the Kashmir destiny. Below is a brief description of each of these Resolutions.

In 1948 UNSC passed four Resolutions on the Kashmir question. Both Pakistan and India were required by UNSCR 38, adopted on 17<sup>th</sup> January, to avoid escalating the situation. The UNSC also established a three member's commission to resolve the problem, one from India, one from Pakistan and one to be picked by both. In UNSCR 47, it was determined that the question of accession of Jammu and Kashmir should be decided democratically through a free and impartial plebiscite. UNSCR 51 mandated the commission to visit the disputed area and carry out the responsibilities listed in Resolution 47 (Toobah Khurshid, 2016).

On January 1, 1948, on complaint of India lodged with the United Nation Security Council, the Security Council recommended the establishment of the UNCIP on April 21, 1948, to proceed immediately to the location of conflict and report back to the Security Council (Brian Farrel, 2003). The UNCIP enacted two Resolutions: One on August 13, 1948, in which Pakistan and India reiterated that the future status of the state of J&K will be resolved in line with the will of the people, and the other on Jan 5, 1949, in which it was stated that accession of J&K will be decided by plebiscite (Brian Farrel, 2003).

In the year 1950, the UNSC had only passed one Resolution. UNSCR 80 of 14<sup>th</sup> March, 1950 directed UNCIP to exercise all rights and responsibilities vested in it by existing UNSC Resolutions and agreements of parties enshrined in UNCIP Resolutions (Toobah Khurshid, 2016).

In 1951, the UNSC passed two Resolutions. The main goal of UNSCR 91 was to remind governments and other authorities of the principle embodied in UNSCR's of 47, 1948, 1949 and 80, which states that the final disposition of the state shall be established in accordance with the will of the people. UNSCR 96 was based on a report by UN representative Frank Graham, according to which both India and Pakistan consented to a truce (Ministry of Foreign Affairs, n.d.).

UNSCR 98 was the only Resolution passed in 1952 with the aim of recalling the provisions of UNCIP Resolutions requiring that the subject of accession be settled

through a democratic process conducted under UN auspices (Ministry of Foreign Affairs, n.d.).

In 1957, three Resolutions were passed. The affirmations in UNSCR 47, 1948, 1949, 91 and 98 were reaffirmed in UNSCR 122. UNSC Resolution 123 was adopted on Feb 21, 1957, which asked the UNSC's President to tour the disputed area with the governments of Pakistan and India and to report back to the Council by April 15 to evaluate proposals. The UNSC Resolution 126 issued on 2 Dec 1957 in response to the UNSC report, urged both the governments to avoid making any statements or not to perform any act that may aggravate the situation. A UN envoy was invited to visit the Subcontinent and report back with suggestions (Ministry of Foreign Affairs, n.d.).

In addition, the UNSC issued five Resolutions in 1965, including UNSC Resolution 209, which ordered the UN Secretary General to report back within 3 days after the Resolution was implemented. UNSC Resolution 210, based on the report by the UN Secretary General, called on both countries to end hostilities in the region and return to their previous positions. The UNSCR 211 council set the time for the ceasefire to begin at 700 hours GMT on 22 September 1965. UNSCR 214 called on both countries to keep their ceasefire commitments. UNSCR 215 calls for both states' officials to meet a UN representative after the ceasefire failed (Ministry of Foreign Affairs, n.d.).

The UN enacted two Resolutions in 1971 on the Kashmir issue. The issue was reported to the UN General Assembly in UNSCR 303, and the UNSC requested refugee rehabilitation in UNSCR 308 (Ministry of Foreign Affairs, n.d.).

### **Plans for Resolution of the Kashmir Issue**

In addition, the United Nations has enacted numerous resolutions. Some of the strategies to speed up the resolution of the Kashmir conflict have also been offered by well-known Pakistani politicians.

### **Musharraf's Four Point Strategy on the Kashmir Issue**

President Musharraf made a proposal to India on December 17, 2003, in an attempt to end the Kashmir dispute. Although he maintained throughout that Pakistan's basic position on Kashmir was the 1948 UN resolutions, he emphasized that both countries must move away from their stated positions. President Musharraf proposed four points' strategies that involved:

1. Softening the borders meant to allow the people to move freely without changing the borders.
2. Identifying zones in Kashmir, followed by phased withdrawal of soldiers.
3. Self-governance or autonomy, but not independence.
4. A framework allowing both Pakistan and India to jointly supervise the region (Muhammad Abdul Qadeer, n.d.).

In addition, he also urged that the Line of Control be made irrelevant and the roads be re-opened to foster people-to-people contact and transit trade, thus speeding up the

Kashmir process. The strategy suggests that Pakistan is willing to make bold actions if India is willing to do the same. However, India's response to President Musharraf's recommendations was limited, with only minor adjustments of the Line of Control (Muhammad Abdul Qadeer, n.d).

### **Kashmir Calls for Resolving the Kashmir Issue**

Prime Minister Nawaz Sharif encouraged Indian authorities to address the Kashmir issue through peaceful talks for the benefit of the entire South Asian region. Pakistan's desire for peace, according to the Prime Minister, was also obvious in its negotiations with the Taliban. Mr Nawaz Sharif cautioned India that in the absence of resolution to the Kashmir conflict hostility and uncertainty would continue to reign in the area, posing a threat to regional stability and growth. He stated Pakistan was committed to resolve the Kashmir issue in accordance with the UN resolutions and the aspiration of the Kashmiri people (Tariq Naqash, 2014).

He stressed that the Subcontinent was partitioned to eliminate mutual hostilities and to allow good neighbours to live in peace. The Prime Minister said that Pakistan had repeatedly indicated its desire to resolve all issues with India, including Kashmir, through meaningful, purposeful, and a results-oriented dialogue. He added that Pakistan had taken a number of initiatives to develop mutual trust with India, including the opening of the Line of Control to alleviate Kashmiri's miseries and allow separate families to reunite (Tariq Naqash, 2014).

### **Wars Fought Between Pakistan and India on the Kashmir Issue**

Territorial conflict over the Kashmir issue prompted two of the three main Indo-Pakistan wars in 1947 and 1965, as well as a short war in 1999, as a result of a continued bloodshed in Kashmir and a growing hazard of arsonist activity (Takenori Horimoto, 2015).

The first Indo-Pakistan war lasted from October 1947 until December 1948. The war came to an end when the United Nations Security Council enacted a ceasefire resolution to divide Kashmir into two sections; the ceasefire line was constructed. In particular, the UN commission for India and Pakistan won a truce, effectively ending the first Indo Pakistan war. Despite this, the ceasefire failed to produce either an armistice that would fundamentally resolve the Kashmir dispute or a public referendum to follow such an armistice (Takenori Horimoto, 2015).

The Tashkent Declaration, which was brought about by Soviet intervention, ended the second Indo-Pakistan war, which had lasted from April 8 to September 23, 1965. In January 1966, Prime Minister Lal Bahadur Shastri and Pakistani President Ayub Khan met in Tashkent, and, mediated by the Soviet Union, signed the Tashkent Declaration, ending the Kashmir problem (Takenori Horimoto, 2015).

A small Indo-Pakistan war as well as the battle known as the fourth Indo-Pakistan war erupted between India and Pakistan in 1999. The Kargil conflict in 1999 was widely seen as one of the major turning points in the relationship between Pakistan and India, two neighbouring but antagonistic countries. It was a defensive strategy of Pakistan, which eventually led to the permanent confrontation. This war started in Kashmir along

the LOC. Both countries had signed a number of border accords, notably the ceasefire line in 1948 and the Simla agreement and LOC in 1972. All of these agreements have failed to produce the desired results because India consistently broke them and considered them to be useless (Takenori Horimoto, 2015).

### **Revocation of Special Status of Kashmir**

In the recent past, the India government unilaterally revoked Article 370 and 35A of the Indian Constitution without the assent of the state government of Kashmir, which was unlawful because Article 370 of the Indian Constitution could only be modified with the state government's agreement (Kaur, 2020).

Thousands of additional Indian troops were deployed on August 5, 2019, a major Hindu pilgrimage was cancelled, schools and universities were closed, visitors were ordered to leave, phone and internet services were suspended, and area political leaders were placed under house arrest. However, the high prediction was that Article 35A of the Indian Constitution, which granted special privilege to state residents, would be scrapped (Ahmed, 2021).

The government then startled everyone by announcing that it was revoking all of Article 370, which includes 35A and has governed Kashmir's complicated relationship with India for nearly 70 years (Kaur, 2020).

### **Significance of Article 370**

The Article gave the state some autonomy, including a separate constitution, flag, and the liability to adopt laws. The central government was still in charge of foreign affairs, defense and communications. As a result, Jammu and Kashmir was capable to set its own rules for permanent residency, property ownership and fundamental rights (Hoskote, 2017). It also prevented non-Indians from purchasing land or settling in the state. But after revocation of Article 370, Kashmir no longer has its own constitution and is subject to the Indian Constitution in the same way as any other state. Kashmir has to follow all Indian laws and people from outside the state are now able to purchase property there. According to the Indian government, this step is helpful in the development of the region (Shah, 2020).

### **Pakistan's Reaction**

Pakistan reacted in a variety of ways from August 6 onwards. India's revocation was described as an illegal "unilateral step" by the Foreign Office. Pakistan's army chief stated that the Pakistan army would "go to any extent" to help Kashmiri people. An emergency joint Parliamentary sitting on August 7 passed a motion condemning India's move. Pakistan's diplomatic relations with India have been downgraded following a meeting of the National Security Committee. All cultural interactions with India were halted, as was the exhibition of Indian films and dramas within Pakistan. On August 9<sup>th</sup>, 2019, the majority of Pakistan's trade contract with India was formally stopped. On Tuesday, August 13, Pakistan's foreign minister, Shah Mehmood Qureshi, announced that he had written a letter to the President of the UNSC, requesting that the Council convene an emergency meeting to discuss India's illegal action that violated UN resolutions on Kashmir. The letter should also be circulated among members of the

Security Council, according to the foreign minister. On August 20, 2019, Pakistan declared that it would take the matter to the International Court of Justice, citing alleged human rights violation by India as the basis for its case (Mishra, 2020).

### **Kashmir's Reaction**

Over 10,000 people demonstrated in Srinagar on August 9 against the Indian government's decision to remove Article 370, with some protestors throwing stones at security forces. Indian police responded by dispersing the protestors with tear gas and pellets. Clashes erupted between protestors and Indian forces, which were accompanied by pellet gun attacks and tear gas shells fired by the Indian forces. According to some reports, bystanders had been severely injured and lacerated as a result of the pellet gun attacks. However, all claims were refuted by the Indian government by regarding them as a few sporadic protests in Srinagar (Fitri Adi Setyorini, 2020).

According to the reports of Jammu and Kashmir coalition of Civil Society, in August 2020, after one year of clampdown in occupied Kashmir, 229 killings were recorded during more than 100 military operations since the start of 2020 and also 55 internet shutdowns and destruction of 48 structures were observed (International Federation for Human Rights, 2019). The curfew imposed is partially ongoing as most of the communication services are restored except some areas of south districts and also extra troops of security forces are withdrawn (International Federation for Human Rights, 2019).

The scenario discussed above clearly shows that the Indian government's step to remove special status of Kashmir is illegal and unilateral and can lead to serious consequences if not resolved mutually through legal and peaceful means.

### **Can Kashmir Be a Nuclear Flashpoint?**

There is no doubt that the Kashmir issue, sometimes known as the "unfinished agenda of division" is the longest-running and most important conflict between Pakistan and India. Due to the fact that it is a perennial source of contention, it has been termed the nuclear flashpoint. India and Pakistan are the two nuclear armed countries in South Asia. A popular perception holds that the Kashmir issue is the one that has the capacity to push the two nuclear armed states to the brink of war (Salik, 2019). The Kargil Conflict in 1999, which occurred against the backdrop of the Kashmir dispute, created the most difficult conditions for the two countries, as the world saw them positioning their soldiers along the border (Hilali, 2001). They were preparing their naval forces to fight each other on the border. It was widely assumed that the situation had pushed them to the edge of another war, with potentially irreversible consequences, given that they had both gone nuclear by that point. The former US President Bill Clinton, after the Kargil war called Kashmir a "nuclear flashpoint". It occurred at a period when India and Pakistan had both been designated as nuclear weapon states. Even today, the threat of conflict between India and Pakistan looms large as an unsolved dispute, particularly in Jammu and Kashmir, ending up plaguing both countries, and any miscalculation on either side might mean disaster not just for the two countries, but for the whole world (Jindal, 2003).

The ongoing instability along the Line of Control, which has been unleashed on the defenseless Kashmiri people, as well as recent statements from India's political and military establishment, have increased the risks of a nuclear conflict between Pakistan and India.

### **What Can Be the Possible Impacts if Nuclear War Begins?**

- Pakistan and India could have 400-500 nuclear bombs by 2025, with outputs ranging from 12-45 Kilotons to a few hundred. If India deploys 100 strategic weapons and uses 150 of them, approximately 50 to 125 million people might be killed, and nuclear fueled fires could release 16 to 36 TG of black carbon into the atmosphere, depending on yield (Owen B. Toon, Charles Bardeen, Alan Robock, Lili Xia, Hans Kristensen, Matthew McKinzie, R. J Peterson, Cheryl S. Harrison, Nicole S. Lovenduski and Richard P. Turco, 2019).
- Due to unfavorable weather, it is expected that the world will lose 10-40% of its corn, wheat and rice yields for years during the war between India and Pakistan. There will be insufficient food to feed the world's population for 60 days. (Brian Toon, 2018)
- According to Ira Helfand, a member of the Nobel peace prize winning international physician for the prevention of nuclear war, a war between India and Pakistan would result in the deaths of 1-2 billion people due to starvation (Case Adams, n.d).
- After a full-scale nuclear war, temperature would drop to Ice Age levels and the world would be in nuclear winter, with no crops growing. It is projected that 90% of the planet population would starve to death, civilization would be obliterated, and no one would be safe (Brian Toon, 2018).
- A nuclear war between India and Pakistan, according to the new study published in Science Advances on October 2, would not only kill 50-125 million people directly, but it would also endanger the entire planet by causing sharp drops in global temperature and precipitation, putting the world food supply at risk (Owen B. Toon, Charles Bardeen, Alan Robock, Lili Xia, Hans Kristensen, Matthew McKinzie, R. J Peterson, Cheryl S. Harrison, Nicole S. Lovenduski and Richard P. Turco, 2019).
- In 2025, if Pakistan attacks urban targets with 150 nuclear bombs, and India reacts with 100, smoke from burning cities will emit 16-36 TG of black carbon into the atmosphere, obstructing sunlight and chilling the world surface by 2 to 5 degrees Celsius (Brian Toon, 2018).
- Based on the weapons tested by Pakistan in 1988, modern weapons are to have yields of 5-12 Kt; however, theoretically, much higher yields are possible, which might result in a huge rise in both mortality and worldwide environmental implications (Brian Toon, 2018).

### **The Nuclear War in History (Hiroshima and Nagasaki)**

An American B-29 bomber known as the Enola Gay detonated an atomic bomb on the Japanese cities of Hiroshima and Nagasaki in August 1945. It was the first time that a nuclear weapon was used, while the nuclear bombs dropped on Hiroshima and Nagasaki 74 years ago were of rudimentary class and lethality. Even back then, they killed 200, 000 people in both cities, with the later damage caused by radiation killing an equal number. Those that lived had to deal with the trauma for the rest of their lives, which included thousands of birth deformities. When it comes to modern day devastation, nuclear scientists believe that today's nuclear bombs are 100-1000 times more powerful than Hiroshima and Nagasaki in terms of lethality (Tomonaga, 2019).

### **Recommendations**

- a. Kashmir should be given the opportunity to choose between the options presented at time of Independence of Pakistan and India, which were: to remain independent or accede with India or Pakistan (Bose, 1999).
- b. Kashmir, Jammu, Ladakh (a section of Indian Jammu and Kashmir), Azad Kashmir and Pakistan northern areas should be separated into five independent autonomous provinces.
- c. Both states should resolve the issue through discussions, as it is more than a boundary dispute; it is also a matter of Kashmiri people's right to self-determination (International Federation for Human Rights, 2019).
- d. The international community should assist both states in resolving their disputes.
- e. Global peacekeeping organizations must act to sort out the Kashmir conflict peacefully in order to avert a nuclear conflict that would devastate the entire area (Brian Farrel, 2003).
- f. A framework should be established allowing both Pakistan and India to jointly supervise the region of Jammu and Kashmir.

### **Conclusion**

In conclusion, Kashmir has been a controversial place for the past 70 years. Despite the fact that Indian Constitution grants Kashmir the status of a distinct state, the Kashmiri people have never been able to enjoy that status and have instead been victims of Indian forces' atrocities. Both Pakistan and India have nuclear weapons, and any carelessness on either side could result in a nuclear war, which is expected to affect peace of the globe. Hence, it is the responsibility of the international community and international organizations to take effective steps to mitigate or avoid any breach in the regional and international peace and security.

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## **Cybercrime: An Emerging Global Challenge for the States**

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### **Abstract**

With an ever-increasing use of the internet and technology, cyber crimes have become a crucial global concern. Cybercrimes refer to all the illegal activities carried out using technology. It is buying and selling of malware, and individuals' personal information illegally. This research focuses on different types of cybercrimes, such as hacking, cyber pornography, and cyber terrorism, etc. Cybercrime not only affects personal, business information, and Intellectual property but also damages reputation. According to the CSIS report, 2,299,682 cases of cybercrime are reported in 2020 and as a result of financial embezzlement carried out on the internet, individuals and the government had lost more than 1 trillion dollars per year around the world. Cybercrime has a direct and significant impact on jobs, innovation, economic growth, and investment. This paper strives to find out the causes of cyber perpetration and also suggest measures for its control. Cybercrime can be controlled by implementing digital and physical security methods, maintaining asset lists, patches, and updates, etc. This paper suggests a system of administrative regulations backed by criminal penalties that will provide the reason necessary to create a workable deterrent to cybercrime.

### **Introduction**

Crime and criminality have been linked to man from the time of his creation. People of different eras adopted different methods according to their approach, to connect themselves with a crime. (Dashora, 2011) With the increasing use of the internet, especially in the pandemic era, people are suffering from cyberattacks globally. Cybercrime is an activity that involves using or targeting a computer network or network device to carry out activities that damage one's money or image. Cybercriminal activities are carried out for personal, political, or monetary reasons. Cybercrimes may include illegal intercepting or stealing data, infringing copyright, selling illegal items online, producing or processing child pornography, and more. (McGuire *et al.*, 2013). The benefits which are brought by the rapid expansion of the internet are accompanied by crimes that have a devastating effect on our individual and collective life.

#### **1. Definition of Cybercrime**

Cybercrime is committed by using a computer, another digital network or other forms of information communication technology either as a tool or to target a victim. These crimes are committed online, which is the reason why the prefix *cyber* is attached to *crime*. (McGuire *et al.*, 2013). The three categories of cybercrime are a crime which targets a computer device, e.g. to gain access and then spread the malware to the whole network; a crime that uses the computer as a weapon, e.g. using numerous compromised computers to carry out malicious activity known as distributed Denial of Service; a crime that uses the computer as an accessory to crime, e.g. using a computer to save illegal data. (Sarre *et al.*, 2018)

A cybercriminal mainly chooses countries with weak cyber laws to carry out their activities to reduce the chance of detection.

## **2. Types of Cybercrime**

### **a. Malware Attacks**

Malware is a virus or code delivered over a network to infect or steal information from the network by the hacker. A computer compromised by malware could be used by cybercriminals for numerous purposes. (McGuire *et al.*, 2013)

### **b. Phishing**

Phishing is fraudulent communication that appears to come from reputable sources. It aims to steal a person's login information and personal data or to affect the person's computer. It fools the victim by presenting information that is from some trustworthy site and compels the user to share their personal information. (Hong, 2012)

### **c. Software Piracy**

It is the illegal distribution, selling, use, installation, and copying of software. It is usually done by end-users and dealers. This causes a serious hindrance to the success and progress of the software industry globally. (Hinduja and Behavior, 2008)

### **d. Credit Card Fraud**

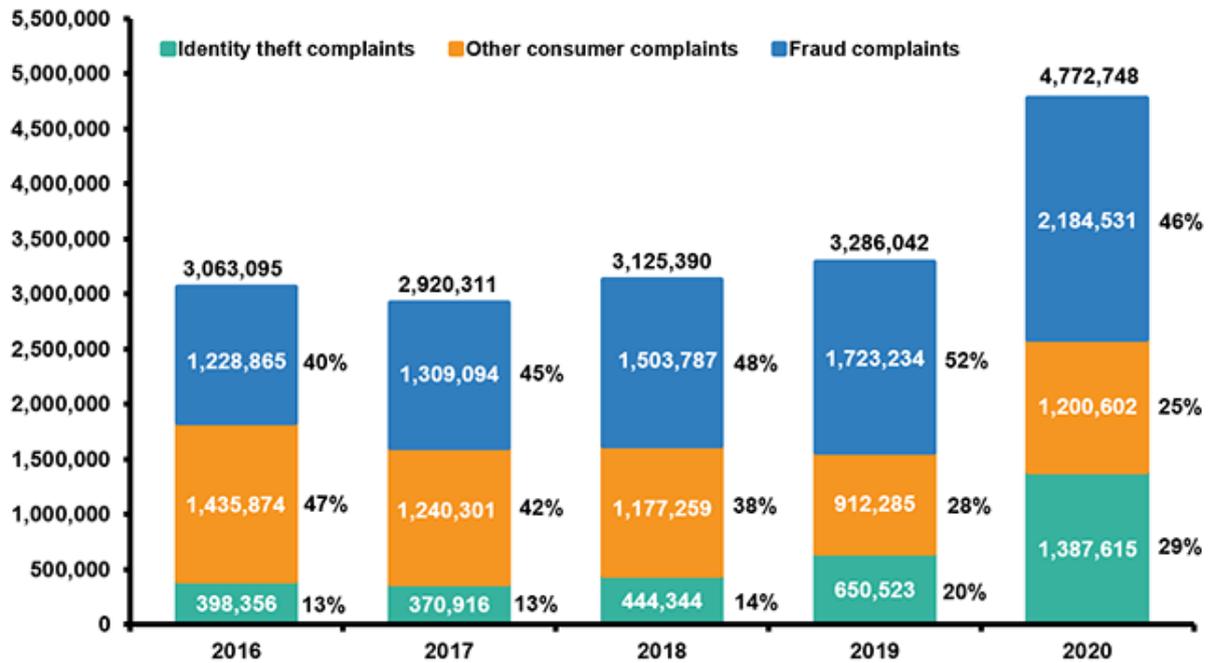
Credit card fraud involves any crime using a credit card. Cybercriminals use credit cards to get information from a person's bank account. More than 270,000 cases of fraud were reported in the year 2017, according to the Federal Trade Commission. (Ramdinmawii *et al.*, 2014)

### **e. Cyber Pornography**

Cyber pornography is the publication, distribution, importation, and designing of pornography through cyberspace. As the internet is easily available, people can view and upload pornographic videos easily. Child pornography is increasing at a rate of 3 million cases a year. One of the factors includes the accessibility of these websites. It is estimated that more than 10,000 Internet locations provide access to these materials nowadays. (Ramdinmawii *et al.*, 2014)

### **f. Identity Theft**

Identity theft is the theft that includes the stealing of personal information of someone and then using that information in crime. This personal information gives access to bank accounts credit cards or other accounts. The graph below shows the identity theft complaints data over five years. (Roberds and Schreft, 2009)



**Figure 1:** Source: *Internet Crime Complaint Center, Facts + Statistics: Identity Theft and Cybercrime, 2021*

### 3. Cybercrime Techniques

Some of the most common techniques which cybercriminals use to access personal or private computers are:

#### a. Botnet

It is the network of interconnected devices that are infected by malware in a way that these devices are in a hacker's control. Cybercriminals first gain access to botnet devices with the help of special viruses called trojans and attack the computer security system taking control of software and implementing commands and carrying out large-scale malicious activity. (Tyagi and Aghila, 2011)

#### b. Zombie Computer

A zombie is a computer connected to a network that is hacked by criminals to gain access to a private network. The computer is then used for a malicious task. (Broadhurst, 2010)

#### c. Distributed Denial of Service (DDoS)

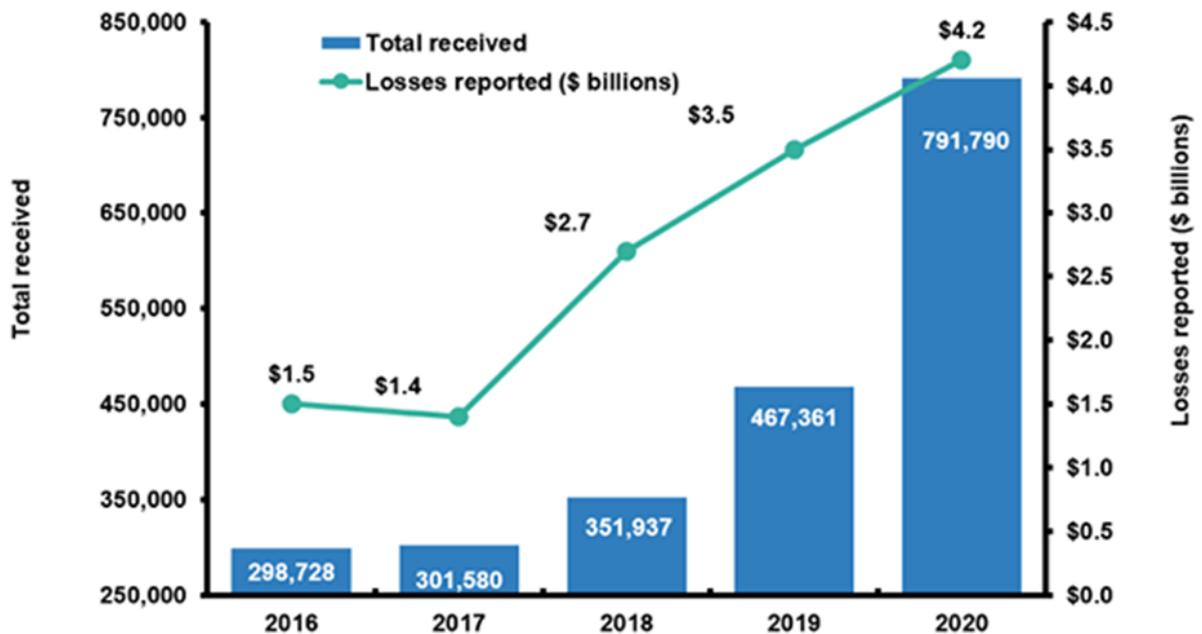
The main focus of a DoS attack is to overload the targeted machine with junk data, resulting in Denial of Service to additional requests. DoS attack is of two types: a buffer overflow attack and a flood attack. (Hasbullah *et al.*, 2010)

#### d. Metamorphic Malware

One of the more advanced techniques, metamorphic malware, repeatedly adjusts its code, making it extremely difficult to detect by even the most advanced anti-virus software. (Walenstein *et al.*, 2007)

#### 4. Statistics Related to Cybercrimes

- a. In 2020, 60% -70% of businesses have been the victims of cybercrime, which made the thousands of companies suffer millions and led to the closing of these businesses. (Lazic, 2021)
- b. By the year 2021, half a million zoom passwords were available for sale in dark web crime forums at the time when the whole world was using zoom for business or educational purposes.
- c. Cybercrime statistics show that there is a rise in security breaches from the year 2018 to 19 and mostly to small businesses.
- d. Cybercriminals attack someone online every thirty seconds and in this way, the rate of cyberattacks is 2244 times per day, with numerous attacks on the healthcare industry. In 2020 and 2019, data breaches affected 300.6 million people, and 887.3 million people respectively.
- e. Likewise, attacks using emails or texts for provoking people to give their personal information are about 44%; 18% of cyberattacks are due to ransomware and 12% are due to malware. (Lazic, 2021)
- f. The health care industry and finance industry are usually bigger targets of cybercriminals because they contain a large number of personal information and numbers.
- g. In 2019, the health care industry lost \$25 billion to ransomware attacks. In the past three years, more than 93% of health care industries experienced a data breach.
- h. Financial services have 352,771 exposed sensitive files on average, which are open targets to cybercriminals, while healthcare, pharma, and biotech have 113,491 files on average. (Sobers, 2021)
- i. Of the total of cybercrime breaches in the industrial sector, 56% of them are social media breaches, 27% are in the governmental sector, other industrial breaches include 8%, retailers include 4% and technology include 4%.
- j. \$18.3 million per company is spent on the financial service industry to combat cybercrime. (Morgan, 2020)
- k. Cybercrime complaints also increased and the figure reached 791790 in the year 2020.



**Figure 2:** (Source: Internet Crime Complaint Center, *Facts + Statistics: Identity Theft and Cybercrime, 2021*)

## 5. Challenges for the States

Nowadays, states are facing many challenges to prevent cybercrime. In modern states, technology advances very fast. Because of this technology, where people are benefiting a lot on one hand and misuse it on the other, states face difficulties in protecting national and international safety. The rise in cybercrime cases in recent years has raised new challenges for states to combat cybercrimes if they want to eliminate them the threat. Some challenges are discussed below:

### a. Investigation of Cybercrimes

The nature of cybercrime is complex and difficult to understand. A complex investigation is required for the prosecution of cyber cases. The gathering of authentic proof is needed if legal action against cybercriminals is to be initiated. State investigating agencies have faced difficulty in finding the basic source of information. Law enforcement units also face difficulty in applying cyber laws and selecting methods to investigate this digital crime. It is more difficult when the criminal is an outsider because they are not under the jurisdiction of the state. Therefore, help from International Law is needed in such situations. (Serwanga, 2019)

#### i. Investigation Method and Its Trans-Border Nature

Cybercrimes can be committed from any place and against anyone who is using the internet worldwide. For proper investigation of cybercrime, the criminal activity must be tracked across different national borders. Investigations may be carried out at an international level. The internet experts who are providing internet service all over the world may be the part of investigating team for effective investigation of crime. (Kasper and Laurits, 2016)

### **ii. Mishandling of Electronic Evidence**

Investigators are inexperienced in collecting digital evidence according to admissibility rules. That is why, courts reject improper electronic evidence, which is the important basis on which further cases might proceed. Sometimes electronic pieces of evidence related to cybercrime are easily deleted or stolen by criminals because of the lack of internet experts in courts and Cyber Crime Units. (Antwi-Boasiako and Venter, 2017)

### **iii. Failure to Protect the Chain of Digital Evidence**

During the prosecution of cybercrimes, the pieces of evidence are passed among various institutions to check the validity of evidence, but due to lack of experts and the nature of the evidence, they are rejected or easily changed by cybercriminals to decrease their validity. There is a need for time to manage the digital evidence. Our courts and investigating teams must find different and innovative ways to handle the large amount of electronic evidence. (Roscini and Law, 2016)

### **iv. Lack of Modern Instruments for Investigation**

Internet-specific tools are required for the investigation and proceeding of cyber cases and only these instruments can help investigators to carry out an investigation. Specific modern tools are required for the proper investigation of this crime. During the fight against cybercrime, we face unique challenges that need special attention from both investigators and lawmakers. The main challenges are the unavailability of guidelines on how to collect pieces of evidence and how to present these pieces of evidence in courts, day-by-day development in technology, and the use of hacking techniques by criminals. Police are poorly equipped to understand cybercrimes and they do not know how to investigate cybercrime cases. (Moore, 2014)

### **v. Speed of Data Exchange Process**

The internet has made it possible for people to communicate between the two countries in a matter of seconds and is the main reason for the success of the Internet. Criminals easily take advantage of this facility of the internet and exchange data from one place to another. That is why there is a problem in investigating cyber cases and real pieces of evidence are lost and the culprit easily escapes. The invention of the internet has left our traditional investigation process far behind. There is a need for time to speed up our investigation processes if we want to get rid of cybercrimes. (Losavio *et al.*, 2018)

### **vi. Absence of One Universal Law Governing Cybercrimes**

This type of crime is committed in one country but has had effects in other countries. Cybercrimes are borderless, international, and global crimes that are committed in cyberspace. The laws for cybercrimes are either national or regional and are not applicable at the international level or outside of the specific region. (Weber, 2003)

The extradition process is a challenge due to the absence of universal law. Many countries do not extradite cybercriminals to other countries, making it a major challenge to enforce cybercrime laws around the world. Each country has its jurisdiction and it is the biggest impediment to the extradition of criminals to other states, because states deny extradition of the criminals to requesting states although they do have jurisdiction to take action against criminals. The requested country cannot do anything unless another country sends its criminals there. Due to the absence of one universal law, it is a challenge for one state to punish those criminals who are not citizens of that state but sit in their state and commit crimes that harm this state. (Ajayi and Systems, 2016)

## **b. Lack of Effective Reporting of Cybercrime**

Many women who fall victim to these crimes are reluctant to report these cases because they think that doing so could bring them disrepute. Even great leaders of society, parents, and intelligent people prefer to settle these cases out of court. (Menon and Siew, 2012)

### ***i. Limited Reporting of Crime***

It is important to report a case first before investigating as it may be the first step. If it is not reported, then it will not be investigated, and the fact is that many cases around the world are not reported. Only a limited number of cybercrimes are reported because people are not taking them seriously like other crimes, due to which the culprit gets more support and that is why cybercrime is increasing. (Bidgoli *et al.*, 2019)

### ***ii. Lack of Trust in Reporting Methods***

There is no guarantee of confidentiality during reporting of cybercrime. People are afraid of reporting cybercrime because they cannot trust the reporting methods. Many cases are not reported because of security issues, as people are afraid of being exposed in front of the public which will damage their business and respect. (Brenner and Schwerha IV, 2007)

## **c. Challenges for Businesses**

Whenever a person starts a business they get so busy that they forget about cybercrime. If they have not considered their company's cybersecurity needs, their business and customers could be at risk. Nowadays businesses are done online, which increases the risk of cybercrimes. So far, many businesses have been affected by criminals through the internet by their data being hacked or their business ideas being stolen. (Teng, 2017)

### ***i. Increase in Costs***

Many companies spend a lot of money to protect themselves from online theft. Spending a lot of money for protection damages their business a lot. (Bernik and Security, 2014)

### ***ii. System Malfunction***

Along with financial losses, companies also face some challenges indirectly from cyberattacks. Since today all the data of every company is online, a cyberattack changes their entire system of working causing them a lot of problems that can result in lost profits. Cybercrime uses all sorts of tactics to stop company activities. Computers are hacked by inserting malware that removes all valuable information and installing malicious codes on the server which deprives them of access to their websites. (Yeboah-Ofori *et al.*, 2019)

### ***iii. Changing Business Methods***

After a cyber-attack, many companies are forced to think about how they can restore their information and customers' trust. It is difficult to convince customers that the information they provide will not be leaked. As a result, companies stop taking their customers' data. When companies feel they cannot protect themselves from further cyber-attacks they shut down their online business, suffering huge losses.

### ***iv. Damage to Reputation***

A company that is a victim of a cyber-attack cannot prevent its brand from being destroyed. It is very difficult for both the supplier and customer to have their sensitive

information in the hands of a company whose IT set-up was broken or hacked at least once before. They feel less secure. (Speer and change, 2000)

**v. Decreased Income**

The worst consequence of a cyber-attack is a drop in income. Customers choose the products of other companies to protect themselves from cyber-attacks. Companies waste a lot of money trying to catch hackers. Because of this, their revenue is greatly reduced. (Okeshola and Adeta, 2013)

**vi. Stealing Personal Thoughts**

The most valuable thing about a company is its ideas, its technology, and its market plans. And all this intellectual property is stored in the cloud, where it is most at risk of cyber-attacks. (Prakash *et al.*)

## **6. Steps Taken by IGOs, NGOs & U.S. Government Agency Resources**

Below are some steps taken by different governmental agencies to deal with cybercrimes.

### **a. International and Inter-Governmental Organizations**

The Council of Europe has established the “European Cyber Security Organization”, the main function of which is to act against cybercrime.

Below are the two main functions performed by this organization:

- i. assisting countries in strengthening their criminal justice systems to meet the challenges posed by criminals operating in cyberspace.
- ii. Sponsoring an annual cybercrime conference.

### **b. International Criminal Police Organization (Interpol)**

Interpol’s core mission is to enable law enforcement agencies in its 190 member countries to work together to fight against transnational crime, including cybercrime, and crimes related to children. In addition to serving as a hub for data exchange and intelligence sharing, it also supplies technical skills, instructions, and capacity building.

### **c. International Telecommunication Union**

The ITU is a specialized organization of the United Nations that promotes the harmonization of technical standards for information and telecommunications technologies. It also encourages international cooperation to improve cyber security through its Global Cyber security Agenda and its partnership with UNODC (United Nation Office on Drugs and Crime). In addition, the ITU has affiliated with UNICEF to publish Guidelines for Child Online Protection. (Levin *et al.*, 2013)

### **d. Non-Governmental Organizations**

#### **i. Spamhaus**

This international non-profit company based in London and Geneva tracks cyber hazards (spam, phishing, malware, and botnets) and delivers real-time, actionable threat intelligence to all network operators, corporations, and security vendors. For the

identification of spam and malware resources, it is also working with various law enforcement agencies worldwide.

#### ii. **Internet Watch Foundation**

This Internet Watch Foundation (IWF) is a UK-based, industry-funded non-profit organization. Their works are to firstly recognize, locate, and remove/delete online pictures and videos of child sexual abuse with the help of law enforcement agencies worldwide.

#### iii. **The European NGO Alliance for Child Safety Online**

Funded by the European Commission, the executive arm of the EU, it has offered a platform for child protection NGOs throughout Europe to share various expertise and best practices on policy matters related to the online safety of the child. (Taraszow, 2013)

#### iv. **National Cyber Security Strategy**

To create a comprehensive and effective national cyber security strategy, the 2018 ITU Guide to developing a national cyber security strategy proposes the inclusion of the following thematic areas in the strategy:

1. Governance
2. Risk management (i.e., the process of identifying, evaluating, and controlling or eliminating threats)
3. Preparedness and resilience
4. Capacity and capacity building and awareness-raising in public
5. Legislation and regulation
6. International cooperation

Other organizations have also guided the evolution of cyber security policy and regulatory frameworks, technical and organizational measures, capacity building, and cooperation e.g., the Commonwealth Telecommunications Organization's Commonwealth Cyber governance Model of 2014. (Świątkowska *et al.*, 2017)

### **7. Suggestions**

While it may not be possible to completely eradicate cybercrime and ensure complete internet security, it can be reduced by maintaining an effective cyber security strategy. There are some suggestions and solutions to avoid cyber-attacks.

- a. Owing to the volatile nature of electronic evidence, international cooperation to combat cybercrime needs a quick response and the ability to perform specialized investigative actions, including the preservation and production, and analysis of data by private sector providers.
- b. Effective international cooperation in cases involving electronic evidence, therefore, requires mechanisms for the advance preservation of data, pending the consideration of further investigative measures.
- c. Strengthened national and international bonding between governments, law enforcement, and the other independent sector with increased the knowledge of cybercrime risks in public. (De Paoli and Studies, 2020)
- d. The plan behind creating international guidelines is to fight cybercrime and facilitate a straightforward process to run digital investigations in

which computers from more than one country are involved, as well as to eliminate those gaps where a cybercriminal is far away from the reach of the national laws.

- e. Mutual legal assistance requires writer tools for the following two purposes: as a practical guide for practitioners from developing countries that could accelerate the submission of MLA (Mutual legal assistance) requests; as a way to generate a format of application that could be accepted by developed countries acting as applications states.
- f. Countries need to cooperate because cybercriminals are not confined by national or geographic boundaries, and digital proof relating to a single crime can be dispelled over multiple regions.
- g. Law enforcement and IT professionals need to work more closely with the companies to build a cyber-fighting team that has the abilities, the means, and the authority necessary to reduce the instances of cybercrime on the Internet. (Ciupercă et al., 2021)
- h. Countries must become sharper in updating or developing any national cyber security plan, as well as legal and regulatory framework related to cyberspace. The contribution of the technical community and the independent sector is essential to building effective resilience capabilities because it is impossible for the government to act alone.
- i. Cyber security requires governments as well as private sector cooperation, therefore there is a need to increase trust among governments, at all levels, between countries and industries, and independent sectors.
- j. Governments and the private sector should join together to work toward broader awareness campaigns in all countries. “Stop. Think. Connect” is a national public awareness program in the US which aims to introduce the knowledge of cyber threats and empower the public to be safer and more secure online. Furthermore, the public should play a vital role in self-educating and expanding the reach of awareness campaigns. Cyber security is a type of shared responsibility
- k. While countries need to have cybercrime laws in place, it is equally necessary that these countries have the legal authority to assist foreign countries in an investigation, even if that country didn't report any activity by itself and is merely the location of the intruder or a pass-over site. (Ciupercă et al., 2021)

## Conclusion

Cybercriminals are developing new ways to damage organizations, individuals, and even the government's online and private data. New cyber laws are introduced by the government to combat cybercrimes and reduce their rate, but it is not easy and not possible without the cooperation of different countries. (Yar and Steinmetz, 2019). The non-binding nature and lack of strict enforcement mechanisms of International Law concerning cybercrime laws appear to have stultified the enforcement of cybercrime laws. (Kshetri, 2010) Cybercrime is causing tremendous losses not only to the economy but also to our personal information. It is essential to overcome this problem because technology not only causes harm but humans are doing so. Every citizen must remain alert and timely complain about any incident and the governments must enforce

cyber laws and make new laws to eliminate this devastating crime. (Ramdinmawii *et al.*, 2014)

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## **Localization of Global Education and Its Leadership Practices: A Case of China**

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### **Abstract**

Shadow education has become a popular educational service, and it has been booming in many regions of China, attracting a large population of school-age students. This study illustrates the current K-12 public and international school system in China and its association with shadow education. A report demonstrates two teachers' and the Principal's practices to deliver global education. The case study data reveal the localization process (i.e., how the teaching and management of a Western curriculum operates). It points out that shadow education often demands the integration of business models. The findings suggest that teachers and principals who work in shadow education require professional training in both pedagogy and business. In this line of work, teachers and principals must amend educational practices and solve commercial issues. While educators must become familiar with the local social and cultural context and local students' characteristics, they also need to master business skills, such as communication and marketing, to effectively connect with the local community. This study addresses leadership challenges and offers practical advice for improving shadow education in China.

### **Introduction**

The mission of global education is to shape students as global citizens rather than merely deliver subject knowledge (Yang, 2010). The trend of global education in China has been developing since the 1980s, following the country's economic growth, which is a result of the "going global" strategy in the new millennium (Feng, 2021; Yang, 2010). Global education is increasingly implemented, both in and outside public schools, in private educational institutions, known as shadow education. Studying to learn more about the localization process of global education has drawn many scholars' attention in recent years.

Previous research on shadow education focuses primarily on the evolution of its practices, mainly on how shadow education mimics public school subject teaching (Feng, 2021). Few studies have focused on the practice of shadow education of localizing global education, especially from a leadership perspective. Our research used a local shadow education case to examine the localization process. In particular, this study addresses leadership practices in localizing a western K-12 curriculum in China.

We first discuss the case context and the study's aim, followed by a description of the Chinese public schools' teaching practices, the Chinese international-oriented school's characteristics, and the role of shadow education in Chinese K-12 education.

Furthermore, we chose to present the path-goal theory as its theoretical pinning to understand leadership practices.

### **The Case Context and Purpose of the Study**

This case study took place in Suzhou, China, which has a population of about 7.4 million ("Suzhou Population," n.d.). Schooling is compulsory from Grade 1 at approximately age 6 to 9, till about age 15. Currently, 432 K-12 public schools serve the public's educational needs for Chinese children ("Statistics about Suzhou 2020 Primary Education," n.d.). In addition to public schools, there is an increasing demand for international-oriented schools (see *the International-Oriented Schools and Its Characteristics* section for definition) in urban areas. In Suzhou, the number of international-oriented schools has been increasing. According to the Suzhou International Schools' website, there are 53 international-oriented schools ("Guojixuexiao.org," n.d.). Although efforts to cultivate a global mindset and competency through the learning of English has been incorporated as a part of curriculum instruction in some public schools, the local Chinese learners' English proficiency typically cannot meet the demand of effectively learning foreign textbooks. Consequently, parents in many public schools send their children to take extra tutoring, known as shadow education services, to improve their children's English proficiency and strengthen their global outlook.

### **Literature Review**

#### **Chinese Public Schools and Their Teaching**

The typical pedagogical approach in Chinese public schools concerns content knowledge delivery and rote memorization. Teachers often assess students' learning outcomes by asking students to complete standardized tests. Part of the reason for that is the large classroom population. It is common for public schools to hold between 50 and 60 students in a classroom. As a consequence, teachers find it difficult to perform student-centered learning. Teachers also lack the professional development to introduce more innovative teaching techniques. Therefore, most teachers use the cramming method (Zhang, 2014).

#### **International-Oriented Schools and Their Characteristics**

In Suzhou, the term "international school" typically represents two types of non-public schools. One type of international school is designed only for foreign citizens who hold non-Chinese passports; the other type is bilingual schools that enroll local Chinese students who would benefit from a higher social and economic status. The bilingual schools combine domestic and western curricula and employ both domestic and foreign teachers to deliver courses. Students who attend this type of school usually pursue colleges overseas. Driven by this end goal, the concept of global education has been gradually recognized by more and more Chinese parents who send their children to bilingual schools. Both types of international schools require higher tuition fees than the average family in China can afford. Such a reality leaves the majority of parent population and their children who go to public schools knowing little about global education, or having a global mindset.

## Shadow Education and Its Role in K-12 Education

Shadow education, i.e., private tutoring after school, is bolstered by the advent of economic development and social trends (e.g., Aslam & Atherton, 2014; Buchmann, Condrón, & Rescigno, 2010; Chapman, 2001; Rushforth, 2011; Stevenson & Baker, 1992). Shadow education is a form of supplementary tutoring in China, in which educational services are offered beyond regular school hours, usually in the evenings or on weekends (Buchmann et al., 2010; Chapman, 2001; Rushforth, 2011; Stevenson & Baker, 1992). There are two popular forms of shadow education: one targeting children's extra-curriculum interests and talents beyond the school subjects, and one enhancing students' learning of school subjects to improve their exam performance in science, math, and language (Feng, 2021). The former includes learning subject matter from the Western curriculum (Zhang & Bray, 2015). The aim is to increase students' proficiency in English and develop global competences. This concerns especially students attending public schools.

Previous research indicates that shadow education in private tutoring is significant in mainland China (Zhang, 2014). Chinese families are willing to spend money in exchange for such educational services (Wang, 2013). Statistics show that 73.8% of primary school children, 65.6% of lower secondary school children, and 53.5% of upper secondary school children receive shadow education services (Bray, 2013). On the one hand, shadow education serves as a robust supplement to the education market, meeting the needs of Chinese learners, while on the other hand, critics argue that most of such tutoring provides “more of the same” to Chinese students. For the most part, shadow education is a way to reinforce material already learned in public schools. One study suggests that the accessibility of shadow education can satisfy the increasing learning demand and ensure quality learning standards (Valerio, 2013).

Regardless of the content of learning, one advantage of shadow education is that it can be flexible, providing remedial work that helps students keep up or targets high achievers who want to pursue beyond that which has been learned in school (Bray, 2013). Shadow education services mainly depend on customer demand. As a result, operations share the characteristics of business operations. Shadow education institutions often position themselves as service companies and demonstrate commercial-like practices. For example, they treat parents and students as customers: they invest heavily in marketing and promotion and they are more willing to adapt to customers' needs, such as transferring teaching to an online platform or making the same service options available across multiple locations in a city or country (Bray, 2013).

The Chinese parents' and students' demand for shadow education to reflect its sociocultural emphasis on learners' individual effort. Parents perceive that studying outside of school (i.e., extra effort) would improve their academic performance. Such generally-accepted social assumptions allow Chinese parents to trust the effectiveness of shadow education in boosting higher competencies. Their method of measuring results often refers to better examination scores or certificates of tangible, skill-driven

performances (e.g., dancing, playing piano, winning a math competition) (Chapman, 2001; Kim & Lee, 2010; Tansel & Bircan, 2006).

### **Research Questions:**

Our research questions were as follows:

1. What challenges do teachers face with respect to shadow education while localizing the Western curriculum in Suzhou, China?
2. What leadership challenges and practices can be identified in the Principal's management of shadow education institutions?

## **Methodology**

### **Data Source**

We conducted a qualitative case study at a local shadow education institute in Suzhou, China (Center). The Center provides holistic education using an American curriculum for students aged 3 to 12 years. The service is provided outside of the compulsory school time. The Center is part of an educational corporation with 11 branches in Suzhou and serves approximately 7,800 students collectively. The school promotes student-centered education by setting up smaller classrooms of 12-16 students each. It offers three subjects: English language, art, math, and science; all instruction is in English. Teachers and students are required to speak English when they are at the Center. With this content-based approach, the school aims to cultivate future talents with self-motivated learning ability, leadership, and global vision ("RISE Subject English, Philosophy," n.d.).

We collected data through semi-structured interviews with the Center's Principal and two experienced teachers. We also reviewed relevant information on the Center's official website to learn general information about its curriculum offer, vision, and mission. We analyzed school documents, such as the Center's teaching plan, with its intended learning outcomes. By gathering data from the three sources, we satisfied the triangulation requirement for qualitative research (Bloomberg & Volpe, 2018).

### **Interviewees**

We wanted to identify people who had reasonable experience in working in the shadow education field and knew the local culture well. Hence, we deployed the technique of purposeful sampling (Bloomberg & Volpe, 2018) with the following criteria: interviewees should hold more than five years of teaching experience and more than three years of work experience at the Center. The three selected interviewees satisfied this expectation before the interviews were conducted. All the interviewees were female and in their thirties. They had been working in schools for more than four years. The Center's Principal (fictitious name: Jennifer) acquired her higher education degree in the United States. After working at the Center for two years, she was promoted to Principal. She had been working in the shadow education field for about five years. Her background and first-hand experience in shadow education enabled her to directly understand global education and the localization of global education as a teacher and leader. She obtained rich leadership experience in different situations while facing

multiple rounds of local policy changes. She is experienced in handling communication with parents, particularly in helping parents adapt to the global mindset. She is familiar with the teacher population growing up in the 80s and 90s, and their associated social-cultural values. Kelly (fictitious name) teaches grades one to five. She is the leader of an elementary teacher team. Laura (a fictitious name) is a teacher leader of the K1-3 team, which mainly covers kindergarten children. They both have rich experience (more than five years) in teaching students and communicating with junior teachers and parents.

### **Data Collection**

Semi-structured interviews were designed and conducted separately for each interviewee. We interviewed the Principal face-to-face twice. The interviews with each teacher were conducted online. Each interview lasted approximately 30 minutes. The Principal's interview was conducted in English, and the interviews with the teachers were conducted in Chinese. Interviews were recorded and transcribed for further analysis. The two teachers' interview questions encouraged them to discuss their challenges when localizing the American curriculum within their teaching practices and communication with their parents. Follow-up questions were asked to the teachers to learn about their problem-solving techniques. The interview questions for the Principal focused on challenges and problem-solving, regarding both teaching and management.

The data files were analyzed independently by two authors of this paper, using an inductive approach. Interview transcriptions served as the data source for the qualitative analysis. Data collected from the three interviews were coded thematically. Braun and Clarke (2006) define thematic analysis as identifying, analyzing, and reporting themes within the data. Thematic analysis requires a researcher to produce a generalized understanding of coded data with the repetition of codes. The codes may be more precisely defined as themes when they frequently appear in the dataset. In particular, the two authors performed the following steps to analyze the data. First, each author searched for repeated words, phrases, and relevant expressions to form a list of themes that illustrated the localization challenges and leadership practices. During this process, the two authors frequently revised the coding used to develop themes in the data. Such a practice ensures that the authors obtain the subjective consistency of inductive coding categories, which improves the reliability of the research findings. Next, the authors used the themes that emerged to compare the relevant situations in the data. Finally, the two authors cross-checked the identified themes.

### **Key Findings**

#### **Teachers' Challenges:**

Based on the data analysis, the study found that teachers faced critical challenges with regards to pedagogy, marketing, and communication of the global mindset to parents.

**1. Pedagogical Challenge:** Teachers struggle between the English language and content teaching because more emphasis on either may lead to unsatisfactory student learning experiences and outcomes.

Since the training school provides lessons for students in English, the students need to learn both the subject content and the English language simultaneously. However, the problem is that most students' English proficiency is insufficient to support their learning of content in a satisfactory manner, especially in science and math subjects. For instance, since the students had already learned most of math concepts, theories, and question-solving techniques in their public schools in Chinese, they felt that learning the same again in English would be redundant. The students were only interested in learning mathematical terms and expressions in English. Although the teachers tried to expand the students' competencies (e.g., teamwork or public speaking in English) by introducing more methods to learn math, some students felt that these efforts were pointless. Students faced even more significant challenges when taking science lessons because learning science demands a tremendous amount of English vocabulary, most of which is distant from students' everyday lives. Hence, most students found it difficult to relate to science content and could not comprehend science knowledge. Moreover, the teachers at the Center are required to follow American curriculum requirements and teaching plans. This means that they are not allowed to alter teaching content. When the content is misaligned with the chosen medium of instruction, it is no wonder that students' academic performance is stagnant. When parents saw no improvement in their children's public school examination results, they began to doubt the value of following the Western curriculum. Consequently, some students dropped out.

Teacher Kelly commented on that in the following way:

“When I teach them Math in English, they know how to solve the problems and answer correctly. However, they cannot express their ideas in English. So, I have to let them remember English words and phrases first. For example, they know  $1+1=2$ , but they do not know how to express it. Sometimes, students feel bored about this type of learning and say, 'I have learned this!'”

“In my S1 class, most of the students are in Grade 3 in public schools, which means they should be capable of learning the S3 content in our system curriculum. But their English is too poor to support their content learning, especially the science class with too many unknown words.”

“I think it is a challenge for us. We have to use many teaching activities to make the class interesting and provide a platform to speak English. Even so, some parents would not buy it (i.e., the teaching of American curriculum and philosophy).”

**2. Marketing Obstacles:** Teachers feel stressed to push parents for service renewal (marketing) when communicating with them about the pedagogy, curriculum (academic) and children's performance improvement.

Teachers at the Center need to communicate with students' parents for dual purposes. On the one hand, teachers are asked to explain what they have done to help their children develop as a whole person. Here, the purpose of communication is to inform parents of their children's learning. On the other hand, the Center hopes that teachers can convince parents to pay an additional fee for extended services during this line of communication. Thus, teachers feel that there is a lot of extra communication to carry out. For the most part, teachers are passionate about teaching and not as much interested in generating revenue for the Center.

For example, teacher Laura stated:

“Although I know our Center needs to make money, I still think the teacher's responsibility is teaching, not pushing parents to pay. It makes me feel that it is not professional for a teacher to talk about money.”

**3. The Challenge of Cultivating Chinese Parents' Global Mindset:** The traditional exam-oriented mindset still plays a dominant role in parents' educational choices for their children. Hence, they tend to select shadow education services that aim to improve children's exam performance and develop their personal competencies on a more holistic level.

The Center utilizes the student-centered teaching methods and follows Bloom's taxonomy when designing teaching activities. The teaching goal is to cultivate future leadership, covering content knowledge and abilities such as critical thinking, teamwork, and public speaking (Rise, 2021).

However, teacher Laura mentioned:

“Some parents feel that their children have not improved in English learning. Because we follow our curriculum instead of the public school's requirements concerning students' learning, they tend to choose the exam-oriented training schools after grade two, when the school examination result becomes increasingly important for them.”

**4. Professional Development to Support Teachers:** The school tries to establish a professional team by training teachers in global pedagogy and management of parent-teacher relations through effective communication.

Training schools have programs for teachers of every grade, who can learn new teaching methods annually, each lasting about two weeks. They must attend the training program and pass the exam successfully to obtain a certificate to teach. As teacher Laura mentioned, “Teachers can always learn new teaching methods and ideas when they attend the training. They can meet teachers from different branches and learn from them. Such an organizational initiative is a training requirement as well as a teacher selection method.” The training aims to improve teachers' teaching and consulting abilities in global education, enhancing their professional competencies. The hope is that teachers can communicate more effectively and professionally with parents. The school promotes a cooperative learning structure and utilizes Bloom's taxonomy to design teaching goals. Such an approach enables teachers to conduct

personalized education with different students. The school provides authorized teaching materials to support teachers' teaching activities accordingly.

### **Leadership Challenges**

In addition to the challenges faced by teachers, the study explored the challenges faced by the Center's leader. More importantly, the study aimed to determine how the leader handled challenges in her leadership practice.

**1. Leadership Challenge and Practice: The Generation Gap:** Some teachers are becoming increasingly dissatisfied with the Center's current leadership styles, as most of the population changed between the 80s to the 90s.

The Principal of the Center mentioned that the headquarters sent monthly revenue goals to each center. The Principal then passes down the requirements to the teachers, stating: "How well we can achieve the goal will affect our income." Thus, the Principal puts pressure on teachers to push them for better performance and better results in asking parents to renew services. She believes that leaders should have higher expectations of teachers, "Because sometimes, when you reach the goal, you get rewarded. Then, you will know that everything you put in is worth it." Her statement suggests that she believes that if teachers want to pursue more money and a better reputation, they have to comply with the company's requirements. Nevertheless, the Principal revealed her powerlessness in this respect when discussing the differences between the 80s and 90s' generation of teachers.

The Principal stated:

"In the 80s, the parents were hardworking because they were not as rich or wealthy. Or, they felt like you should be working hard to obtain the result. In the 90s, their parents were already richer; they did whatever they liked to do. The environment changed. Society changed. Therefore, the individuals from the 90s were harder to motivate because there were not many things you could motivate them with. They did not lack money. They had houses. They did not care about other fancy stuff, they cared about themselves."

Therefore, the leader needs to apply different leadership practices for teachers from the 90s' generation. The Principal needs to respect this group of teachers' ideas and values, or they will not believe in the Principal's opinions or commands. Moreover, even when the leader tries to communicate with this group in different styles, it might not work as expected. Since the teacher generation and its culture in the organization are changing, the leader needs to consider generational differences and try to manage conflicts caused by dissimilar interpretations of teachers' roles and responsibilities.

## **Discussion and Implications**

### **Teachers' Dual-Role in Localizing an American Curriculum**

The findings suggest that, in contrast to traditional teachers in public schools, teachers working in shadow education have to play dual roles in their jobs: an academician and a salesperson. This unique characteristic is due to the local people's sociocultural preference toward exam-oriented education rather than the Western teaching

approach. Not many parents and students have embraced the concept of holistic development. With the demand for economic survival, the Center expects teachers to promote a global education mindset and explicitly communicate its advantages to parents in the hope of convincing them to pay for more services. Thus, shadow education teachers need to develop better communication skills as well as teaching abilities. Teaching alone will not help in promoting a global education mindset to students and parents; explicit and frequent promotions and explanations are required.

### **Dual-Value Contradiction**

As the Principal mentioned, each center receives a sales target (i.e., renewing students' quota), which determines the Center's monthly rewards and punishment, and her routine work requires her to provide each teacher with their targets. In addition to mentioning sales goals, she needs to make specific plans to support teachers so that they are likely to achieve the given targets. This leadership practice represents some elements of the path-goal theory in leadership.

Path-goal leadership theory, built on expectancy theory, claims that leader behavior affects followers' outcomes and motivations (House, 1996). The theory argues that the essential role of leaders is to ensure that subordinates see the connections between outcome and action in the hope of effectively triggering subordinates' motivation. According to House (1971), path-goal theory focuses on making a connection between two dimensions. The first dimension is between work effort and work goal achievement. Regarding leadership practices in this dimension, leaders are first required to explain clearly to subordinates what their responsibilities are. Second, leaders need to support subordinates to improve their ability to complete tasks. When followers face challenges during the process, leaders should offer support in helping clear obstacles. The second dimension is between work goal achievement and rewards valued by followers. This suggests that leaders need to address the following two aspects in their practices: (1) communicate with followers clearly about the possible rewards related to their work achievements and (2) be willing to adjust those rewards in a consistent manner according to the follower group's performance. Furthermore, the valued rewards can be in multiple forms, such as rewards that target enhancing followers' extrinsic motivation (e.g., cash bonus or promotion) or targets triggering followers' intrinsic motivation (e.g., an appraisal for individual growth).

However, the findings suggest that some key elements are missing at the Center according to the path-goal theory approach. First, the Center's goals are not made collectively with teachers; instead, they are directly announced to teachers by the leader without their input. During the Principal's discussions with teachers, the conversation is usually about achieving the goal, not whether the teachers accept the already made-decisions. The participatory leadership approach suggests that teachers combine their expertise and creativity to develop shared plans, design methods collectively, and solve problems. In the Center's case, all instructions and supportive behaviors are achievement-driven. The Principal assumes that her practices will be helpful in motivating and supporting subordinates to achieve set goals. This approach is a pattern seen at all levels of the Center's operation, including the teaching process, quality assurance, teachers' training, and promotion of sales.

However, the Center promotes the concept of student-centered and holistic education, which focuses more on the development process. According to Chipunza and Malo (2017), organizational culture and the quality of the organization's social climate determine the dominant positions of all workers. The school's achievement-oriented culture subtly sets the unspoken criteria for leaders and teachers. It exists as an implicit, powerful force that drives teachers' daily work practices. This force contradicts the publicly promoted student-centered value and becomes an invisible barrier in teachers' everyday work experience.

### **Generational Sub-Cultural Influence**

According to the interviewees' descriptions, in the 80s generation, leadership practices, such as motivating teachers through self-development opportunities, generating inspiring personal passion for teaching, and giving a bonus, were very effective. Although teachers may complain about business-oriented work, such as pushing parents for renewing services, they would ultimately obey the Center's expectations, having considered tangible rewards. However, for the 90s' generation, the same leadership behaviors do not work. The Principal mentioned that "they [the 90s' generation] like big money and are more creative. They want the school to change to what they like." Hence, applying the same leadership practices does not lead to the same results. The post-90s' generation teachers form subcultures within the Center. Consequently, sub-cultural conflicts exist between the leader and the younger teachers when delineating roles and responsibilities. According to the role theory, the role of followers and the role of leaders affect one another's behavior during work (Chen et al., 2012). In view of this, the Principal has already begun to adjust leadership practices after witnessing an increase in the turnover rate.

### **Practical Implications and Suggestions**

Offering global education at a local shadow education center is done by providing supplementary resources to public schools. Such a service can provide additional support for parents who want to ensure more educational opportunities for their children. Since shadow education operates differently than public school education, teachers in the shadow education center need training and motivation to foster academic teaching and business skills. In addition, leaders should enhance one-on-one mentoring between leaders and teachers to establish a shared mindset and culture. In turn, this practice can help teachers communicate and explain the global mindset approach more effectively to parents and students. Often, teacher recruits in the Center are preferred to be university students with English majors. Based on the findings of this study, it is suggested that the recruitment pool could go beyond English or English-related majors. So long as applicants demonstrate the potential for demonstrating desired abilities, a person's mindset, attitudes, and professional skills are vital. For example, candidates with a business background and fluency in English should also be considered. Finally, training centers can strengthen communication with public schools. For example, they can introduce and promote personalized teaching and cooperative learning structures to local public school teachers to enhance their abilities and help local students embrace and experience educational approaches beyond examination-oriented education.

## Limitation and Future Studies

As a case study on a shadow education center, this research aimed to gain insight into the localization process rather than produce generalizable conclusions on all shadow education practices. In addition, the study only interviewed three people at the Center, without covering all types of teachers. Therefore, the findings represent only a part of teachers' opinions on localizing global education. Moreover, this study mainly focused on the teachers' and leaders' methods to meet the challenges of promoting international education locally. More teachers and diverse dimensions warrant further research and exploration. For example, future research may consider the necessary adjustments in teaching methods when localizing the American curriculum in a foreign location.

## Conclusion

Shadow education as supplementary education is not enough to overturn the profoundly rooted presence of examination-oriented education in China. Bringing the U.S. curriculum to China and teaching local students without sufficient sociocultural support leads to several operational barriers. Creating a suitable sociocultural context as part of the localization process is essential. When aiming to localize global education, shadow education practices need to address teachers' deficiencies in business skills. In addition to demonstrating ideas through their teaching, teachers and school leaders help local parents embrace the global mindset. For leaders of shadow education, assisting teachers with communication skills and business literacy will be the main direction to help them achieve their performance goals if those goals cannot be jointly developed with teachers. Shadow education could be more effective when positioned to complement public school offerings and can become a positive enhancement or an alternative for promoting positive change in Chinese education, i.e., making it more about holistic development rather than only about passing exams.

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# Reading Aloud in English and Discussing the Discovery of America: One CLIL Lesson Plan from a Double-focused Integrated Course for Primary School

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## Abstract

Content and language integrated Learning (CLIL) today is often taken as a mainstream in world second language education (ESL) albeit typically optional than obligatory. In Russia the CLIL methodology is not widespread yet but steadily gains popularity. The article presents one lesson plan, “Meet Christopher Columbus”, from an integrated double focused course for 4th grade children devoted to reading fluency and world history. The author undertakes a theoretical and empirical approach.

The main educational resource of the lesson is the well-known American poem for kids, “In 1492 Columbus sailed the ocean blue”, by Jean Marzollo (Marzollo, 1948). The lesson goals are to improve oral reading technique and discuss some essential questions about the discovery of America. The lesson framework is based on Do Coyle’s 4C’s model (Coyle, 1999, 2006). Scaffolding strategies include some visuals in the PowerPoint (pictures and videos), translanguaging and codeswitching when necessary during the lesson.

The lesson had been piloted in Ekaterinburg municipal school №171 in 2021 and proved to be effective in boosting self-esteem in reading and motivating children to learn more about historical figures and events.

## 1. Introduction

Content and Language Integrated Learning appeared as one of the answers to the great educational challenges of the end of the 20th century. The crucial global changes at the turn of the millennium that altered the face of humanity made people revise a considerable proportion of strategic guidelines about the pedagogic objectives for a new generation. A flexible approach, described as a dual-focus methodology in which content and language are learned together in an integrated way (Marsh et al., 2001) that could combine various educational aims in different models, has begun to win teachers’ minds and hearts all over the world. Today CLIL has become a driving force in various types of mainstream education and is seen by many as the best practice for the future, though no unanimity exists with regard to the linguistic competencies that result from CLIL and an overall picture of the long-term effects of CLIL is lacking (Goris et al., 2019). The Eurydice report “Key data on teaching languages at school in Europe” noted that CLIL increased learners’ exposure to the language they learn without taking the additional time from the curriculum but it was not very widespread yet (Eurydice Brief, 2017). Spain is probably the most experienced European country in CLIL application with government support, while in other countries it is realized systematically but offered as an option (Cimermanová, 2021).

In Russia, CLIL seems to develop largely in a similar way. On the one hand, the very idea of subject integration and deep learning stimulating development of cross-curricular skills and functional literacy are officially recommended by the Federal Public Education Standard both for Primary and Secondary education. The majority of English language students' books that are used in Russian schools contain cross-cutting themes yet confined to language learning purposes. On the other hand, several CLIL projects that were realized in different regions over the past fifteen years were localized and small scale. For example, there is a municipal language integrated school "Duplex" in Perm (Sokolovskaya & Nabatova, 2015). Other than that, in 2017 the implementation of an integrated course for first grade children in Togliatti was reported (Gudkova & Iashina, 2017). Some CLIL lesson plans of teachers in service are occasionally published on different educational sites. CLIL in the Secondary school has become a research topic for several Master's degree theses during the last five years. Thus, the promotion of the approach is expanding, which Maria Ellison describes as initiatives made both at ministerial and grassroots levels (Ellison, Net(Working), 2018).

## **2. The Integration of L2 Reading Fluency and History in Primary School**

The choice of two priority areas for integration was determined by some essential features of primary school curriculum in Russia. The first one is the widespread problem of poor reading skills among Russian students. Except English classes most of them encounter English written words in computer games, labels and signboards. The insufficiency is made worse by lack of time for reading tasks during English lessons and the differences between languages. For instance, in the Russian language the words are read according to rules and in the English language there are a lot of exceptions. Besides, in Russian there are no letter clusters. Russian children often need auditory memory fixation of English words as they can be taken as meaningless (Milrood, 2017). Additionally, it should be kept in mind that reading aloud has a special value for beginners for control and self-control. The optimal proportion of reading aloud and silent reading for young learners is 90 to 10 per cent (Solovova, 2005). So reading aloud becomes an important educational purpose that needs additional attention and practice.

History as the second integration branch was chosen because of great opportunities of language integration with citizenship education. Another reason was the coincidence of the subjects in the basic 4<sup>th</sup> grade curriculum. The last year of primary education is the time of the propaedeutic history course called "The world around". The simultaneous learning of history during double focused and standard lessons can create synergy that also contributes to the CLIL lesson effectiveness.

## **3. The CLIL lesson model**

A well-known inspirer of CLIL, Do Coyle, says that the major strength of CLIL-based teaching is the great flexibility of the model: it can easily be adapted to suit the needs of all stakeholders involved (Coyle, 2005). In 2009, P. Ball presented the classification of CLIL models including a strong version (hard) of CLIL, a weak version (soft) of CLIL and some interim variants (Ball, 2009). Our CLIL lesson model can be classified as a soft CLIL type, in which language classes are based on thematic units. According to

the classification of the British Council's Profile Report on Bilingual Education (English) in Poland (Marsh et al., 2008), our variant is "Limited English language medium instruction, with L1-L2 code switching".

#### **4. The Description of a CLIL Lesson - the Framework, the Participants, the Procedure**

This CLIL lesson is a part of a double-focused course devoted to reading fluency and introduction to world history. Ten authentic poems of British and American writers concerning the most important periods of world history became the content base of the course. The target audience of the course were the students of the 4<sup>th</sup> grade of municipal school № 171 from Ekaterinburg. The course was validated in the 2020-2021 academic year and now is being finalized.

The lesson "Meet Christopher Columbus" was based upon the well-known poem for children "In 1492 Columbus sailed the ocean blue" by Jean Marzollo (1948). The choice of the poem stemmed from the importance of the event for world history, the vocabulary in the poem, and its length adequacy for the age of the participants. The proportion of new words for the students was up to ten per cent. As for the grammar structure, i.e. past tense, it was also familiar to the students. The poem is meaningful, authentic and challenging as it shows one point of view for an essential and controversial event in American history. The poem consists of 22 short lines.

The outcomes of the lesson were presented separately by language and content components. By the end of the lesson, the children were able to give the date of discovery of America, to define the character of Christopher Columbus and to briefly describe his voyage to America (the purposes, the reasons, the route, the means of transport, its length, conditions, results). Language outcomes suggest confident reading of the names and the words, connected to the topics: history, traveling and the Age of Discovery, automatised correct reading of the regular and irregular verbs and letter clusters such as *ai, ay, oo, ight, wh, ng, qu*.

The lesson was piloted as an additional English class for 13 children, including one disabled student as the school provides inclusive education.

#### **5. Methodology of the Lesson**

The methodological base of the lesson took into account the main CLIL framework for developing CLIL materials (including Mohan's knowledge structures, Do Coyle's 4Cs and matrix 3As planning tools, revised Bloom's taxonomy) that is used now for kindergarten and primary education (Garcia, 2013), as well as some reading strategies determined the choice of the exercise.

The aims of the lesson were developed according to the 4C concept: content, communication, cognition and culture aims. The lesson components were planned for a particular class. Thus, content aims were set in accordance with the student' age and overall mental level of the class. The communication aims were met by teamwork and peer support. The cognition element was realized by means of pictures and questions which stimulated a discussion. Culture aims were connected with a multiethnic class that consisted of children from mixed cultural and religious backgrounds.

With the use of Do Coyle’s Language Tryptych, the poem vocabulary and classroom language were divided into 3 parts - Language of learning (Analyzing), Language for learning (Adding) and Language through learning (Applying) (Table 1).

Language of learning	Language for learning (classroom language)	Language through learning
ocean, ship, Spain, night, day, compass, go, sail, sailor, crew, tree, sand, rock, land, natives, spice, gold, made, again, bright, brave, trip	settle down please, pay attention to, choose your variant, compare, you’ve worked very well today, well done.	a voyage, to discover, to change, dangerous, pride, Arakawa Indians, The Age of Discovery, The Bahamas, Siberia.

**Table 1 Division of the lexical content according to 3As by Coyle**

The exercises were structured according to Mohan’s and Bloom’s algorithms: from familiar language and content to new content and new language, from knowledge/remembering, comprehension/understanding, analysis/analyzing to evaluation/evaluating.

The oral reading skills development was based on BDA Strategies (before reading, while reading and after reading tasks) and some specific techniques. The training reading model was adopted from L. Urubkova (1980). She underlines that effectiveness of reading in class depends on a certain order of tasks: tone marking of the text, whole-class reading, reading in pairs, whispering reading and individual declamation. The whole class and pair reading were conducted by means of a wide range of practices: Neurological Impress method by Heckelman (Heckelman, 1986), 4/3/2 method by Nation (Nation 2009), some exercises from speed reading technique suggested by I. Fedorenko (Fedorenko, 1978) – “the tug reading” when the teacher read the text with different speeds and the students followed him with pointing the necessary line, “interrupted reading” when reading was stopped by a teacher and the students needed to find the line to continue reading as quickly as possible, tasks for peripheral vision improvement.

Ultimately, the CLIL lesson consisted of the following parts:

- 1) Before reading activities: checking students’ previous knowledge, revising the vocabulary connected to the target topic, historical context immersion (supported by PowerPoint presentation) and work with phonics and peripheral vision.
- 2) Musical pause.
- 3) While reading activities: listening to the teacher’s reading, whole-class reading, reading in pairs, individual whisper reading, creative declamation.
- 4) After reading activities: the discussion of stimulating questions with short assessment tasks.

## 6. Implementation

### 1) Before reading activities

As a brainstorming task the students were given a picture of an old compass and had to guess the topic of the lesson. The warming up activity was a game in which the children had to choose one word from the pair (coffee or tea, America or Australia, ship or car, sail or swim, Spain or India, go or run, sand or rock, hot or cool and etc.). The presentation gave students some facts about Columbus and the idea of the Earth's sphericity was discussed. For peripheral vision improvement, lists of the basic lesson words were shown up quickly on the screen. The task was to find a letter or word.

2) For a musical pause the students listened to the recording of the poem and repeated the teacher's movements to react to verbal input (TPR).

### 3) While-reading activities

"In 1492" poem performance was done in groups: every crew had the name of Columbus' ships - Santa Maria, Nina and Pinta. The students turned their chairs into ships and presented their reading while standing on them.

### 4) After reading activities

The students tried to identify words from the poem that were meaningful for the historical context. One more challenging task was to compare Columbus discovery with Ermak Siberia conquest (the regional history component). The key question for the final discussion was "Can one man change history?".

## 7. Scaffolding

The term *scaffolding* appeared in the educational sense about fifty years ago (Mohan, 2020) and meant interactional instructional relationship between adults and learners that "enables a child or novice to solve a problem" (Wood, Bruner & Ross, 1976). Some researchers connect the term with Vygotsky's Zone of Proximal Development (Ellison, 2018). Anyway, today it is an essential part of any CLIL project (Meyer, 2013) as it is a possible way of overcoming most CLIL challenges especially in the primary school.

During the lesson, further scaffolding techniques were used:

- PowerPoint presentation
- handouts with text
- inspiring pictures (Columbus's ships)
- comprehension breaks
- vocabulary key (list of irregular verbs on the desk)
- translanguaging and codeswitching during the discussion
- "huddles" trick, with each group sitting next to one another to discuss the poem with peers to make the meaning of all words clear, before performing the poem

## 8. Criteria Assessment

The question of assessment for CLIL lessons remains open. In the recent CLIL assessment pilot study, G. Laborda states that brief research on assessment in Content Language Integrated Learning testifies to a lack of references that specifically address this topic (Laborda, 2020). Concluding that efforts should be made to ensure the right combination of language and content in assessment practices, the author calls the CLIL assessment a neglected area and opens a line for future research. As Ellison underlines, the focus of assessment in any given context will be determined by the main goals of the program (Ellison, 2017)

Taking into account such a specific situation with an atheoretical base, the cornerstone for our assessment criteria became the equal attention to content and language segments that were evaluated separately. The content segment learning was scored on the basis of discussion participation: 2 points for asking and answering the questions, 1 point for answering the questions and zero points for non-participation. The language learning criteria consisted of several criteria items: accurate reading (0-2 points depending on mistakes, reading speed (0-2 points compared with reading in the mother-tongue), expression (0-2 points) (Table 2).

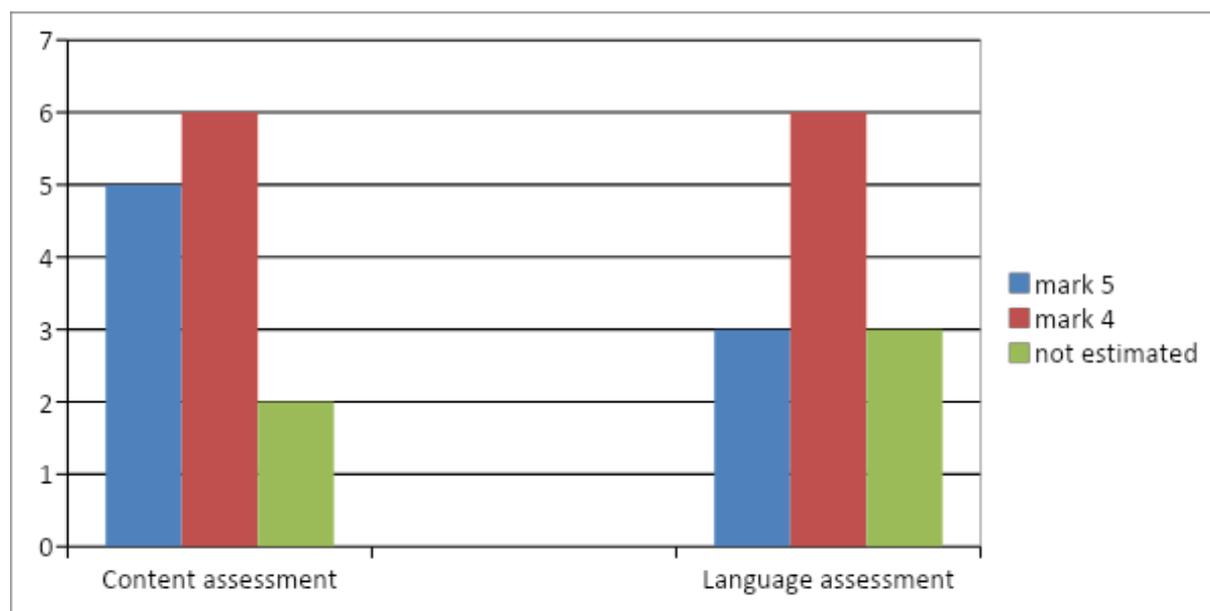
Criteria	2 points	1 points	0 points
Content	active participation in discussion	partial participation in discussion	non - participation
Language (reading fluency)	4-5 reading mistakes	less than 10 reading mistakes	more than 10 mistakes
Expression	+		-
Tempo	Comparable with the tempo of reading in the mother tongue	Slower than the tempo of reading in the mother tongue	Much slower than the tempo of reading in the mother tongue

**Table 2. Assessment criteria for CLIL lesson**

6-8 points matched the mark “5”, 3-5 points matched the mark “4”, 2 and less points were not evaluated as educational purposes were not achieved.

## 9. Results and Reflection

The lesson was a success as the children were active and inspired by it. The content and language aims were reached in general. It is important to mention that we did not use direct translation of the poem and the context helped the students to catch the meaning. The discussion was interesting to children and contrary views were expressed. The assessment showed the following results (Fig.1)



**Figure 1. The assessment results of the CLIL lesson**

But there obviously were some weak points. Regrettably, there were mistakes in reading words that had been revised before the activity. Apparently, extra time and tasks are necessary for the pre-reading stage. And there were children who proved that they needed more individual work. It seems that a mind map or fact box could be a good improvement for the content aims.

## 10. Conclusion

The preliminary results of CLIL approach implementation in a Russian primary school show a great potential for motivating both students and teachers. The lesson “Meet Columbus” with the integration of history and the English language was a positive experience. History context immersion and reading aloud mutually influenced each other making the learning more meaningful and lasting.

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