

State of Human Rights in 2008



Sources

The sources, where not quoted in the text, were HRCP surveys, fact-finding reports and communications from its correspondents and private citizens; official gazettes, economic and legal documents and other public releases and statements; reports in the national and regional press; and publications of international agencies like the UNDP, ILO, WHO, UNICEF and the World Bank. Considering the limitations of the official reports, press accounts and sample surveys conducted by NGOs, figures and assessments offered here may not always represent the full or the exact picture. They should be taken as a reflection of the trends during the year.

Pictures are by courtesy of
The News, Lahore; The Dawn, Lahore - Karachi; Daily Times, Lahore; New York Times; and other online
sources

HRCP Special Task Forces at Hyderabad
and Multan and other HRCP offices.
The Commission is also thankful to its correspondents
for some pictures.

Published by

Human Rights Commission of Pakistan
Aiwan-i-Jamhoor, 107-Tipu Block, New Garden Town, Lahore-54600
Tel: (92-42) 5864994, 5838341, 5865969
Fax: (92-42) 5883582
E-mail: hrcp@hrcp-web.org
URL: www.hrcp-web.org
Blog: www.hrcpblog.wordpress.com

Printed by

Maktaba Jadeed Press
14-Empress Road, Lahore
Tel: +92-42-6307639-40

March 2009

Price: Rs. 300/-
\$ 11/-
£ 7/-
(Postage extra)

ISBN- 978-969-8324-30-8

Cover design: Visionaries, Lahore
Controller computers: Rehan Latif Khan

Contents

Abbreviations

Glossary

Citations & key

Introduction ... **1**

Highlights ... **3**

I Rule of law

Laws and law-making ... **11**

Administration of justice ... **17**

II Enforcement of law

Law and order ... **41**

Jails, prisoners and ‘disappearances’ ... **53**

III Fundamental freedoms

Freedom of movement ... **67**

Freedom of thought, conscience and religion ... **71**

Freedom of expression ... **79**

Freedom of assembly ... **87**

Freedom of association ... **93**

IV Democratic development

Political participation ... **101**

V Rights of the disadvantaged

Women ... **115**

Children ... **129**

Labour ... **139**

VI Social and economic rights

Education ... **159**

Health ... **171**

Housing ... **178**

Environment ... **185**

Refugees ... **195**

Appendices

HRCP activities ... **209**

HRCP stands ... **216**

Abbreviations

ADB	Asian Development Bank	EIA	Environment Impact Assessment
AJK	Azad Jammu and Kashmir	EPA	Environment Protection Agency
ANP	Awami National Party	EPI	Expanded Programme for Immunization
ASI	Assistant Sub-Inspector [of Police]	FATA	Federally-Administered Tribal Areas
ASJ	Additional Sessions Judge	FCR	Frontier Crimes Regulation
ATA	Anti-Terrorism Act	FIA	Federal Investigation Agency
ATC	Anti-Terrorism Court	FIR	First Information Report
BHC	Balochistan High Court	HEC	Higher Education Commission
BHU	Basic Health Unit	HRCP	Human Rights Commission of Pakistan
CDA	Capital Development Authority, Karachi's is KDA, Lahore's LDA, etc.	IG	Inspector General [of Police]
CEC	Chief Election Commissioner	IMF	International Monetary Fund
CEDAW	Convention on Elimination of all forms of Discrimination Against Women	ISI	Inter-Services Intelligence
CIA	Criminal Investigation Agency	ISPR	Inter-Services Public Relations
CII	Council of Islamic Ideology	IUCN	International Union for the Conservation of Nature
CJ	Chief Justice	JI	Jamaat-e-Islami
COAS	Chief of Army Staff	JJSO	Juvenile Justice Systems Ordinance
CNIC	Computerized National Identity Card	JUI (F)	Jamiat-e-Ulema-e-Islam (Fazlur Rahman Group)
CrPC	Criminal Procedure Code	LHC	Lahore High Court (SHC is Sindh High Court, PHC Peshawar High Court etc)
CRC	Convention on the Rights of the Child	LHV	Lady Health Visitor
DCO	District Coordination Officer	MCL	Metropolitan Corporation of Lahore
DIG	Deputy Inspector General [of Police / Prisons]	MNA	Member of the National Assembly
DPO	District Police Officer	MPA	Member of the Provincial Assembly
DSJ	District and Sessions Judge	MQM	Muttahida (formerly Mohajir) Qaumi Movement
DSP	Deputy Superintendent of Police	MSF	Muslim Students Federation
ECL	Exit Control List		

NA	National Assembly	TJP	Tehrik Jafria, Pakistan
NAB	National Accountability Bureau	TNSM	Tehrik Nifaz-e-Shariah Mohammadi
NCSW	National Commission on the Status of Women	UDHR	Universal Declaration of Human Rights
NEQS	National Environment Quality Standards	UNDCP	United Nations Drug Control Programme
NGO	Non-government organisation	UNDP	United Nations Development Programme
NIC	National Identity Card	UNESCO	United Nations Educational Scientific and Cultural Organization
NIRC	National Industrial Relations Commission	UNHCR	United Nations High Commissioner for Refugees
NSC	National Security Council	UNICEF	United Nations Children's Fund
NWFP	North-West Frontier Province	WAPDA	Water and Power Development Authority
PAEC	Pakistan Atomic Energy Commission	WASA	Water and Sewerage Authority
PATA	Provincially Administered Tribal Areas	WB	World Bank
PFUJ	Pakistan Federal Union of Journalists	WHO	World Health Organization
PHC	Peshawar High Court	WTO	World Trade Organization
PMA	Pakistan Medical Association	WWF	Worldwide Fund for Nature
PML(N)	Pakistan Muslim League (Nawaz group). PML-Q is Pakistan Muslim League, Quaid-e-Azam.		
PONM	Pakistan Oppressed Nations Movement. The PONM platform brings together the nationalist organisations of the smaller provinces.		
PPC	Pakistan Penal Code		
PPP	Pakistan People's Party		
PS	Police Station		
PTI	Pakistan Tehrik-e-Insaf		
RHC	Rural Health Centre		
SC	Supreme Court		
SAARC	South Asian Association for Regional Cooperation		
SCARP	Salinity Control and Reclamation Project		
SCBA	Supreme Court Bar Association		
SHC	Sindh High Court		
SHO	Station House Officer		
SI	Sub-Inspector [of Police]		
SITE	Sindh Industrial Trading Estate		
SMP	Sipah Mohammadi, Pakistan		
SP	Superintendent of Police		
SSP	Senior Superintendent of Police		
TB	Tuberculosis		

Glossary

[Terms commonly used in discourse on rights and laws.]

Abadi: Settlement. Katchi abadi refers to temporary settlement of squatters

Amir-ul-Momineen: Literally, the leader of the pious ones. This was the traditional title of the head of the early Islamic state

Asnad: Certificates awarded by educational institutions. Singular ‘*sanad*’

Amir: Literally, leader. Frequently used to refer to leaders of Muslim groups

Assalam-o-Alaikum: “May peace be upon you.” Muslim greeting

Atta: Flour made from ground wheat.

Azaan: The Muslim call to prayers

Azad: Free

Baitul Mal: Originally the state treasury in an Islamic state. In Pakistan the institution has been set up mainly for disbursement of zakat

Baitul Zikr: House of prayers and pious exchange. The term Ahmadis now use in place of ‘*masjid*’ or mosque, which was prohibited to them after they were declared non-Muslim

Basant: Spring kite-flying festival

Begar: Forced labour

Bhatta: Allowance. Now euphemistically used for amounts regularly extorted from industrialists, traders, professionals and other citizens by petty functionaries, militant groups or criminal gangs

Bheel: One of the castes into which pre-independence India’s Hindu society divided its people. Bheel is among the ‘lowest’ and poorest in the hierarchy and mostly comprises farm labourers

Bismillah: “I begin with the name of Allah.” Required expression by Muslims at the start of anything they do

Burqa: An outermost garment to shroud the whole female body

Chadar and chardivari: Literally, sheet of cloth and four walls. Associated with women the phrase signifies that a woman’s place of honour is inside the four walls of home; and, if she must go out, she has to be wrapped from head to foot in a sort of winding sheet

Chak: Tiny rural settlement in the Punjab, usually designated just by number and a letter of the alphabet

Challan: The police’s prosecution brief. There are two categories of this: the first is based on a preliminary (first information) report, and the next, which is more formalised, follows from early investigations

Chapati: Bread made from wheat flour. A staple food item in many parts of Pakistan.

Chaudhri: Now also a common surname in Punjab, in its original sense it describes the head of a village’s

foremost landed family

Cheera: From the word meaning ‘tearing up’ it is a common method of third degree torture in which the victim’s legs are spread out to the maximum and kept immobilised in that position. The agony quickly makes the man ‘admit’ in most cases whatever he is asked to confess by the police

Darul Aman: Literally home of safety, it is the name of institutions set up or supported by government for the shelter of women needing temporary sanctuary or protection. Usually the courts send women whose cases are yet to be decided to such shelters

Deeni madrassah or madrassah [Plural in Urdu: Madaris]: Literally, a religious school. At present many of the institutions are run for sectarian and fundamentalist ends. Numbering in thousands these seminaries usually maintain a harsh discipline and aim to raise devout corps of sometimes militant young devotees

Deh: Small village

Dera: Extended residential site of an influential figure in a village or other area

Diyat: The blood money in return for which the next of kin of a murdered man may agree to forgive the killer. It is also monetary compensation for any lesser physical injury caused

Ehtisab: Accountability

Eidul Fitr: Festive occasion which marks the end of the Muslim month of fasting, Ramazan

Fatwa: Religious edict

Fiqah: Muslim jurisprudence

Gaddi-nashin: Occupier of the usually hereditary seat of custodianship of a shrine

Gherao: A number of persons’ laying siege to someone superior to pressure him to listen, and hopefully to yield, to their demands. Literally, to surround

Hadd: Plural hudood: Islamic punishment

Hari: Sindhi peasant, tenant or farm labourer

Hujra: Retiring room of an Imam or any religious person or outhouse

Iddat: The period a Muslim woman is required to spend in relative seclusion after divorce or death of her husband

Iftar: The fare for breaking fast

Ijtihad: Research and reinterpretation of Islamic intent in relation to specific issues.

Ijtima: Congregation

Imam: Prayer leader

Imambargah: Shias’ place of holy congregation

Isha: The Muslim prayer due after nightfall

Jirga: A gathering of elders, which especially in tribal societies settles disputes, decides criminal cases etc

Kalima: Quranic formulation of a basic Islamic tenet

Karo kari: A traditional, feudal custom which still continues whereby couples found in, or more often merely suspected of, adulterous relationship are summarily done to death by the family members themselves. The law takes a lenient view of this “crime of honour”, which often leads it to be abused

Katchi abadi: Settlement of homes, many made of unbaked bricks or timber and cloth, which have cropped up across the country.

Khan: A term frequently used to refer to an influential feudal in the area. Khan is also a common surname

Khateeb: Person who delivers religious sermons before prayers

Khidmat committees: Service bodies, comprising government nominees, required to check failures of public institutions and officials

Khula: Divorce in which the move for the dissolution of marriage comes from the wife’s side. The procedure for this is different from talaq, the divorce pronounced by the husband. It is usually far more difficult for the woman

to obtain a divorce in this fashion

Kutchery: Court. The kutchery of recent currency is the audience given by ministers or officials for receiving public complaints

Maghreb: Time at sunset. Also the Muslim prayer due then

Malik: A tribal chief. Other variants are Sardar and Khan

Marla: 25 sq yds or 21 sq metres. 20 marlas make a kanal

Masjid: Mosque

Mehfil: Gathering

Mehr: The money the groom pledges to the bride at the time of the wedding as a token of his earnestness

Moharrir: Police station clerk who records complaints and crime reports.

Mullah: Formerly an appellation for an Islamic scholar, now it often refers pejoratively to a semi-literate fanatical campaigner and pronouncer of the orthodox Islamic view in the community. Closer to its original sense are maulana, moulvi and alim (for religious scholar, plural ulema)

Muharrum: Muslim month of mourning, most devoutly marked by Shias

Naib Qasid: Peon

Najis: Something religiously regarded as impure, impermissible

Napaid bazo: Family's decision to wed one off ahead of birth

Nazim: Mayor - *Naib Nazim*: Deputy Mayor

Nikah: Nuptials

Nikahkhwan: The officially appointed moulvi, a religious person, who solemnizes marriages

Nikahnama: The document making note of a marriage contract with various clauses listed under it to determine the agreement reached at the time of the marriage with respect to dowry, mehr and other matters.

Panchayat: A gathering of elders

Patharidar: The village feudal who quietly patronises and provides protection to criminal gangs or individuals while using them to tame his enemies and help in maintenance of his hold over the commonalty and his status among his peers. Some also have a cut in the dacoits' booty

Peshgi: Advance payment against labour

Pir: A religious figure who often, because he is believed to be spiritually close to some venerable saint of the past, acquires a wide following of his own. The devotees of a *pir* look up to him as a spiritual, and even a physical, healer, guide and source of salvation

Pucca: Literally solid. Generally refers to houses made of baked brick etc.

Purdah: Veil

Qabza: Forceful seizure and occupation

Qatl: Murder; *Qatl-i-amd*: Premeditated murder

Qazf: False imputation of immorality against a woman

Qazi: A judge of an Islamic court; in Islamic tradition the man entrusted to mete out justice.

Qisas: Punishment identical to the crime: eye for an eye, tooth for a tooth

Ramazan: The Muslim month of fasting

Roti: Bread made from wheat-flour, traditionally accompanying meals

Sang chatti: Sindhi term – Same as *swara*

Swara: Gift of a girl in marriage in settlement of a tribal dispute

Sehri: The meal completed before dawn that marks the start of the Muslim fast during the month of Ramazan

Shalwar: Loose pants tied at the waist with a cord. Shalwar kameez, a loose trouser worn with a long shirt, or kameez, is a common form of dress for both men and women

Tandoor: Open oven used to bake bread

Tazia: Replica of Imam Hussain mausoleum in Moharram procession

Tonga: Horse drawn carriage used as transport

Ulema: Persons learned in Islam and Islamic practice

Ushr: Islamic land tithe

Vani: Tradition according to which women are surrendered for compounding a murder case. The same tradition is known as 'swara' in the NWFP

Wadera: Feudal lord, with all the connotations of (a) his repressive character in relation to the body of peasantry and community who live on and off the lands he owns, and (b) his influence with the local official functionaries and their superiors. Allied and more neutral terms are zamindar, the man who owns large tracts of agricultural land, and jagirdar, the person who has inherited extensive lands gifted to his ancestors by former colonial and other rulers for services rendered

Watta Satta: The kind of parentally arranged marriage in which a brother and sister of one family are married to the siblings of another. Tradition favours this because the landed inheritance of the two brides remains within the two families and also because it is thought to offer a kind of insurance of good treatment of the daughters thus exchanged between the families

Zakat: A tithe Islam imposes on every Muslim as a fixed proportion of his/her income and wealth and meant as a contribution to help the poor and the needy

Zakir: Religious preacher who mostly recounts events of the Islamic past, usually now in Moharram at the annual commemoration of Imam Husain's sacrifice at Karbala

Ziarat: Devout travel to and from prayers at the holiest shrines. A special Shia observance

Zina: Adultery. Rape is zina-bil-jabr

Zuljinah: Symbol of Imam Hussain's steed, in Moharram procession

Citations and citation key

All dates are for the year 2008 unless another specific year is mentioned.

English

Dawn	D
Dawn Karachi	KD
Nation	N
The News	NE
The News, Rawalpindi	RNE
Daily Times	DT
The Friday Times	TFT
Business Recorder	BR
New York Times	NYT

and IRIN, BBC Online, Times Online, WWF Online, The Herald, Newsline, Guardian Online, Amnesty International, AFP, Reuters, Economist, The Frontier Post.

Urdu

Jang	J
Nawa-i-Waqt	NW
Pakistan	P

and Aaj Kal, Khabrain, Din, Sahafat, Takbeer.

Introduction

In the context of human rights, 2008 was a year of opportunities and challenges. After the bleak human rights situation in 2007, it was believed that things could only get better, and in some areas they did as a civilian government emerged after nine years of dictatorship.

Though many of the expectations of a civilian set up were not fulfilled, significant steps were taken.

Pakistan signed or ratified three key UN human rights treaties, though steps for their implementation remained elusive. The new government initially thought of converting all death sentences into life imprisonment, but later on seemed to back paddle and introduced more laws punishable with death.

The elected government distinguished itself from the preceding dictatorship in allowing greater freedom of assembly, expression and movement. A new law on industrial relations freed the trade unions of some of the curbs imposed by the previous legislation

In other areas, however, things remained as bad as they had earlier been.

Women continued to suffer more than the rest of the population at the hands of Taliban extremists, and on account of inhuman customs and traditions. Even unborn girls continued to pay for quarrels of their male relatives, and were married off to settle disputes.

The lot of victims of 'enforced disappearances' did not change. Citizens continued to face harassment by state agents and terrorists alike. At least 67 suicide attacks across Pakistan killed 973 people and injured 2,318. During the same period, at least 289 people were killed in police encounters.

The state's keenness to hold talks with and give concessions to Taliban engaged in terrorizing civilians, blowing up government schools and butchering civilians and security personnel also remained unchanged. The use of military might remained the preferred option for dealing with militants in Balochistan, who demand greater control over the province's resources.

Media's concerns about curbs by the state diminished somewhat with the new government's emergence, but the state failed to protect media persons against violence and threats from non-state actors.

Working for human rights generally remained a dangerous proposition. The extremist elements' growth and threats to NGOs, lawyers, government officials and artists, were largely seen as a direct result of the authorities' policy of appeasing them.

Legislation through the exercise of the President's power to issue ordinances was not wholly given up by the civilian government.

The government was slow in securing the people's release from grinding poverty and unemployment

with due seriousness.

There was a lack of urgency to address the problems of overcrowded prisons even by the country's top leadership, which had until recently been imprisoned in the same jails.

In many areas, the state of affairs deteriorated considerably in 2008.

While election results of 2008 made it abundantly clear that the militants enjoyed very little support amongst the population, extremist militants' sway and religious intolerance spread unchecked.

The government seemed to have lost control of vast areas to extremist militants. Its capacity to protect lives against terrorist attacks or other criminal acts suffered severe erosion in many areas. Government response to terrorism mostly comprised meaningless gestures of issuing alerts after suicide bombing, or announcing the number of suicide bombers believed to have entered various cities, speculating whether an explosion was a suicide bombing or not, and advising the harried citizens to look after themselves.

All evidence indicated that the prevailing militancy and large-scale internal displacement would be a long-term problem, but measures to deal with the challenges were largely inadequate or inappropriate. It is a measure of their desperation and lack of any semblance of security that hundreds of internally displaced families from Pakistan's tribal areas fled to Afghanistan in search of safety.

The society's descent into brutalisation was manifested in shocking incidents of mobs getting hold of suspected robbers and burning them alive.

Towards the end of 2008, the main political parties were on the verge of an encore of confrontational politics of the 1990s. The government seemed incapable of achieving consensus on crucial issues or imaginative solutions to the problems facing the country.

Lack of interest by the government in effectively addressing major human rights issues and the growing threat of extremism from non-state actors dampened hopes of 2009 being a better year in terms of human rights.

**-- Najam U Din
Saira Ansari**

Highlights

■ Laws and law-making

▶ The new government continued the previous regime's questionable innovation of adopting through the Finance Bill many legislative measures which had nothing to do with financial matters, including raising the number of Supreme Court judges and amending labour laws.

▶ The National Assembly adopted four bills during 98 sittings after the February 18 elections until the end of 2008.

▶ Eleven bills introduced in the National Assembly by the government were pending in the standing committees.

▶ The tradition of making laws through the exercise of the President's extraordinary power to issue ordinances was not wholly given up. The government also tabled six ordinances issued in 2008 in the National Assembly.

■ Administration of justice

▶ The Supreme Court dismissed a review appeal against the candidacy of Gen. Musharraf in presidential election while holding a military office.

▶ The Lahore High Court disqualified PML-N leader Nawaz Sharif from contesting by-election for the National Assembly while provisionally allowing his brother Shahbaz Sharif to keep his seat in the Punjab Assembly and the office of the provincial Chief Minister.

▶ The Supreme Court dismissed a review petition challenging the November 3 declaration of emergency by President Pervez Musharraf in his capacity as the army chief.

▶ The apex court vacated its pre-emergency order that had frozen two key sections of the National Reconciliation Ordinance, 2007, allowing holders of public office charged with corruption and other offences during 1986-99 to benefit from the ordinance.

■ Law and order

▶ At least 67 suicide attacks across Pakistan killed 973 people and injured 2,318.

▶ There had been at least 540 abductions for ransom in the country by September 2008, already the highest figure for a year in the past decade.

▶ There were at least 1,016 terrorist attacks, including 37 suicide bombings, by militants in the

NWFP, killing 961 people and injured 1,698.

- ▶ At least 289 people were killed in police encounters in 2008, 73 in Karachi alone.
- ▶ At least 186 individuals were recovered from illegal police custody, 119 only in Lahore.

■ Jails, prisoners and ‘disappearances’

- ▶ Around 7,500 condemned prisoners were on death row throughout the country.
- ▶ 237 people were awarded the death penalty and 36 people executed during the year.
- ▶ The capacity for prisoners in 20 jails of Sindh was 9,000 but over 20,000 prisoners were kept there. 86 percent of inmates in Sindh’s jails were under-trial prisoners.
- ▶ 59,000 prisoners were detained in 32 prisons in Punjab meant for detaining no more than 21,000.
- ▶ At least 76 prisoners died in jails across the country during 2008, torture was alleged in many cases. At least 163 prisoners were injured during the year.
- ▶ 293 foreigners, including convicted and under-trial prisoners, were detained in jails in the Punjab province alone.

■ Freedom of movement

- ▶ The use of the Exit Control List to deny citizens their right to go abroad continued during the first quarter of 2008 but tapered off in the second half of the year.
- ▶ The annual ritual of banning some clerics from entering particular districts or provinces in the month of Muharram was repeated in the last week of 2008. At least 433 clerics were placed under travel restrictions.
- ▶ The citizens’ right to freedom of movement was affected by the use of road blockade as a form of voicing public grievances.
- ▶ Militants blocked for weeks a road linking Kurram tribal agency’s main city Parachinar with Peshawar and other ‘settled’ areas of the Frontier province, to punish the population for resisting their sectarian mischief and unlawful demands. The blockade caused the people unbearable hardships, leading to manifold increase in prices of food.
- ▶ The number of passport offices where machine-readable passports (MRPs) could be issued was increased. In May it was announced that of 7.5 million passport holders, 5.8 million had been issued MRPs.

■ Freedom of thought, conscience and religion

- ▶ Members of religious minorities were targeted because of their faith. At least three Ahmadis were killed in September after a popular television channel declared that killing Ahmadis was permissible under Islamic norms.
- ▶ In Kurram tribal agency, clashes between members of Sunni and Shia sects led to over 1,000 deaths.

■ Freedom of expression

- ▶ At least nine journalists were killed and one committed suicide during the year.
- ▶ At least four journalists were kidnapped and two went missing in 2008.
- ▶ At least 34 journalists were arrested in different parts in Sindh under anti-terrorism and anti-riot provisions in the wake of assassination of Benazir Bhutto.
- ▶ Working journalists as well as other employees in the print and electronic media continued to face job insecurity along with hardship due to non-payment of earned wages by a large number of media managements. Pakistan Federal Union of Journalists claimed that 85% of media persons continued working

without job security.

■ Freedom of assembly

▶ The campaign for general elections was hampered by restrictions imposed by the government and threats of violence by Islamic militant groups.

▶ Lawyers and members of civil society continued to hold rallies across the country, including a long march on Islamabad in June, to press the government to restore all deposed judges. The administration's tolerance for protest by lawyers and the civil society seemed to grow after the civilian government assumed power.

▶ Section 144 curbs on the right to assembly were imposed a number of times on the pretext of restoring law and order.

▶ Hundreds of rallies and protests were held across the country against shortage of electricity, gas, water and wheat flour as well as against incidents of abduction, killing, and acts of terrorism. There were countrywide protest demonstrations in October against excess billing and prolonged load-shedding.

■ Freedom of association

▶ The Industrial Relations Act of 2008 freed the trade unions of some of the curbs imposed on them by the previous legislation but labour complained that respect for freedom of association was still conditional.

▶ After the civilian government's installation, the prime minister announced in his maiden speech in the National Assembly that his government had decided to allow trade and student unions.

▶ The right to freedom of association came under considerable pressure from non-state actors. Sectarian and student groups considered no method as excessive in their efforts to subjugate their opponents.

■ Political participation

▶ Before, during, and subsequent to the general elections, serious impediments to democratic electoral process were documented. Faulty, outdated, and inaccessible electoral rolls remained a problem.

▶ At least 130 people were killed in politically-motivated attacks during the pre-election period.

▶ 15 women candidates were directly elected to the National Assembly in the February election.

▶ Differences within coalition partners at the centre emerged over the PPP's reluctance to honour its word to restore the pre-November 3, 2007 judiciary, eventually leading to the PML-N to pull out all nine of its federal ministers from the cabinet in May 2008.

▶ Gen (r) Pervez Musharraf resigned as president in the face of impeachment, but his successor President Asif Zardari did not fulfil his commitment to relinquish the extra-constitutional presidential powers he had vowed to restore to parliament.

■ Women

▶ At least 1,210 women were killed for various reasons, including at least 612 killed for honour.

▶ In 2008, HRCP noted 808 sexual harassment cases of which 350 were rape cases, 445 gang-rape cases and 13 cases of stripping. At least 221 victims were minors.

▶ The number of women killed due to domestic reasons and in domestic violence was at least 185. At least 137 other women were affected by domestic violence to varying degrees. HRCP recorded four instances of amputation suffered by women in the course of domestic violence.

▶ At least 138 women were injured and 30 killed as a result of burnings. The number of acid burn victims identified by HRCP was a minimum of 37.

▶ Women's education suffered immense setbacks due to the continued targeting of girls' schools

and teachers in the Taliban infested areas, especially Swat and Dir, and places affected by conflict between the local militants and the Pakistan army.

▶ For the first time in the history of Pakistan a woman, Dr. Fehmida Mirza, was elected speaker of the National Assembly.

■ Children

▶ At least 114 children were killed for various reasons, including for honour and karo-kari.

· At least 221 girls and several hundred boys were reported to have been raped, gang-raped, subjected to sodomy or stripped in public.

▶ A minimum of 20 cases of corporal punishment and 9 cases of domestic violence were observed.

▶ Pakistan's national report on child sexual abuse and exploitation 2008 revealed approximately 70,000 children lived and worked on the streets of the major cities.

▶ Around 64 children and 163 juvenile prisoners, aged 8-18, were imprisoned with adults in the Adiala Jail, Rawalpindi.

▶ Reports in Urdu and English newspapers said that children were being recruited into armed militias across Pakistan and being trained for terrorist attacks.

▶ According to official statistics, 148 schools were destroyed over a year in Swat by Taliban and more than 180 schools were said to have been closed for fear of attacks. Approximately 90,000 students were affected by Taliban attacks on schools.

▶ The failure to implement the National Plan of Action for the Elimination of Child Labour, which was introduced in 2001, meant that child labour and their exploitation continued unchecked.

■ Labour

▶ Adverse economic conditions in all sectors of the economy affected employment prospects of the workforce and led to large-scale lay-offs.

▶ Vulnerable employment, generally associated with illiteracy fell in Pakistan by 2.5 percent in 2008. However, though the vulnerability decreased by 5 percent for male workers it increased by 6.5 percent for female workers.

▶ 500,000 workers employed by units members of All Pakistan Textile Mills Association lost their jobs because of factories' working being affected on account of energy shortages. Tens of thousands of workers in Sindh reportedly lost their jobs as a result of the riots that followed Benazir Bhutto's death.

▶ Court bailiffs recovered hundreds of brick-kiln workers and *Haris* from the illegal confinement of kiln owners and landlords.

■ Education

▶ At 120th spot, Pakistan remained at the bottom in the EFA Development Index ranking with the lowest allocations to education as a percentage of the GNP in terms of public expenditure.

▶ There were fears that around 400,000 children enrolled in schools opened by the National Commission for Human Development (NCHD) could find their institutions closed down in case the Commission was wound up. Contracts of 22,445 NCHD employees had been terminated after the commission's funding was reduced by 50 percent.

▶ Over 400 schools were damaged in the earthquake that hit Balochistan in October.

▶ The Economic Survey for 2007-08 revealed that 12,737 public sector educational institutions out of a total of 231,289 were non-functional.

▶ The authorities declared 163 structures of public sector schools in FATA unsafe, over 500 public

sector school buildings required major repair work.

- ▶ Of 4,575 primary schools in the public sector in FATA, 1,777 schools were without basic facilities, including drinking water, toilets, and electricity and boundary walls.

- ▶ Of the 57,000 government schools across the Sindh province, over 8,000 were 'ghost schools'.

- ▶ 63,000 schools out of a total of 64,000 across the Punjab province lacked computer labs and instructors despite the government's claims of providing computer education at government schools.

- ▶ Nearly 6.5 million children in the age group of five to nine years remained out of schools, over 2.6 million in NWFP.

- ▶ Terrorist acts in Swat forced closure of 131 girls' schools, Three years ago, more than 120,000 girls attended schools and colleges in the region. Now only about 40,000 were enrolled.

- ▶ A 15 percent increase was registered in the enrolment of students in postgraduate education in both public and private sector universities.

- ▶ The government claimed 14,656 madrassahs had been registered, leaving only between 1,000 and 1,500 institutions all over the country unregistered, but the issue of incorporating federal education board's syllabus into the madrassah course had not been settled.

■ Health

- ▶ At least 96 polio cases were reported in 2008.

- ▶ 287 cases of dengue fever, including four deaths, were reported in 2008

- ▶ One doctor was available for every 1,225 persons, one dentist for every 19,121 persons, one nurse for every 2,501 persons and one lady health visitor (LHV) for every 16,845 persons in Pakistan.

- ▶ Health expenditure as a percentage of GDP was 0.57% in fiscal 2007-08, almost the same as it has been since 2001.

■ Housing

- ▶ At least 209 people were killed as 131 buildings collapsed countrywide.

- ▶ Over 20,000 houses were destroyed in natural disasters during the year.

- ▶ More than 4,200 huts and katchi abadi houses were razed on account of illegal occupation of land.

- ▶ Over 200 huts of nomads were gutted in fires.

■ Environment

- ▶ Felling of trees and environmental degradation due to road expansions, development schemes and housing societies contributed to the declining health levels in the country.

- ▶ Industrial units continued to discharge untreated toxic sewage and chemical waste into water bodies, such as ponds, canals and rivers, causing sickness and even death to many people.

- ▶ The increased use of generators due to extensive load-shedding added to the existing high levels of noise pollution.

- ▶ Various hospitals across the country, and specifically around 40 in Punjab, were not in compliance with waste management rules.

- ▶ The Lahore High Court banned the black plastic bags in Punjab because of the severe threat they pose to the environment and human health. Such bags were still being sold in December.

■ Refugees

- ▶ 282,496 registered Afghans were repatriated to Afghanistan.

- ▶ At least 0.6 million people were displaced by conflict in FATA.
- ▶ Around 50,000 refugees were given three days to leave the Bajaur tribal region
- ▶ Jalozi refugee camp was closed and an estimated 80,000 Afghans living there were either repatriated to Afghanistan or relocated within Pakistan
- ▶ A Bangladeshi high court ordered the grant of citizenship to about 140,000 stranded Pakistanis, who were either born in Bangladesh or had expressed loyalty to the country. The ruling did not cover over 160,000 older Biharis.

I - Rule of law



Laws and law-making

... fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to the law and public morality, [shall be guaranteed] ... the independence of the judiciary shall be fully secured.

Constitution of Pakistan

Preamble

To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Pakistan.

Article 4

Any law, or any custom or usage having the force of law, insofar as it is inconsistent with the rights conferred by this chapter [on Fundamental Rights] shall, to the extent of such inconsistency, be void.

Article 8(1)

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

Universal Declaration of Human Rights

Preamble

Everyone has the right to take part in the government of his country, directly or indirectly or through freely chosen representatives.

Article 21(1)

The law-making process greatly slowed down in 2008. One reason was that in the past the need to reissue ordinances, that could not receive parliament's endorsement, used to keep the official draftsmen busy. They were relieved of this burden by General Musharraf when he decreed vide the Provisional Constitution Order of 2007 that the ordinances that were in force before the emergency of November 3, 2007 and those issued during the emergency (November 3 to December 15, 2007) were not liable to lapse.

Besides, the new government fell for the Musharraf regime's questionable innovation of adopting legislative measures through the Finance Bill. This bill originally proposed amendments in 26 laws but the number was eventually reduced to 20. Many amendments, including the one aimed at increasing the strength of the Supreme Court, were not related to financial matters. The use of the Finance Bill for steamrolling legislation was heavily criticized in the Senate and even the Leader of the House took exception to the inclusion of 12 laws in the list of enactments down for amendment. The sweep of these amendments can be seen below.

The enactments amended through the Finance Act 2008 are:

- ◆ Petroleum Products (Development Levy) Ordinance, 1961 (sections 2 and 3)

- ◆ Customs Act, 1969 (sections 1,21,155F, 156, 179, 194C, 195C, First schedule)
 - ◆ Securities and Exchange Ordinance, 1969 (sections 2, 15A, 15B, 15C, 15D, 15E, 21, 32E)
 - ◆ Companies' Ordinance, 1984 (sections 158, 187, 206, 208, 251, 282G, 282J, 282K, 282M)
 - ◆ Finance Act, 1989 (section 7)
 - ◆ Sales Tax Act {section 2 (clauses 2A, 3, 3A, 4, 5AA, 5AB, 6B, 9, 11A, 13, 20, 21, 22A, 28A, 29A, 31, 33, 35, 43, 44, 47), sec 3, 3AA, 7, 8, 8B, 10, 11, 13, 25, 26, 30, 32AA, 33, 34, 36, 45A, 46, 47A, 50, 58A, 58B, 61A, 67, 69, Third Schedule, Sixth Schedule}
 - ◆ Supreme Court (Number of Judges) Act, 1997 (section 2 – to raise the court's maximum strength from 16 to 29 judges w.e.f 3/11/2007.)
 - ◆ Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (section 3).
 - ◆ Securities and Exchange Commission of Pakistan Act 1997 (sections 7, 13, 20, 32, 33).
 - ◆ Khushali Bank Ordinance, 2000 repealed.
 - ◆ Islamabad Capital Territory (Tax on Services) Ordinance, 2001 (section 3)
 - ◆ Income Tax Ordinance 2001 (sections 2 [clauses 5B, 19, 19A, 19B, 19C, 19D, 19E, 30A, 30B, 31A, 35B, 45A, 45B, 47A, 47B], 21, 23A, 54, 57A, 101, 113, 115, 120A, 124, 129, 134A, 137, 146B, 147, 148, 152, 153, 153A, 155, 159, 169, 174, Part IX replaced, 184, 193, chapter XI Part III added, 230A, 231B, 233A, 234, 235, 237, 'local authority' wherever occurring replaced with Local government', First schedule, Second schedule, Third schedule, Fourth schedule, Sixth schedule, Seventh schedule)
 - ◆ Listed Companies (Substantial Acquisition of voting shares and Take-overs) Ordinance, 2002 (sections 2, 3, 12, 13, 15, 26, 29A, 30B)
 - ◆ Federal Excise Act, 2005 (sections 2, 3, 4, 7, 8, 12, 14, 19, 31, 33, 38, 43A, First schedule, Third schedule)
- Some amendments in labour laws also made through the Finance Bill were:
- ◆ The Provincial Social Security Ordinance, 1965, was amended to raise the wage ceiling for applicability from Rs 5,000 per month to Rs 10,000, and the monthly contribution by a secured person was reduced from 7% of the wage to 6%.
 - ◆ The Standing Order 15 of the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968, was amended to raise the subsistence allowance, paid to a worker during the period of his suspension (for misconduct) pending completion of inquiry, from 50% of the wage to 100%.
 - ◆ The Workers' Welfare Fund Ordinance, 1971, was amended to extend its application to commercial and other services sectors (in addition to industrial establishments).
 - ◆ The Employees' Old Age benefits Act, 1976, was amended to cover establishments employing five or more persons, to extend the law to banks/banking companies, to reduce the employees' contribution from 6 to 5% and raise the wage level for payment of contribution from Rs 4,000 p.m. to Rs 6,000 to raise the employers' contribution from Rs 276 to Rs 300. The monthly pension was raised from Rs 1,500 to Rs 2,000.
 - ◆ The minimum wage for unskilled workers was raised from Rs 4,600 to Rs 6,000 per month through an amendment to the Minimum Wages for Unskilled Workers Ordinance, 1969.

Bills in the National Assembly

The National Assembly elected on February 18 started meeting in March and held 98 sittings till the end of 2008. During this period it adopted four bills: Industrial Relations Bill (adopted earlier by the Senate); the Finance Bill; the Pakistan Institute for Parliamentary Services Bill (to provide for the training of parliamentarians); and the Pakistan International Airlines Corporation (Suspension of Trade Unions and Existing Agreements) Order (Repeal) Bill.

Eleven bills introduced in the National Assembly by the government and pending in the standing committees were: the Rulers of Acceding States (Abolition of Privy Purses and Privileges (Amendment) Bill; Family Courts (Amendment) Bill; Guardians and Wards (Amendment) Bill; Press, Newspapers, News Agencies and Books Registration (Amendment) Bill; Modarba Companies and Modarba (Floatation and Control) (Amendment) Bill; Insurance Act (Amendment) Bill; Federal Board of Revenue (Amendment) Bill; Criminal Law (Amendment) Bill; Code of Criminal

Procedure (Amendment) Bill; Representation of the People (Amendment) Bill; Companies (Appointment of Legal Advisers (Amendment) Bill; and Pakistan Electronic Media Regulatory Authority (Amendment) Bill.

In Addition the government tabled six Ordinances issued in 2008 in the National Assembly. These were:

The Legal Practitioners and Bar Councils Ordinance; Provincial Motor Vehicles (Amendment) Ordinance; Prevention of Electronic Crimes Ordinance (earlier the ordinance XLII of 2007 also had been tabled); Women in Distress and Detention Fund (Amendment) Ordinance; Regulation of Generation, Transmission and Distribution of Electric Power (Amendment) Ordinance, and Oil and Gas Regulatory Authority (Amendment) Ordinance.

Constitutional package

A still-born initiative in the area of law-making was the preparation of a constitutional package by the Law Minister on behalf of the People's Party. The draft was presented to the PML-N for comments but the effort to amend the constitution was overtaken by events (specially the break-up of the PPP-PML(N) coalition.

The package, which was never introduced in the parliament, proposed the following changes in the constitution:

1. Art 1. North West Frontier to be renamed 'Pakhtunkhwa'.
2. Art 6. The definition of 'high treason' enlarged to include suspension/holding in abeyance of the constitution, and extended to superior courts condoning or validating subversion of the constitution or violating the oath of office by judges.
3. Article 41. Musharraf-specific clauses omitted.
4. Article 44. Clause (2) replaced. President eligible for re-election but only once,
5. Article 45. The President given the power to "indemnify any act whatsoever".
6. Article 48. The President's obligation to act on advice increased and his power to act in his discretion curtailed.
7. Article 50. The President excluded from the parliament's composition.
8. Article 55. The National Assembly's quorum reduced from one-fourth of the membership to one-sixth.
9. Article 58. Clause 2 and 3, that allowed the President to dissolve the National Assembly on his own and provided for reference to the Supreme Court, to be omitted.
10. Article 59. The Senate's strength raised by five (four non-Muslims, one member for Islamabad)
11. Article 62. Clause (i) dropped.
12. Article 63. Disqualification clauses revised.
13. Article 70. The system of joint sitting to resolve differences between the houses of parliament revived.
14. Article 71 relating to Mediation Committee omitted.
15. Article 73. The period allowed to Senate to comment on a money bill increased from 7 days to 14.
16. Article 75. The time allowed to the President to assent to a bill reduced from 30 days to 15.
17. Article 90. Instead of the executive authority of the federation being exercised by the President, it will be exercised in his name by the cabinet through the Prime Minister who will be the chief executive of the federation.
18. Article 91. The National Assembly to meet within 30 days of election and the procedure for the election of the Prime Minister elaborated.
19. Article 95 substituted. Procedure for vote of non-confidence against the Prime Minister revised.
20. New Article 95-A. Procedure for the designation of an Acting Prime Minister laid down.
21. New Article 99. The authority to make rules for authentication of orders and the rules of business shifted from the President to the federal government.
22. Article 100. The authority to appoint the Attorney-General transferred from the President to the federal government.
23. Article 101. Governor to be appointed from the same province.
24. Article 104. Provincial assembly Speaker to be the first choice as acting governor.

25. Article 105. Governor to be bound by advice. His power to dissolve assembly in his discretion omitted.
26. Article 112. Process for dissolution of a provincial assembly elaborated.
27. Article 116. Time allowed to the Governor for assenting to a bill reduced from 30 days to 15.
28. Article 129. The executive authority of the province transferred from the Governor to the provincial cabinet.
29. Article 130. Regulation of assembly's meeting after election and the chief minister's election.
30. Article 133A. New provision to regulate the working of a provincial minister as the Chief Minister.
31. Article 136. Revised procedure for a vote of non-confidence against the Chief Minister.
32. Article 139. Executive authority of the province transferred from the Governor to the provincial government.
33. Article 153. The composition of the Council of Common Interests enlarged by including in it the Leader of the House in the National Assembly and the Leaders of the Opposition in the Senate and the National Assembly both.
34. Article 154. Members of the National Economic Council designated, instead of being chosen by the President.
35. Article 160. The National Finance Commission to be constituted after every three years, instead of five.
36. Article 175. Provision made for a High Court for the Islamabad Capital Territory, and courts barred from validating subversion of the constitution.
37. Article 177. Condition of consultation with the Chief Justice for the selection of SC judges deleted.
38. Article 177 A. New provision laying down the manner of appointment of SC judges by a commission comprising chief justices of superior courts.
39. Article 179. To raise a SC judge's retirement age to 68 (from 65) years and fix the tenure of the current or future chief justice of the SC.
40. Article 181. To fix the maximum tenure of an acting judge of the SC at one year.
41. Article 182. To fix the maximum tenure of an ad hoc judge of the SC at one year.
42. Article 183. The permanent seat of the SC to be at Islamabad only.
43. Article 184. Matters in dispute between any two governments to be heard by a 5-member bench of SC constituted by the CJ in consultation with two most senior SC judges.
44. Article 185. Appellate jurisdiction of the SC revised.
45. Article 192. Up to 10% of the seats at each High Court to be reserved for women and at least 30% for persons from the judiciary.
46. Article 193. The process of appointment of CJ and judges of High Courts to be the same as laid down for the SC (Art 177-A).
47. Article 193A. New provision for appointment of High Court judges. (Similar to Article 177 A).
48. Article 194. The President or his nominee to administer the oath to the CJ of the Islamabad High Court,
49. Article 195. The retirement age of High Court judges raised to 65 (from 62) years and the CJ tenure limited.
50. Article 196. The most senior judge to be the acting CJ of a High Court.
51. Article 197. The maximum tenure of an additional judge of a High Court fixed at one year.
52. Article 198. The seat of the Islamabad High Court to be at Islamabad. The Sindh High Court to have benches at Hyderabad and Larkana also. The governor need not consult a CJ of the High Court for creating a new bench.
53. Article 203B. To permanently exclude taxation and banking laws from the jurisdiction of the Shariat court.
54. Article 207. A former judge of a superior court not to hold any office of profit for two years after ceasing to hold judicial office.
55. Article 208. Rules for the appointment of officers and servants of Islamabad High Court may be made with the approval of the President.
56. Article 209. The Supreme Judicial Council to be replaced with a Judicial Commission comprising "non-politicized" retired judges. Procedure detailed.
57. Article 209A. New article to provide for appeal against a verdict of the Judicial Commission to the SC.

58. Article 213. The Chief Election Commissioner to be selected by a joint parliamentary committee out of two names proposed by the Prime Minister in consultation with the Leader of the Opposition in the National Assembly.
59. Article 215. The Chief Election Commissioner's tenure to be extended only by parliament in a joint sitting.
60. Article 218. The Election Commission to have a judge / ex-judge of each High Court.
61. Article 219. The duties of the Election Commissioner assigned to the Election Commission.
62. Article 221. The Election Commission, and not the Commissioner, to choose the staff.
63. Article 224. Instead of caretaker governments being appointed by the President and the Governor in their discretion, they will be appointed in consultation with the Speaker and Senate Chairman at the centre and the speaker in a province. The word 'caretaker' to be replaced with 'neutral' and caretaker: ministers, like the Prime Minister / Chief Ministers, to be ineligible for election.
64. Article 243. Appointment of Service chiefs by President out of three names suggested by an outgoing Chief of Staff, instead of 'in consultation with the Prime Minister'.
65. Article 243A. New provision. No declaration of war without prior approval by the Prime Minister/cabinet.
66. Article 247. Tribal areas. President's powers assigned to the federal government.
67. Article 255. All oaths by judges other than those provided in the Third Schedule to be invalid.
68. Article 260. Definitions. Consultation (advice not binding on President) clause deleted.
69. Article 267. President's power to remove difficulties redefined.
70. Article 268. Clause (2) (no amendment to a law in Sixth Schedule without the President's approval) deleted.
71. Article 2709A. In clause (1) reference to Gen. Zia's election to be deleted and clause (6) [amendment procedure for laws/orders in the Seventh Schedule] also deleted.
72. Article 270 AAA. New article. Some of Musharraf decrees of Nov-Dec 2007 validated.
73. Article 270BB. New article to validate the 2008 general election.
74. Article 270 CC. Judges removed by Musharraf to be restored to their offices.
75. Third Schedule. Oath for members of armed forces to include a pledge not to subvert the constitution.
76. Fourth Schedule. Entries 6, 1, 19, 21, 23, 25, 33, 37, 41 and 43A in the concurrent list to be dropped.
77. Sixth Schedule. Number of protected laws reduced.
78. Seventh Schedule. The protection to Zia's orders withdrawn.
79. 'Majlis-e-Shura', wherever occurring, replaced with 'Parliament'.

Ordinances

The deeply-entrenched tradition of making laws through the exercise of the President's extraordinary power to issue ordinances was, however, not wholly given up. The following ordinances were issued during 2008 (all for the whole of Pakistan and with immediate effect.)

- i. The Women in Distress and Detention Fund (Amendment) Ordinance; February 9; to amend Act XV of 1996 in the light of creation of a separate human rights division and a human rights ministry.
- ii. The Regulation of Generation, Transmission and Distribution of Electric Power (Amendment) Ordinance; February 21; to amend Act XL of 1997 and lay down the qualifications for the chairman.
- iii. The Oil and Gas Regulatory Authority (Amendment) Ordinance; February 21; to amend Ordinance XVII of 2002 and lay down the qualifications for the Chairman of the Authority.
- iv. The Prevention of Electronic Crimes Ordinance; May 31; in place of the Ordinance that had been issued in the last week of December 2007. Objective: "to prevent any action directed against the confidentiality, integrity and availability of electronic system, networks and data as well as the misuse of such system, networks and data by providing for the punishment of such actions and to provide mechanism for investigation, prosecution and trial of offences and for matters connected therewith." Media representatives criticised the measure for the sweeping powers granted to the executive and advocates of abolition of death penalty disapproved the addition of cyber crime to the list

of offences (27 already) liable to capital punishment.

Recommendations

1. *Law-making needs to be given due priority by the parliament as this is a pre-requisite to consolidation of democratic governance.*
2. *The use of Finance Bill to introduce changes in laws outside the category of money bills must be discontinued as this amounts to adopting legislation without readings in the Senate.*
3. *Ways must be found to submit to parliament's scrutiny the ordinances put on the book of permanent statutes.*
4. *The practice of circulating important legislative proposals for eliciting public opinion should be revived.*

Administration of justice

To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Pakistan. In particular (a) no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law; (b) no person shall be prevented from or be hindered in doing that which is not prohibited by law; and (c) no person shall be compelled to do that which the law does not require him to do.

Constitution of Pakistan

Article 4(1) and (2)

No person shall be deprived of life or liberty save in accordance with law.

Article 9

All citizens are equal before law and are entitled to equal protection of law.

Article 25(1)

There shall be no discrimination on the basis of sex alone.

Article 25(2)

The state shall ensure inexpensive and expeditious justice.

Article 37(2)

No property shall be compulsorily acquired or taken possession of save for a public purpose and save by authority of law ...

Article 24(2)

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

Universal Declaration of Human Rights

Preamble

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

Article 6

All are equal before the law and are entitled without any discrimination to equal protection of the law.

Article 7

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

Article 8

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal in the

determination of his rights and obligations and of any criminal charge against him.

Article 10

No one shall be arbitrarily deprived of his property.

Article 17(2)

No one within the jurisdiction of a State Party to the present Optional protocol [on abolition of death penalty] shall be executed.

Each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction.

Second Optional Protocol to ICCPR

Article 1

System under strain, judges and lawyers

The system of justice was enormously affected throughout 2008 by the issue of restoration of the superior court judges that had been placed under restraint by General Musharraf under the cover of the extra-constitutional emergency proclaimed on November 3, 2007.

Despite the fact that they had called for a boycott of the February polls, the leaders of the lawyers' movement for the restoration of these judges saw in the election results hopes of an early fulfillment of their demands. These hopes rose high as pledge to restore judges became one of the factors that brought the major election winners – PPP and PML-N – together in a formidable coalition.

Three weeks after the general election the leaders of the two parties signed the Murree Declaration promising restoration of judges within 30 days. The new government earned considerable goodwill when in his acceptance speech Prime Minister Yusuf Raza Gillani announced the release of the Chief Justice under restraint, his similarly restrained brother judges, and their families from more than five months of house arrest. But at that point the judges and lawyers ran out of their luck.

A prolonged and often frustrating debate began between the government and the lawyers who were backed by the PML-N. The latter argued the judges could be restored by a simple executive order while the former took the view that a constitutional process was needed. There was some talk of restoring the judges through a National Assembly resolution but nothing came out of it. The PML-N that had joined the government threatened to walk out of the coalition if the judges under restraint were not restored to their offices and eventually did quit the government in May. These tactics did not produce the result desired and the lawyers decided to resume direct action to secure their demands.

The several issues that cropped up included the question whether the judges needed to make a fresh oath on restoration and what was to happen to the judges who had taken oath under the Provisional Constitution Order (PCO) of 2007. The government said these judges were validly holding their posts while the lawyers and PML-N rejected this view. Some media reports referred to compromise suggestions on the basis of creating two apex courts (to accommodate the two 'de facto' and 'de jure' Chief Justices) or a minus-one formula (implying perhaps restoration of all sidelined judges except for Justice Iftikhar Mohammad Chaudhry), and a proposal to raise the judges' retirement age and allow chief justices fixed tenures. These reports again only provided grist to the gossip mills.

Late in May the PPP offered the PML-N a bulky constitutional package for discussion preparatory to presentation before parliament. Although the nearly 80 constitutional amendment proposals included an anaemic provision about restoration of judges the draft achieved little beyond sparking a desultory discussion in the media.

The lawyers decided to increase their pressure on the government through a more vigorous mobilisation of street power. Besides organizing meetings at various judicial centres, they started organizing motorcades, such as the one from Karachi to Mirpurkhas, and finally undertook a long march to Islamabad on June 14. The march proved to be a most impressive affair but the denouement left people confused and confounded and the hardliners quite angry.

Failing to find a common ground among the major parliamentary parties, the government settled for a series of unilateral steps. It amended the Supreme Court (Number of Judges) Act, vide the Finance Act, to raise the apex court's maximum strength from 16 to 29. This was obviously designed to make room for the return of the sidelined judges without disturbing the court's post-emergency composition. Then it tried to ease pressure on itself by paying the judges under restraint their emoluments. Finally the government persuaded a number of judges to accept



The cause of justice was resisted with the state's full might.

reappointment with guarantees of protection of their pre-emergency seniorities.

The sequence began when eight sidelined judges of the Sindh High Court returned to the bench and one of them replaced the Chief Justice. Subsequently, four Lahore High Court judges resumed their offices, followed by three judges of the Supreme Court, a judge of the Peshawar High Court (and he became Chief Justice), and three more judges of the Sindh High Court. Finally, two judges of the Supreme Court were restored to their offices and two new appointees on its bench included the Sindh High Court Chief Justice who had been put under restraint in November 2007.

At the end of the year the position was that two of sidelined Supreme Court judges, Justices Rana Bhagwandas and Falak Sher, reached the age of superannuation without being restored, and six (Justices Iftikhar Mohammed Chaudhry, Javed Iqbal, Khalil-ur-Rahman Remday, Ejaz Ahmad Chaudhry, Fayyaz Ahmad and Ghulam Rabbani) were awaiting restoration. Seven high court judges at Lahore, Karachi and Peshawar were in the same category.

So far as the federal law minister was concerned the chapter of restoration of judges was closed as 90 per cent of the sidelined judges (by his reckoning) had been accommodated.

This had hardly any impact on the lawyers' resolve to continue their movement. Besides boycotting courts on Thursdays they found ways of holding eventful congregations and receptions for the judges-under-restraint, specially for Justice Iftikhar Mohammad Chaudhry, at ceremonies related to installation of new office-bearers of bar associations.

The prolongation of the crisis caused by General Musharraf's reckless assault on the judiciary caused incalculable harm to the system of justice. This issue kept both judges and the lawyers in its thrall throughout the year and nobody had time to address the chronic ills of the system, specially the rise of a parallel justice system in the northern parts of the country. The void between the bench and the bar became wider and more dangerous, and the status of the judiciary in the eyes of the public suffered considerable erosion. And all this for not doing the right thing at the right time.

Reform initiatives

The post-election federal law minister asked the authorities responsible for the Access to Justice Programme to work on the feasibility of evening courts to improve public access to justice. He also urged the introduction of 'fast-track courts' to decide small matters for which complainants would not need the services of lawyers. The minister

promised to use funds available under the AJP to improve prison conditions. He also stressed greater employment of women in legal services. (DT, May 7).

A proposal to establish evening courts at the Peshawar High Court, to dispose of pending cases and provide speedy justice to the people, was made by the Chief Justice. The CJ said he and his brother judges had volunteered to sit till late in the evening to clear the backlog. The only question was the need to compensate the court staff for extra work by them and the government had been requested to provide funds.

Complaints to Judicial Council

Several complaints against judges were filed with the Supreme Judicial Council during the year.

A former advocate-general of Sindh filed a complaint against the SHC CJ in which the latter was accused of misconduct. The complainant alleged that the CJ had dismissed his case without disposing of his plea for transfer of the case from his court and that he had recorded the presence of the respondent's counsel although he was not present at the hearing. (D, N May 8)

Islamabad High Court

The Islamabad High Court (IHC) established by Gen. Musharraf during the emergency of November- December 2007 started functioning on February 19. It had about 8,500 cases on its roster to begin with – 5,000 cases transferred from the Rawalpindi bench of the Lahore High Court and 3,500 transferred from civil courts.

Earlier, Sardar Mohammad Alam, a judge of the Lahore High Court, had been appointed Chief Justice of the IHC. The four Additional Judges appointed on the court (for a period of one year) were: Justices Mohammad Munir Paracha, Dr. Sajid Qureshi, Syed Qalb-i-Husain, and Raja Saeed Akram Khan.

Graduation condition scrapped

The Supreme Court scrapped (April 21) the condition that only holders of BA (or equivalent) degree could take part in elections to federal and provincial legislatures.

The condition had been inserted into the Representation of the People Act vide a Chief Executive Order in 2002. It was upheld in July the same year by a 5-member bench of the SC.

In its short order the SC held the condition to be void “prospectively on account of being inconsistent with Articles 17 and 25 of the constitution”.

Validation of emergency

In February the SC released the detailed judgment giving reasons for its short order of 23 November 2007 whereby it had validated the emergency declared three weeks earlier and the new Provisional Constitution Order (PCO).

The court said the law and order situation in the country had gone out of control and this made imposition of emergency on November 3, 2007 inevitable. It also said that before November 3, 2007 the judiciary had transgressed its authority and interfered with the affairs of the state.

“The extra-constitutional steps of proclamation of Emergency of the 3rd day of November, 2007, the Provisional Constitution Order No.1 of 2007, the Provisional Constitution (Amendment) Order, 2007, the Oath of Office (Judges) Order, 2007 and the President's Order No. 5 of 2007 are hereby declared to have been validly made by the Chief of Army Staff/President subject to the condition that the country shall be governed, as nearly as may be, in accordance with the Constitution”, the full court ruled.

The court reproduced in its judgment a letter that was written by the Prime Minister to the President regarding the deteriorating law and order situation.

It also reproduced the emergency order, the Provisional Constitution Order No. 1 2007 and the Oath of Office (Judges) Order 2007, and the text of President Musharraf's speech after the November 3 action.

A long list of untoward incidents and terrorist acts that took place during year 2007 and several suo motu notices were also referred to in the judgment to argue that the law and order situation was deteriorating in the country amidst growing judicial interference in the affairs of state.

“Sufficient corroborative material has been produced by the respondents which justifies the taking of the extra-

constitutional measures by the Chief of Army Staff and the President,” it further pointed out.

The judgment said that the constitutional amendments could be resorted to if the constitution failed to provide a solution for the attainment of the declared objectives of the Chief of Army Staff / President, but without affecting the salient features of the constitution, i.e. independence of judiciary, federalism, parliamentary form of government blended with Islamic provisions.

“The situation, which led to the issuance of proclamation of emergency of November 3, 2007, was similar to the situation which prevailed in the country on July 5, 1977 and October 12, 1999 warranting the extra-constitutional steps, which had been validated by the Supreme Court of Pakistan in *Begum Nusrat Bhutto vs Chief of the Army Staff* and *Syed Zafar Ali Shah vs Pervez Musharraf*, by the Chief Executive of Pakistan in the interest of the State and for the welfare of the people, as also the fact that the constitution was not abrogated, but merely held in abeyance”, the court said.

The detailed judgment said that some members of the superior judiciary by way of judicial activism transgressed the constitutional limits and ignored the well-entrenched principle of judicial restraint.

“The sum total of the circumstances led to a situation where the running of the government in accordance with the provisions of the constitution became impossible and for which the constitution provided no remedy or satisfactory solution”, the judgment said.

The apex court, however, reserved its right to revisit the issue.

Plea against Musharraf’s election

The SC dismissed, after a brief hearing, a review appeal against the candidacy of Gen. Musharraf in presidential election while holding a military office.

Sharif brothers

The Lahore High Court disqualified PML-N leader Nawaz Sharif for being a candidate in by-election from a National Assembly constituency while provisionally allowing Shahbaz Sharif to keep his seat in the Punjab Assembly and the office of the provincial Chief Minister.

The three-member bench delivered their verdict through a short order. The judgment caused a stir, especially when the Sharif Brothers refused to appeal to the Supreme Court. The government decided to accept that responsibility.

There was considerable weight in the PML-N’s reaction to the court ruling when it wondered as to how Nawaz Sharif, who was eligible to contest election in 2002, had become ineligible in 2008.

In its detailed judgment released later on the court said Nawaz Sharif had been “scandalizing, abusing, disobeying and ridiculing” the judiciary, and that he was “a convict who had submitted a false affidavit” along with his nomination papers.

“... Hence he is disqualified to contest upcoming by-election in view of the express provisions of Article 62 and 63 of the Constitution to be read with section 99(f)(g) of the Representation of Peoples Act of 1976.”

Further it said: “We agree with the counsel for the petitioner that maligning, defaming and abusing of judiciary is not targeted by the respondent against any individual, rather it is against the whole judiciary which is also obvious from respondent’s letter addressed to the Chief Election Commissioner”.

The bench said Mr Sharif had been convicted by an accountability court in a reference against him whereby he was sentenced under Section 10 read with Section 9(a)(v) of the NAB Ordinance and sentenced to 14 years rigorous imprisonment and a fine of Rs 20,000,000 and in default of payment of the fine he was to undergo three-year imprisonment. He had also been disqualified for 21 years from being elected, chosen, appointed or nominated as a member or representative of any public office or any statutory or local authority of government of Pakistan.

The bench also agreed with the petitioner’s counsel that the Presidential Order under Article 45 of the Constitution could not exonerate the respondent from the sentence and conviction recorded by a court of competent jurisdiction, particularly when he failed to produce the presidential order.

The bench held that the finding of the Returning Officer allowing respondent to contest elections “is not correct in the presence of the orders of the Returning Officer earlier passed on Dec 3, 2007 at the time of general elections. There is no justification for the Returning Officer to observe that no document regarding conviction of the candidate

was produced before him. The order of conviction passed by the accountability court in the Attock Fort in a reference was available on record”.

“The member of the election tribunal,” the bench said, “had rightly observed that the order of the Returning Officer was not in consonance with the provisions of the law, and thus, set aside the orders of the Returning Officer and declared him disqualified to contest bye-elections”.

The court also dismissed the appeals against the rejection of petitions by the Punjab government, the Assembly Speaker and others through which they had wanted to become parties to the case.

Nawaz Sharif’s nomination papers for the general election in February were rejected by the Returning Officer and his decision was upheld by the Chief Election Commissioner. Later on, when bye-elections to NA seats were announced, Nawaz Sharif filed his nomination papers from a Lahore seat. This time the Returning Officer accepted his papers. The decision was challenged before an election tribunal, which gave a split decision and the matter went to the CEC. This time the CEC allowed Nawaz Sharif to contest the polls on a technical ground. The matter then came to the LHC.

On a petition by the government the SC stayed the election in the constituency.

The federal government also filed an appeal in the SC against the LHC decision to refer Shahbaz Sharif’s case to the Election Commission.

Challenge to emergency dismissed

The SC dismissed a review petition challenging the November 3 declaration of emergency by President Pervez Musharraf in his capacity as the army chief.

The original petition had been dismissed on the ground that the petitioner had failed to make any case for review of its earlier short order and subsequent detailed judgment.

“Review proceedings cannot partake re-hearing of a decided case,” the detailed judgment said, dismissing the review petition filed by Tikka Iqbal Mohammad Khan. The court said if it had taken a conscious and deliberate decision on a point of law or fact while disposing of a petition or an appeal, review of such judgment or order could not be obtained on the grounds that the court took an erroneous view or that another view on reconsideration was possible.

It said: “Reviews also cannot be allowed on the ground of discovery of some new material, if such material was available at the time of hearing of appeal or petition but not produced. A ground not urged or raised at the hearing of petition or appeal cannot be allowed to be raised in review proceedings. Only such errors in the judgment/order would justify review which are self-evident, found floating on the surface, are discoverable without much deliberation, and have a material bearing on the final result of the case.”

Reaffirming its stand on reinstatement of ‘former’ chief justices and judges of the superior courts, who were not given, or who had not taken, oath under the Oath of Office (Judges) Order, 2007, the judgment said the court had examined the issue with all its ramifications and found that they had ceased to hold their office on November 3, 2007.

The court said: “Later, by virtue of President’s Orders No 8 and 9 of 2007 dated December 15, 2007, they have been retired and held entitled to draw pensionary benefits accordingly.

“On December 15, 2007, the emergency has been revoked by the President by the Revocation of Proclamation of Emergency Order, 2007. The Order No 1 of 2007 has been repealed. However, the revocation or repeal would not revive anything not in force or existing at the time of the revocation or repeal, or affect the previous operation of any law or anything done or purported to, or suffered to have been done under the Proclamation of Emergency, the Order No 1 of 2007 and the Oath of Office (Judges) Order 2007.

“The action in respect of the former chief justices and former judges being a fait accompli and hit by the doctrine of past and closed transaction cannot be re-opened and is irreversible.

“Reference to Article 209 of the Constitution (Supreme Judicial Council) in the matter is inapt, as the said provision cannot be attracted where the Constitution is held in abeyance. Thus, the case of such judges is fully

covered by the law laid down in Zafar Ali Shah's case.

“The Constitution has been revived while the chief justices and other judges of the superior courts have taken oath of office as provided by the Constitution. Being holders of constitutional office, all such judges, including the chief justices, should be governed by the Constitution. The rights, privileges or obligations so acquired, accrued or incurred, including their tenure of office, are protected under the Constitution”.

SHC orders JJS implementation

The Sindh High Court directed the district and sessions judges (July 8) to visit prisons in their territorial jurisdictions to see whether the facilities extended to juvenile offenders by the Juvenile Justice Ordinance were being made available to them. The district judges were asked to submit reports within 30 days.

The court had started suo motu hearings on the state of the juvenile justice law.

Earlier, the Inspector-General of Prisons informed the bench that the provisions of the law were being observed insofar as the segregation of juvenile prisoners was concerned. Two borstal jails, named Youthful Offenders Industrial Schools, had been established in Karachi and Hyderabad.

Until the end of 2007, the Karachi centre housed 291 juveniles while 12 offenders were kept at the centre in Hyderabad.

About 173 juvenile prisoners were accommodated in separate wards in Sukkur, Badin, Sanghar, Mirpurkhas, Shikarpur, Jacobabad, Khairpur, Larkana, Dadu and Nawabshah. The juvenile offenders were lodged separately from adult criminals.

The I-GP also submitted that the first step contemplated by the law was determination of an offender's age. The prosecution agency or the trial court must first categorize any offender with respect to his age. Offenders between 16 and 18 only could be classified as 'juvenile'.

An accused below 15 was a 'child offender' and was entitled to bail if the offence he was charged with carried a jail term of up to 10 years. If the punishment prescribed was life imprisonment, he could be released on bail after six months. A child offender could not be held as an under trial prisoner for more than a year even if he faced the death penalty as he was entitled to bail after a year even in a murder case. There was no need to send child prisoners to juvenile wards of jails for over a year at a time.

During an earlier hearing, the court had observed that the Juvenile Justice Ordinance had been made into an example of how a good legal measure could be perverted and turned into an instrument of injustice and corruption.

From the reports submitted by sessions judges and judicial magistrates, it transpired that a number of adult accused or criminals were being kept in cells or barracks meant for juvenile offenders. They were being unlawfully extended the concessions and facilities provided for juvenile offenders. Conversely, genuinely under-age delinquents and offenders, for whose benefit the ordinance had promulgated, were being denied the facilities they were entitled to under the law. About 300 juvenile offenders were being kept with adult prisoners, according to an estimate.

Another fact underscored by the reports was that in a number of cases, the trial courts were not trying the juvenile offenders under the ordinance. Their cases were not being separated from those of their adult co-accused. (D 8-9, July)

SC clears NRO

The SC vacated its pre-emergency order that had frozen two key sections of the National Reconciliation Ordinance (NRO) of October 2007 and thus allowed the people involved to benefit from the ordinance. The ordinance granted amnesty to holders of public office charged with corruption during 1986-99.

The order vacated was passed by the SC on October 12, 2007 and had prevented the beneficiaries of the ordinance from claiming benefit of a concluded action in any pending cases under sections 6 and 7 of the NRO. On February 27, 2008, the SC asked the courts concerned to pursue pending cases in accordance with the ordinance, which was now a law.

The Attorney-General argued that while the normal life of an ordinance was four months the PCO of November 3, 2007 had made all ordinances in force on that date permanent and thus NRO was protected and still in force.

The court dismissed three petitions against the NRO (by Shahbaz Sharif, Qazi Husain Ahmed and Tariq Asad) for want of prosecution. The two other petitioners, Dr Mubashir Hasan and Roedad Khan, who were present, sought

adjournment as their counsel were not available. Hearing was adjourned indefinitely. (D, N. Ne 28/2)

Curbs on A.Q. Khan eased

The Islamabad High Court allowed (July 21) Dr. A. Q. Khan to meet close relatives after security clearance and eased some other curbs but barred him from talking to the media about nuclear matters. The decision came on a writ petition against the scientist's alleged detention.

The court said arrangements will be made to allow Dr Khan to visit the Science Foundation for research but under strict security. The authorities were directed to provide him medical facilities of his choice.

In the course of the hearing Dr Khan had written to the CJ denying having made any statement against national interests and his wife had written to reject the government contention that he was not under detention.

The scientist had been confined to his house in 2004 after he confessed to transferring nuclear technology to other countries.

Dr Khan's counsel moved a review petition and later on filed a miscellaneous petition. He alleged that the Ministry of Interior had flouted the court's order by not allowing Dr Khan to meet relatives and friends. The review petition was eventually dismissed. Dr Khan vowed not to approach the judiciary any more and said he had left his fate in the hands of God (where one supposes it already was).

FSC/FCR

The Federal Shariat Court (FSC) again asked (January) the Frontier government to file comments on identical (15) petitions challenging the FCR. At an earlier hearing (October 2007) the court had asked the province's Advocate-General to explain why its earlier (1980) directive to the federal government to repeal the FCR had not been implemented.

The petitioners had prayed to the court to strike down sections 8, 11, 22, 23, 26, 30, 32, 33, 34, 36 and 40 of the FCR on the ground of repugnancy to Islamic injunctions. They had pointed out that the FCR did not cover matters relating to inheritance, pre-emption, Qanun-i-Shahadat and Sharia Laws Limitation Act, that FCR allowed collective fines and that people could be fined and their houses demolished without their being heard.

Murtaza Bhutto case

The Murtaza Bhutto murder case, pending since 1996, did not conclude in 2008 either.

The case has been proceeding on the basis of the third FIR on the killing of Murtaza Bhutto, a brother of Benazir Bhutto, and his six companions on September 20, 1996. The charges were framed on July 5, 1997.

The first trial judge (Sessions Judge, Karachi South) examined two witnesses before he retired from his post. The next judge declined to hear the case. The Sindh High Court transferred the case to the Sessions Judge, Karachi West and directed on April 27, 1998 day-to-day hearing and conclusion of the case within six months. This judge examined 15 witnesses between May 9, 1998 and July 16, 2003.

The case was then transferred to the court of the Sessions Judge, Karachi East, which examined six witnesses between July 16, 2003 and August 27, 2003. This judge was transferred and his successor examined nine witnesses (January 31, 2004 to September 11, 2004) and he too was transferred on November 11, 2006. The new judge declined to hear the case and it was transferred to the court of the Additional District Judge Karachi East. No development took place in the court of the new judge and another judge took over and dealt with the case till the end of 2008.

In 2008, two developments took place. In April the Sindh High Court quashed the criminal proceedings against Asif Ali Zardari and acquitted him of the charges of conspiracy and murder of Murtaza Bhutto. Later on, one of the absconding accused, Shakaib Qureshi, a former superintendent of police, appeared. The court separated his case from the main case and accepted his plea for acquittal, for lack of evidence, on November 14, 2008.

The case throws light on quite a few factors that undermine public confidence in the criminal justice system.

Daniel Pearl case

No decision could be reached in 2008 too on the appeals before the Sindh High Court (SHC) of the four persons

convicted of kidnapping and murder of American journalist Daniel Pearl.

In July 2002 an anti-terrorist court sentenced the principal accused, Omar Saeed Sheikh, to death and three co-accused (Fahad Naseem, Salman Saqib and Mohammad Adil) to life imprisonment. Their appeals have been pending in the SHC.

When the case came up for hearing on January 16 the court advised Adil to engage a new lawyer as his counsel had become a judge. The lawyers of two appellants also were absent. Hearing was adjourned.

Asif murder attempt case

The Sindh High Court reopened (May 27) the case based on Asif Ali Zardari's complaint that an attempt to murder him had been made on May 15, 1999, while he was under detention. The accused named by him included the then Inspector-General and Deputy Inspector-General of Police in Sindh, the Karachi Central Jail superintendent, a PML-N Senator and his brother.

Zardari had alleged that the accused took him into unlawful custody from an anti-terrorist court and tortured him at a CIA centre with a view to extracting incriminatory statements. His tongue was slashed, he had said.

The police refused to register an FIR and dismissed the matter as an attempt by Zardari to commit suicide. An FIR was eventually registered in 2005 after a sessions judge reported the injuries sustained by Zardari could not have been inflicted by himself. The police officer who investigated the matter, however, submitted before the Additional Sessions Judge concerned that proceedings against the accused merited quashment for want of evidence and corroboration of the complainant's version. The ADSJ conceded this plea, disposed of the case and acquitted the accused in June 2006. Zardari moved the SHC in a revision application.

In May 2008 the SHC suspended the ADSJ's order and ordered resumption of hearing of Zardari's complaint. The non-bailable warrants for the arrest of the accused were to be duly executed.

Children imprisoned in Afghanistan

The Islamabad High Court (IHC) called for reports from the ministries of foreign affairs and the interior regarding the 150 Pakistani children said to be detained in Afghanistan. The deputy attorney general was directed to ask the Pakistan Ambassador in Kabul to contact the Afghan government and secure the detained children's release.

In a writ petition filed in the court it was said that 150 children had been taken to Afghanistan by the US and Pakistan agencies. (N, 7/11)

Local government in Islamabad

The IHC directed the ministries of interior and local government to finalise within 15 days the legislation needed for the introduction of local government system in the Islamabad Capital Territory.

The order came on a public interest petition seeking the introduction of local government in Islamabad. The Interior Ministry had sought two months to meet the petitioner's demand. The Local Government Ministry had informed the court earlier on that ICT could not have local government as it enjoyed a special status. (DT,13/11).

Dances banned, allowed

A stage producer approached the LHC for relief against the excision of dance performances from his script and succeeded in securing a comprehensive ban on dances in stage productions.

The petitioner also challenged the Punjab Home Department's notification of April 11 on the ground that it was in violation of the constitution because it allowed dances in films and at private functions and banned these in theatre.

Justice Khurshid Anwar Bhinder said corruption in government departments was responsible for non-implementation of government policy and judicial orders against vulgarity and obscenity in stage dances.

The judge had no quarrel with dances in movies and at private family functions but such performances could not be allowed on stage.

He said: "Display of vulgar, obscene and indecent songs in live stage performances not only incites the sentiments

of public but also promotes sexual perversion and frustration by showing semi-nude parts of dancing girls' bodies".

He was particularly concerned about children: "It is hazardous to the children's idiosyncrasies (?) as their immature mind is attracted to vulgarity and obscenity. Children are more prone to adaptability and reaction".

The judge ordered: "exhibition of live dances is immediately stopped whether they are sequential or situational".

The court said copies of the order "shall immediately be sent to all DCOs through the Chief Secretary and all DPOs through the I-G". (D, 20/11)

The petitioner filed an intra-court appeal (27/11). A division bench of the court struck down the ban order and allowed dances in theatre, saying the government was free to stop dances that were vulgar and provocative. (D,28/11)

Notice to jirga

The SHC issued notices (29 October) to the tribal elders of Shikarpur, including an MPA, for holding a jirga and declaring Saira Jatoi and Ismail Soomro '*Kari*' and '*Karo*' for choosing to get married on their own.

The police were directed to protect Saira who had given birth to a child a short time earlier.

The court also asked the federal government to ascertain what steps had been taken to curb dispensation of justice by *jirgas* in violation of the constitution and law. (D,30/10)

Marriage and criminal law

The LHC quashed the FIR registered against one Ghulam Mohyuddin for abducting a young woman although he had duly married her. The girl told the court that she was studying in a BA class and as she was *sui juris* she had married the petitioner of her free will.

The investigating officer said the marriage deed (*nikahnama*) produced in the court was genuine. He did not oppose the plea for quashment of the case.

While allowing the petitioner's plea the judge observed that invoking criminal law in matrimonial cases amounted to sheer abuse of the law. (N,13/4)

Court allows sex change

The Lahore High Court (April 29) allowed a 28-year-old woman, signing herself as a man in her petition, to change her sex and undergo surgery for that purpose. The ruling came after the federal government and the petitioner's medical consultants agreed she was suffering from 'Gender Identity Disorder'.

The petitioner stated that she started becoming aware of her problem at the age of 8. The doctors were able to diagnose her problem but her parents did not take the matter any further. About 10 years ago she was referred to a specialist surgeon in Rawalpindi. He agreed to perform the surgery required but then backed out because he feared coming into conflict with law. The reason was that LHC had, while hearing a sex-change related case, asked the surgeon concerned under what law he had carried out surgery on a girl.

Disappointed in her calls on several doctors the woman came to the LHC seeking a directive to surgeons to perform the surgery she asked for.

According to a media report this was the first case of its kind decided by the judiciary in Pakistan. Some commentators stressed the need for a law on the subject. (N, 30/4).

Death penalty

The SC took suo motu notice (July 6) of the government announcement that it was going to abolish the death penalty and asked the ministries of law and interior and the Attorney-General to explain the situation.

During the hearing a week later the Attorney-General said the government had not yet approved the move to commute the sentence of condemned prisoners to life imprisonment but sought time to come back after getting instructions.

The court accepted the plea made by a lawyer representing many who had been awarded the death sentence in drug cases under the Control of Narcotic Substances Act to be made a party. He had argued that death sentence could not be awarded under this Act as *Qisas* was not involved and death sentence for drug related offences was not

prescribed in the Quran or the Sunnah. (D-15/7)

Suo motu cases

Some other cases of which courts took suo motu notice were:

◆ The SC CJ took suo motu notice of a woman's plea that her son, Mohammad Irshad, was severely tortured by the Bahawalnagar police, as a result of which he died. (N, 16/12)

◆ The SC also took suo motu notice of a death in the custody of the Dina police in Jhelum district. The family of the victim, Raja Ashraf, had staged a demonstration at the Rawalpindi – Islamabad Press Club. The DPO concerned was directed to report within a week. (N,14/11)

◆ The SC took notice of a report that bank loans amounting to Rs 54 billion had been written off in 2002. Quoting a report to the Public Accounts Committee of the National Assembly a newspaper had said the massive loan write-off had benefited about 50,000 people including politicians, civil and military officers and businessmen belonging to different cities.

◆ The suo motu proceedings initiated by the SC on June 27, 2007, on reports of increase in prices of daily necessities, were terminated in January. The court said it could not intervene in market-related matters. Earlier, the court had directed the National Accountability Bureau to explain why an inquiry against those responsible for raising sugar prices had been closed after two days only. (N, 25/1)

◆ The Lahore High Court took suo motu notice of a newspaper report according to which a middle school girl student had been subjected to violence after being stripped and chained to an electricity pole. The motive was said to be a 'qabza' group's bid to grab a house. (Kh,18/11)

◆ The LHC CJ also took suo motu notice of a report that 124 innocent children were in Punjab jails with their mothers. (D 6/12)

◆ The PHC took suo motu notice of a news item according to which a man was said to have married off his 14-year-old daughter. The SHO concerned was ordered to get the girl's father to produce her in the court.

The girl told the court that she had been kidnapped and forcibly married off. She had now returned to her parental home. Her father said he too was opposed to the forced match and that a jirga was going to resolve the matter, whereupon the court disposed of the matter. (D, 23,24/1).

◆ The Balochistan High Court took suo motu notice of the alleged burial alive of two women in Balakot, Naseerabad district.

Maintenance only by courts

The LHC observed that the question of a woman's claim to maintenance during divorce proceedings could be decided only by courts and that reconciliation commissions at union councils had no authority to intervene.

A woman from Kanganpur, a town near Kasur, had approached the union council for maintenance during the divorce proceedings begun by her husband and its reconciliation commission had ordered the latter to pay her Rs 40,000. The husband challenged this order before the LHC.

Freed on the spot

Whenever a judicial authority visits a prison it can find detainees who do not deserve to be incarcerated. That is what happened when the senior civil judge-cum-judicial magistrate at Nowshera visited the local prison (May 7) and acquitted 18 detainees. The jail had 272 detainees against a total capacity for 120. (RNE, 8/5)

◆ The Lahore District and Sessions Judge visited the prisons in Lahore (Kot Lakhpat and District Jail) and provided relief to 187 detainees. He ordered the release of 103 detainees on bail (personal bonds) and ordered the release of 73 detainees by treating their detention on judicial remand as imprisonment undergone. The beneficiaries included three women.

On another visit to Lahore prisons, the District judge ordered the release of 242 undertrials on personal bonds. (J, 25/11)

Missing persons

The cases of involuntary disappearance the SC was hearing in 2007 were not taken up during 2008, and new



Families pleaded with the government to release their missing relatives.

cases, though in a smaller number, kept coming up before the superior courts, Obviously the practice of detaining citizens without acknowledgment continued.

The SC directed the Balochistan government (July 25) to trace two men belonging to Dera Bugti who were said to have been abducted 10 years earlier.

Mooran Khatoon had petitioned the court against the Balochistan High Court's decision to acquit eight men of the charges of abduction for ransom while Abdul Waheed and Ilah Mohammad had not been recovered.

The SC converted the petitions into appeals and directed the sessions judge at Sibi to issue warrants for the arrest of the eight accused and asked the Attorney-General to report.

October) to the federal interior and defence ministries, Sindh home ministry, Sindh 1-G, and DIG, Police, CID Centre and Sindh Rangers on a habeas corpus petition for the recovery of a person who had been arrested on October 18, 2008. Petitioner Asifya Zeeshan had said her husband, Zeeshan Jalil, had been taken into custody by LEA men in plain clothes. She was sure of their identity because they had earlier picked up her husband's elder brother. The latter was dropped when this younger brother was taken in. The elder brother's interrogation confirmed the plainclothesmen's identity. (N, 29/10).

◆ The case of Zohaib Rasul, who was allegedly picked up by a law enforcing agency from Peshawar on August 27 also came up before the Sindh High Court on November 10.

The detainee's father said in his habeas corpus petition that Zohaib was arrested in Peshawar along with a friend, Shahid Ali but the latter was released after a few days. From Shahid Ali he learnt that his son was in the custody of the CID. Thereupon he contacted the SP CID who told him his son would be released if he was not wanted in any case but after some time he told him that Zohaib had been handed over to the Intelligence Bureau.

A petition for Zohaib's recovery had been filed in the PHC but the petitioner had come to the SHC on learning that his son had been shifted to Karachi.

The court issued notice to the respondents. (D 11/11).

◆ The case of Munir Naseer, who was reported to have disappeared five years after he returned from Guantanamo, also came up before the SHC (November 28).

Munir Naseer's wife stated in her petition that he was released from Guantanamo in 2003 and returned to his home in North Karachi. As his name had been included in the Fourth Schedule to the Anti-Terrorism Act he regularly reported to the police for three years till his name was deleted from the schedule. He was arrested on October 26, 2008 without any warrant or charge and his whereabouts were not known. Ultimately she approached the SHC Chief Justice who turned her letter into a petition and issued notices.

◆ Another suo motu case heard by the SHC the same day related to the disappearance of a police constable in Umarkot who had been missing since October 6. (D, 29/11).

◆ The IHC Chief Justice gave (December 17) the government a day to inform the court of its efforts to trace a Rawalpindi doctor who had been missing since September 22.

◆ The CJ PHC directed the CCPO, Peshawar, to inquire from the intelligence agencies about four persons, including a UC nazim, who had disappeared after being rounded up by law-enforcing personnel. The police had

arrested 15 people, 11 of them had been released and the remaining four reportedly handed over to intelligence agencies.

◆ In another case, the PHC served notices (20 October) on the Director-General of Military Intelligence (MI), DSP and SHO of Matta (Swat district) to report on the case of a person who had allegedly been missing for eight months. A habeas corpus petition was filed by one Banaras Khan saying that his brother (Ghaffar Khan) had been arrested, along with some other people by the Matta DSP on January 1, 2008 and handed over to an MI officer. All of them were released after a few days except for Ghaffar. The detainee contacted his family in August and said he was still being housed and interrogated at the Circuit House (interrogation centre).

Shahbaz acquitted

The case against Punjab Chief Minister Shahbaz Sharif for his alleged involvement in the Sabzazar encounter killing of 1998 finally ended early in February when the complainant told the court that he had no objection to his acquittal.

Five months later the Anti-Terrorist court acquitted all the other nine accused (police officials) for lack of proof against them.

Attacks on judges

Justice (R) Rana Bhagwandas, was put under house arrest on Jan 12, 2008. As the senior-most SC judge after Chief Justice Iftikhar Chaudhry, he was put under restraint by Gen. Musharraf on Nov 3, 2007, and he reached the age of superannuation in December 2007. He was believed to have been punished for addressing a gathering of Karachi lawyers. The police said he had been “advised to restrict his movements in view of the terror environment in the city”.

The restrictions on Justice Bhagwandas were removed a few days later.

On the last day of January he was again put under house arrest after he had addressed a meeting.

Attacks on lawyers

More than 30 people, most of them policemen, were killed in a bomb explosion near the LHC building in January. The target was believed to be a lawyers’ procession scheduled for the day. They escaped harm because of a delay in their arrival at the LHC building.

◆ The president of the Peshawar High Court Bar Association (PHCBA), Advocate Latif Afridi, received a threatening letter from the Taliban of Pakistan for carrying out the “mission of Christians and Jews”. If the lawyers did not join them (the Taliban) they were going to be attacked by suicide bombers, the letter said.

◆ On February 21 police baton-charged lawyers and fired tear-gas shells to disperse them when they tried to take out a rally in protest against non-restoration of deposed judges. Five lawyers were injured. Thirteen lawyers were taken into custody. They were released after two hours.

◆ The police again fired tear-gas shells at lawyers and subjected them to lathi-charge on March 3 when they tried to reach Justice Infikhar Mohammed Chaudhry’s house on learning of the end to the confinement of his family members.

◆ Lawyers were also beaten up by the police (July 17) when they tried to enter the SHC premises where Chief Justice Abdul Hamid Dogar was addressing a ceremony. Some of the protesting lawyers were arrested but were released soon afterwards.

◆ A clash between lawyers and policemen took place at the SC building gate in September. Several persons from both sides were injured.

Case against lawyers

The Peshawar police registered a sedition case against 15 lawyers, two of them women, who had locked bar rooms and the cafeteria on the premises of the PHC. The lawyers’ crime was that they were going to hold a meeting to decide whether the boycott of superior courts was to be continued.

The Daska police (Punjab) registered a case against 48 local lawyers for storming revenue courts and offices of



A common scene during police attempts to quell lawyers' protests.

the Deputy District Officer (DDO), Tehsildar and sub-registrar.

Lawyers on the offensive

An ugly incident that marred the exemplary conduct of lawyers throughout their agitation occurred in Lahore on April 8 when some young lawyers besieged former law minister Sher Afgan and some of them joined the angry bystanders in roughing him up. The SCBA chief, Aitzaz Ahsan, rushed to the scene but failed to pacify the crowd. He did help in saving the former minister from coming to serious harm but was so disgusted that he quit the bar office. (Eventually he allowed himself to be dissuaded from resigning.

The next day lawyers coming out in Sher Afgan's support clashed with fellow lawyers agitating in favour of deposed judges in Karachi. Five persons were burnt alive in a lawyer's office and scores of vehicles were torched. (D, 10/4)

Recognition of judges & lawyers

The lawyers' movement for the restoration of the judges sidelined by the Musharraf regime was lauded across the world and its leaders received awards.

Chief Justice (under restraint) Iftikhar Mohammad Chaudhry was given honorary membership by the New York City Bar Association.

HRCF conferred the Dorab Patel Award on Munir A. Malik and the lawyers of Pakistan for their struggle for independence of judiciary and rule of law.

The Commonwealth Judicial Education Institute announced the grant of Award of Honour to Chief Justice (under restraint) Iftikhar Mohammad Chaudhry and other judges who had refused to take oath under the PCO.

The US section of Amnesty International gave an award to deposed judges and another to lawyers for their movement for independence of the judiciary.

Barrister Aitzaz Ahsan was made an honorary fellow of Downing College, University of Cambridge, for his contribution to advancing the rule of law, democracy and human rights in Pakistan. The Masters and Fellows of Downing College fervently hoped that "the Chief Justice and other members of the Bar will be reinstated and the rule

of law re-established in a democratic Pakistan”.

The 91 – member World Movement for Democracy, at its meeting in Ukraine, awarded certificates to Pakistan’s legal community in recognition of its services to democracy.

The Nova Southeastern Universities awarded Chief Justice (under restraint) Iftikhar Mohammad Chaudhry the honorary degree of Doctor of Laws (LL.D).

The Mir Khalil-ur-Rehman Memorial Society presented its 16th Mir Khalil-ur-Rehman Solidarity Award to Barrister Aitzaz Ahsan.

The Hong Kong based Asian Human Rights Commission awarded its third Asian Human Rights Defender Award to Aitzaz Ahsan, the SCBA president and his predecessor, Munir A. Malik.

Cases on religious grounds

The most shocking incident in the category of cases involving allegations of offences against religion concerned Jagdish Kumar, a Hindu Pakistani, who was lynched in a factory in Korangi, the industrial area of Pakistan’s largest city, Karachi.

Some of the workers at the factory alleged that the 22-year-old Jagdish had made some blasphemous remarks against the Holy Prophet (PBUH). A large mob dragged him to a room on the factory premises and bludgeoned him to death. The police did arrive while he was alive but was unable, or unwilling, to intervene.

Another version of the cause of murder was some young workers’ jealousy at Jagdish’s intimacy with a female fellow-worker belonging to a different faith.

At least two cases of offences against religion were decided during the year, both in Punjab.

Shafique, belonging to Sialkot, was awarded death penalty and life imprisonment, by the trial court. He was accused of defiling the Holy Quran and passing derogatory remarks against the Prophet (PBUH) and was tried under sections 295-C and 295-B of the PPC. The case was registered in 2006.

In the other case, Mumtaz Husain of Hafizabad was sentenced to six years’ imprisonment.

Sr. #	Name(s)	Place	U/S	Charges	Remarks	
1.	Ten unidentified students	Bahawalpur	295	Desecrating flags and buntings bearing image of foot prints of the Prophet (PBHU)	Four of these cases in Punjab.	
New cases against Muslims						
2.	M. Staff #1	Name(s)	295/B	Use of pencils on Quranic verses		
3.	Intiaz .	Kamal Poonia and others	two 295/B	Printing of the Holy Prophet’s name on bed-sheets		
2.	Zulfiqar			Lahore	Wrote blasphemous remarks on a wall	The 80-year-old man was described as mentally sick
3.	Ashfaq Ahmad			Faisalabad	Wrote blasphemous words on a mosque wall	
4.	Khalid Mahmood Naqqash			Jhelum	Wrote a booklet ‘Quran aur Hum’	

The 11 fresh cases against 20 Muslims were:

Sr. #	Name(s)	Place	U/S	Charges	Remarks
4.	Javed Iqbal	Sheikhupura	295/B	Burnt pages of Holy Quran	
5.	Munawar Baba	Karachi	--	Blasphemous acts	Accused a faith healer. A mob tried to kill him
6.	Rabnawaz	Jhelum	295/B	Insulted the Holy Quran	
7.	Rehmat Ali	Faisalabad	295/B	Threw a copy of the Quran in a gutter	
8.	Abid	Sheikhupura	295/B	Burnt the Quran inside a mosque	
9.	Rizwan Ahmad	Lahore	295/B	Burnt Quran pages	
10.	Abdul Jabbar	Karachi	295/B	Burnt pages of the Quran	
11.	Farooq Ahmad	Gujranwala	295/B	Snatched a copy of the Holy Quran from a Madressa student and insulted it	

Against Ahmedis

Two Ahmedis, Rana Khalil and Rashid Iqbal, both belonging to Kunri, Sindh, and three Ahmedis from Nankana Sahib in Punjab, were charged under section 295-C in new cases.

The 11 other new cases – 9 in Punjab, 2 in Sindh – against the Ahmedis were:

Azad Kashmir

Three cases against the Ahmedis were instituted in Azad Kashmir. These were:

Against Christians

All the six new cases against Christian citizens were registered in Punjab. Two of these cases were under 295-C, against Frank John in Lahore and Dr Rubin Sardar in Hafizabad.

The four other cases were

Sr. #	Name(s)	Place	U/S	Charges	Remarks
1.	Tawab Dairs, 40 yrs Maqsood, Zahoor, Shaukat, Jamil, Shafiq Shah, Farooq, Nargis Bibi	Faisalabad (Sahianwala)	295-B, 298-C	Building of the mosque	
2.	Sharif Akbar, Shakoor, Pariz Masih	Rawalpindi	295-B		
3.	Sher Muhammad Ruqayya Bibi and Munir the Companies Ordinance of 1984 Masih (wife & husband)	Kasur Kotli	295-B, 298-B, 298-C	Preaching his creed Preaching and unlawfully extended the prayer house	section 223 of Ruqayya Bibi was granted pre-arrest bail provision of the ordinance husband was den section 223 of prison

A full bench of the Federal Shariat Court directed the federal government on October 24 to amend section 223 of the Companies Ordinance of 1984 within six months. The court, however, ruled that there was nothing in the ordinance whereby a company, "its legal entity" and the "limited liability" of its members could be considered contrary to the injunctions of Islam. (N, DT, 25/10)

♦ Holding that fornication was an unforgivable offence, the Federal Shariat Court enhanced a convict's sentence from 14 years' imprisonment to death. Irfan Ahmad, belonging to Kasur, had been awarded imprisonment for 14 years by a trial court, for an offence under the Zina Ordinance. He had appealed to the FSC against this verdict. The court upheld the fine amount – Rs 100,000.

Consumer courts

Some increase in the activities of consumer courts was noted during 2008. However, it was evident that lack of awareness of the law and the courts functioning and procedure were preventing the people from fully benefiting from the new system.

The Lahore district consumer court ordered a shopkeeper to refund the price of a defective air conditioner he had

sold a customer and also pay Rs 10,000 as litigation cost. (D, 25/3)

◆ The same court fined a biscuit manufacturing company Rs 25,000 and Rs 10,000 in costs. A customer had filed a complaint 'on finding a human hair in a biscuit' against the company and a retailer. The latter was not found guilty of any offence. (Ne 19/4)

◆ On May 12 the court directed a shopkeeper to replace a suitcase he had sold to customer. In another case the PTCL was directed to provide standardized service. In a third case the supply of standardised sand was ordered. (D, 13/5)

Some other cases decided by the Lahore Court were:

- ◆ The owner of a house was ordered to refund the security deposit at the end of tenancy.
- ◆ A mobile company was made to repair a phone set that it had earlier declined to do.
- ◆ A farmer was awarded Rs 7,000 as compensation from a trader who supplied substandard fertiliser.

The Gujranwala district consumer court imposed a fine of Rs 20,000 (Rs 15,000 as compensation and Rs 5,000 as costs) on a shopkeeper for selling sub-standard sweets.

The same court fined a shopkeeper Rs 10,000 (including Rs 5,000 as costs) for selling a sub-standard cooking range. (D, 13/3)

Jirgas and clerics' courts

The justice system came under increased pressure from the parallel non-state courts to which a large number of people who were disappointed in the judicial and police systems continued to turn. The reason lay in the rise of militancy in the FATA and in the districts that had earlier been joined in the Malakand division of the Frontier province. What gave these informal forums for settling disputes increased respectability was the use of the jirga institution to control militancy.



Whole communities ruled by terror.

A high-level Pakistan-Afghanistan mini-jirga was held in Islamabad in October, comprising 25 notables from each side with a view to resuming the initiative taken at a larger jirga in Kabul in 2007. It was decided to select 10 delegates to talk to the militants but nothing was known of any further developments. As a perceptive journalist pointed out, it was a jirga to nowhere.

In March, leaders of the ANP, the senior partner in the Frontier coalition government, including party chief Asfandiyar Wali

Khan and Chief Minister Amir Haider Hoti, pleaded for managing extremism through high-level jirgas. The latter renewed his plea for a grand jirga to curb violence a few weeks later.

Further, the provincial government signed a peace agreement with the Taliban in Swat under which it agreed to enforce Shariah in Malakand including Swat, and the Taliban promised not to attack security forces. The accord did

not work.

In January, the FATA Maliks called for peace through jirgas, a South Waziristan jirga decided to call upon the Governor for help in fighting the militancy, while a Lower Dir jirga vowed to fight the Taliban.

A few jirgas met with some success. A Khyber Agency jirga secured the release of 14 abductees. Another jirga in the same Agency brokered a ceasefire between two militant forces, Lashkar-i-Islam and Ansar-ul-Islam, in Tirah. In Buner the plan to set up a 132 kv grid station ran into trouble and a jirga settled the matter.

The militants were obviously hostile to jirgas that preached peace and some of such assemblies were mercilessly targeted. A suicide bomber blew himself up at a peace jirga in Darra Adamkhel in March, killing 42 people. The same month, 22 were killed in attacks on jirgas in Kohat and Malakand.

The demand for enforcement of Shariah was reiterated at several jirgas including those held in heavy conflict areas of Swat and Bajaur. A Shinwari tribe's jirga set up a committee to enforce Shariah in Landi Kotal.

The Taliban, or their sympathizers, crossed the Rubicon and set up Shariah courts in Matta (Swat), Bajaur, Khyber Agency, and South Waziristan. One such court in Bajaur Agency was reported to have decided by August 1,000 of the 14,000 cases brought before it.

Outside the Frontier too attempts to create Shariah tribunals were reported. For instance a cleric was said to have set up one such court in village Miskeenpur, near Shahdadkot in Sindh.

The institution of jirga continued to gain strength from its recognition by people in authority. It also benefited from lack of clarity in judicial and executive institutions' attitude towards this form of adjudication of matters.

For instance, the Peshawar High Court took suo motu notice of a forced marriage but it dropped the matter when it was told that a jirga was dealing with it. This could only mean judicial endorsement of the jirga's authority to intervene.

On the other hand, the Sindh Home Minister in August directed the provincial police chief to proceed in accordance with law against the organisers of jirgas for the settlement of disputes. He also asked for a report on karo-kari cases registered over the past 10 years and the actions taken by the police, and for proposals to eliminate the evil practice.

About a fortnight later the Sindh High Court directed the police to completely abolish adjudication of civil and criminal cases and of matrimonial disputes by jirgas, take action against those holding such assemblies and provide protection to victims. (D 18/8, 23/8)

However, despite such calls the fate of many people, especially small girls, continued to be decided by jirgas. Some of the cases noted by HRCP during the year were:

- ◆ A jirga held at sir Shahnawaz Bhutto Library in Larkana (February) was reported to have settled an old feud between two factions of the Lashari tribe. 12 people had been killed in a dispute over a 10-foot wall. The Kalo Khan Lashari group was ordered to pay Rs 4.5 million to the Ghulam Nabi Lashari group. (D 25/2)

- ◆ A dispute between Mahar and Lund tribes in Ghotki district was resolved by a jirga in Reti town, for which the Ghotki district administration had made the necessary security arrangements. The Mahars were to pay the Lunds Rs 1.2 million and receive from them Rs 876,000. (D 26/3)

- ◆ A village panchayat near Burewala, Vehari district, ordered a man to surrender his little daughters, Nazia (9) and Shazia (7), as *vani*, in compensation for his having married a woman against her family's wishes. The police registered a case against 20 members of the panchayat. Seven of them were reported to have been arrested. (NW 22/3/28/3)

- ◆ A 7-year-old girl was given away in marriage to a 45-year-old man, who already had two wives, in a Shikarpur village. An uncle of the girl's father had been condemned for illicit relations with the groom's wife (who was eventually sold) two years earlier. The police vowed to catch the culprits. (Kh 31/3)

- ◆ A panchayat in a Layyah district forced a man to give away his 10-year-old daughter in marriage to a 13-year-old boy to compensate for his son having married the groom's sister. The UC Nazim, who was in the jury, pleaded it was a mutually agreed settlement. (D 4/4)

- ◆ A self-appointed judge in Mohmand Agency had a couple stoned to death after they had been abducted from

Nowshera. Their bodies were thrown in the bushes. (D 6/4)

◆ A Daudkhel jirga decided the case of a young man and a woman who had run away from their homes to get married. They were intercepted in their flight. The jirga pardoned the boy and handed over the girl to her family. (Kh 8/4)

◆ The Mahar and Jatoi tribes of Sukkur division once again decided to end their two-decade old feud at a jirga at the Circuit House in Sukkur in April. The earlier jirgas, in 1990, 1991, 1996, 1999, 203 and 2005, had failed to get their verdicts enforced. Over 300 lives had been lost in the feud since 1985. The jirga found Mahars guilty of killing 35 Jatois since 2005 and ordered them to pay the latter Rs 14 million. The Jatois were ordered to pay the Mahars Rs 12.6 million for killing 30 of them.

The jirga was presided over by former Sindh minister Manzoor Panhwar and was attended by leading sardars from both sides. (D 14/41 N 15/4)

◆ An eight-year-old girl was married to a 35-year-old man in Kamalia, Toba Tek Singh district, and dispatched to his house, though only for an hour. Her brother had abducted a woman and married her. The little girl was penalised by being forced into marriage with the brother of the woman who had been abducted. (N 5/5)

◆ A jirga in Chakdara, Lower Dir, decided to stone to death the killer of a child whose body was found a few

days after he had been kidnapped. The district administration was asked to surrender the culprit to the jirga. The assembly was attended by an MNA (PPP) and a former MPA (ML-Q). (D 15/5)



Death penalty in the tribal area.

◆ A feud between Chakranis and Qalandrani Bugtis, that had claimed 13 lives, was resolved at a jirga in Chhach, Balochistan. The Chakranis were ordered to surrender 15 girls (aged 3 to 10)

and pay Rs 5.7 million to the Qalandarani tribe. (D, 31/5)

◆ Two sub-clans of the Bassikhel tribe in Kala Dhaka, NWFP, had a three decade old dispute over a piece of land which was reported to have taken a toll of hundreds of lives. The political Tehsildar held a jirga, divided the disputed into two equal parts and the matter was said to have ended. (D, 31/5)

◆ Among the most thorny issues the jirga system failed to resolve was sectarian strife in the Kurram tribal agency. When a jirga held in Peshawar in May failed to come to a settlement, the Political Agent arrested all 50 tribal elders, equally divided into Shias and Sunnis, and threw them in prison. The matter dragged on for two weeks till a new Political Agent freed them on receiving pledges of maintaining peace for a month. As subsequent events showed strife took an even more serious turn. (N, 9/6)

◆ The Shikarpur police intervened in a matter decided by a Shar tribe jirga and arrested 12 men. One Mithal Shar suspected her daughter of unlawful relations with a man (Asadullah). He killed the girl but Asadullah ran away. Thereupon, Mithal requisitioned a jirga and under its orders two daughters of Asadullah's brother, aged 11 and 9,

were given in marriage to Mithal's sons. (D 20/7)

◆ An 80-year-old man, Ramoos Khan, was shot dead in public on the orders of a jirga in Kala Dhaka tribal area after he confessed to abducting a little girl and selling her off. A former MPA from the area justified the execution as being in accord with the centuries-old tradition. (D, 8/8)

◆ In a Shikarpur village, one Sher Dil Jatoi killed his wife after declaring her a *kari* and Shaboo Jatoi a *karo* and then had a jirga summoned. The jirga upheld his version and awarded him 20 buffaloes and three girls aged 12 to 14 (one of them Shahoo's daughter, the other two were daughters of his brothers), to be married to his sons. (D 21/10)

◆ A 40-year-old feud in which a score of people were killed was said to have been resolved by a jirga in a Sukkur village which was presided over an MNA. Both parties, named after Gul Mohammad Mahar and Allah Dino Mahar, were fined a total of Rs 5.4 million for 10 murders and injuries to seven persons.

In another jirga in a village near Sukkur a jirga settled a dispute between two groups of the Jalbani tribe. (D 5/11)

◆ A jirga in a Tharparkar village, claimed to be the first of its kind in the district, ordered the killer of his son-in-law to pay Rs 400,000 as fine and give two girls in marriage to the victim's sons. (D, 4/11)

◆ In a Shikarpur village, Lal Khan Jatoi, a 7-year-old girl was given in marriage to a 15-year-old boy by a jirga to settle a *karo-kari* dispute. The jirga upheld Saindad Jatoi's complaint that one Jhando Jatoi had an unlawful liaison with his wife and ordered that Jhando's niece (7) be married to his son. The culprit party was also fined Rs 100,000. The police was reported to have begun proceedings against the jirga organizers. After the SC took notice of the incident, an FIR was registered against 16 men. (D, 11/11&13/11)

Recommendations

1. *The problems caused by doubts about the legitimacy of judicial forums will not be solved until mechanisms are put in place to ensure fair appointments of judges and their independence is guaranteed.*

2. *The establishment of religious courts in Swat and elsewhere in the frontier region poses the most serious threat to the judicial system based on the constitution. This parallel system of justice could well spread to larger areas. The law-makers and the judiciary must join hands to devise a strategy to deal with this phenomenon.*

3. *Fresh cases of involuntary disappearance confirm continued derogation of basic rights under the cover of the war on terrorism. The government must abandon its policy of resisting court orders while defending the acts of its irresponsible functionaries.*

4. *The institution of the jirga cannot be abolished only by executive orders or judicial censure. The government must undertake a concerted programme to meet public alienation from a justice system in which adjudication of disputes is prohibitively expensive and unbearably tardy.*

بجٹل کا قانون منظور



عجیبوں کی تحویل میں

معزز شہری ہیں ان سب کو رہا کیا جائے



II - Enforcement of law

Please Find my Loving

Law and order

No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall be denied the right to consult and be defended by a legal practitioner of his choice.

Every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such arrest...

Constitution of Pakistan

Article 10(1) and (2)

The dignity of man and, subject to law, the privacy of home, shall be inviolable.

No person shall be subjected to torture for the purpose of extracting evidence.

Article 14(1) and (2)

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

Universal Declaration of Human Rights

Article 3

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

Article 5

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

Article 11 (1)

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

Article 12

The people of Pakistan seemed to have hardly any protection against criminals and lawless elements who appeared to be enjoying a free hand. Not only ordinary citizens but the military and police were also targeted. While rampant crime and violence continued throughout the country, the situation was particularly disturbing in the NWFP and the strife-torn Tribal Areas, where extremist Taliban appeared to be in command.

Militants unleashed a wave of suicide and bomb attacks and assassinations against military and other security personnel amid military operations in northwestern Pakistan. Suicide bombings that had been an aberration in 2006 and 2007 seemed to have become the norm in 2008.

Militancy spread over most parts of North West Frontier Province and all seven tribal agencies in the Federally

Administered Tribal Area (FATA).

While use of force against militants was generally welcomed, civilian population suffered heavy casualties; many left their homes and became internally displaced persons in need of help.

As police and other security forces increasingly focused on fighting militant threats, dealing with acts of terrorism, or guarding government ministers and officials, the normal requirements of personnel for maintaining law and order could not be met.

Clearly unsuccessful in wiping out the militants involved in horrific violence, including brutal killings of innocent citizens and destruction of schools etc, the government sought dialogue and agreements with them.

The year witnessed shocking incidents of mobs getting hold of suspected robbers and burning them alive – a new manifestation of the society’s further brutalisation.

Kidnappings for ransom continued to be a major crime throughout the country and the Interior Ministry informed parliament that such abductions had been considerably higher during 2008 than in any year in the past decade.

Security for elections

The government largely failed to provide a secure environment for candidates and voters in the pre-election period. Three candidates, former prime minister Benazir Bhutto, and at least 130 others were killed in the pre-election period in politically-motivated attacks.

Though polling itself was not marred by large-scale bombings and attacks as many had predicted, attacks on campaign rallies and fear of violence hindered election campaigning and kept some candidates from campaigning door-to-door.

The government’s ability to provide a secure environment for election was in doubt in many areas of the NWFP and FATA, where extremists allied with the Taliban were operating, and in Balochistan, where government troops were battling an insurgency. [*See the chapter ‘Political Participation’*]

Suicide bombings

Militants, mainly Taliban, unleashed a wave of suicide attacks against the military during operations in northwestern Pakistan, including the Swat valley where insurgents continued a violent campaign to enforce their own version of Islamic law.



Marriott Hotel in Islamabad was the target of one of the most daring suicide bombings.

Compared to 71 suicide attacks in 2007 that claimed 927 lives, 67 suicide attacks were reported across Pakistan in 2008, killing 973 people and injuring 2,318. The dead included 304 security personnel, while another 423 were injured.

Security personnel and installations, political leaders, and civilians, especially jirgas held to raise tribal militias against Taliban, were targeted in suicide attacks. The

attackers frequently used explosives-laden vehicles. Besides targeting the state's security apparatus in attacks such as those on Pakistan Ordnance Factory in Wah, the Federal Investigation Agency headquarters and the Navy War College in Lahore, suicide bombers attempted to target economic activity as well as foreigners, by attacking the Marriott hotel in Islamabad.

In 2008, the highest number of suicide attacks, 37, was reported in NWFP. There were 15 such attacks in the Tribal Areas, where the government was struggling to stem a growing insurgency by elements believed to be backed by Al Qaeda and Taliban militants. There were 10 suicide bombings in Punjab, four in Islamabad and one in Balochistan. Swat district of the NWFP suffered 12 suicide attacks, the highest for any district in Pakistan during the year.

<i>Suicide attacks in 2008</i>			
Location	No. of attacks	Dead	Injured
NWFP	37	391	766
Punjab	10	202	599
Balochistan	1	2	24
Sindh	0	0	0
Tribal Areas	15	264	588
Islamabad	4	114	341
Total	67	973	2,318

The bombings in Pakistan in 2008 included:

- ◆ January 10: A suicide blast killed 27 people, mainly policemen, and injured 73 near the high court building in Lahore.
- ◆ February 9: A suicide bomber blew himself up at an election rally of Awami National Party (ANP) in the town of Charsadda in NWFP, ahead of the February 18 general elections, killing 25 people.
- ◆ February 11: A suicide bomber targeting an ANP public meeting in the tribal region of North Waziristan killed at least nine people and injured another 12.
- ◆ February 16: A suicide car bomber struck a Pakistan People's Party rally in Parachinar, in FATA region's Kurram Agency. The attack claimed 47 lives and 120 people were injured.
- ◆ February 25: A suicide bomber killed Lieutenant General Mushtaq Baig, Pakistan Army's surgeon general and head of the army's Medical Corps, and seven other people in Rawalpindi. Baig was Pakistan's highest-ranking military official killed since the country joined the US-led war on terror.
- ◆ February 29: At least 44 people were killed and 50 wounded when a suicide bomber blew himself up in Mingora, Swat, during the funeral of a policeman, killed in a roadside bomb blast earlier in the day.
- ◆ March 2: A suicide attack targeting a tribal peace jirga in Darra Adamkhel killed 42 people and wounded another 58. The jirga had been convened to form a Lashkar to drive militants out of the area.
- ◆ March 11: Twenty-three people were killed and 200 injured when a suicide bomber rammed his explosives-laden truck into the Federal Investigation Agency headquarters in Lahore.
- ◆ August 21: Two suicide bombings in quick succession at Pakistan Ordnance Factory in Wah cantonment killed 70 people and injured 118.
- ◆ September 20: Islamabad's Marriott hotel was targeted in a suicide truck-bomb attack, killing 60 people and injuring 266.
- ◆ October 6: A suicide bomber killed 26 people and injured 60 in Bhakkar. A National Assembly member was the apparent target.
- ◆ October 10: A suicide bomber detonated an explosives-laden vehicle at a tribal jirga in Orakzai Agency, killing 110 tribesmen and injuring over 200. The jirga was held to form a Lashkar to expel militants from the area.
- ◆ December 28: A suicide car blast killed 41 people at a polling station as voting was underway for a by-election in Buner.

Crime capital of Pakistan

According to media reports monitored by HRCP, 204 people, including five children, were killed during robberies and car or mobile snatching, mainly for offering resistance. Sixty-five people were killed in ethnic violence during the

Going up in flames

According to a Karachi police assistant sub inspector (ASI), on May 17, he and two other patrolling policemen heard passengers of a bus shouting and running after two armed men who had apparently robbed the passengers. The ASI said the fleeing men surrendered and handed their guns over to his police team, but the pursuing crowd began to beat them. He said the policemen were also beaten when they tried to save the two, and were forced to retreat and call for backup. A police contingent arrived at the scene soon after and tried to stop the mob, who had thrown petrol on the robbers and burnt them. "We assured them that justice will be done but they wanted to kill us too," the ASI said. He said the policemen's clothes were burnt trying to save the men. *Daily Times, May 18*

year. As many as 144 political activists were killed in Karachi during the year.

A six-day spell of ethnic clashes in late November and early December, led to the death of 49 people and injuries to another 147.

In 2008, 57 people were killed in clashes between rival criminal gangs in Karachi's Layari locality. Fifty people were killed by stray bullets, and 123 people died in targeted killings in the city during 2008.

At least 73 people were killed in police encounters in the city during the year. Thirty-seven policemen were killed in Karachi during that period. As many as

173 people were killed there in 2008 after being abducted, many for ransom.

According to figures compiled by the Karachi Citizen Police Liaison Committee (CPLC), 92 cases of kidnapping for ransom were reported in Karachi during 2008. As many as 777 people were killed in acts of terrorism in the city in 2008, compared to 344 in 2007, of which 155 were killed when two bombings disrupted Benazir Bhutto's motorcade in Karachi on October 18, 2007.

According to CPLC, 6,068 four-wheelers were taken away in Karachi – 4,524 stolen and 1,544 snatched — during 2008, on average 506 vehicles every month. This compared to 5,120 four-wheelers snatched or stolen during 2007, an average of 427 a month. The figure was on average 423 vehicles snatched/stolen a month for 2006, 330 every month for 2005, 316 for 2004, 281 for 2003, and 287 vehicles a month for 2002. Also in 2008, 15,239 two-wheelers were snatched or stolen in Karachi, a 51 percent rise over 2007 when 10,086 motorcycles were stolen.

A number of policemen were killed in Karachi apparently as punishment over their role in a police operation in the city in the 1990s.

In May, a closed-circuit camera recorded the apparent targeted killing of an assistant sub-inspector by two motorcyclists. Media reports quoted an unnamed senior police officer as saying that the deceased was "perhaps one of the few low-ranking police officers left alive who performed their duties during the Karachi operation" in the 1990s. (D, May 21)

A retired deputy superintendent of police – an official known for the 1992 Karachi operation – was shot dead by an unidentified gunman in December. (DT, Dec 25)

Weapons in civilians' hands

The high death toll in violence, ethno-political and otherwise, in Karachi highlighted the urgent need for de-weaponization in the city.

There were frequent calls for the government to take better security measures, particularly to ensure immediate de-weaponization to stamp out violent crime.

Ahead of the general elections, media reports suggested a 1,500 percent increase in the regulated sale of weapons in Karachi amid growing insecurity.

In May, the federal Interior Ministry directed all provincial governments to launch an immediate campaign against the display and carriage of small weapons, stressing that a vast majority of the killings and casualties were directly attributable to the use of small arms.

Mob justice

It has been commonplace for people in Pakistan to beat criminals they catch, but starting in mid-May media

reports and images of several incidents of torching suspects by vigilantes shocked the whole country.

On May 14, three alleged robbers reportedly looted a house in Karachi and shot one of the occupants. Local residents, who had heard the gunshots, chased the three through narrow streets as they tried to escape.

The suspected robbers fired at their pursuers and a number of armed residents fired back, injuring the suspects and finally cornering them. The injured men were then beaten with iron rods, batons, bricks and rocks.

They were subsequently dragged out onto a main road, close to a police station, where they were set on fire. There were reports of some people among the crowd



Victims of vigilante justice in Karachi.

trying to stop people from torching the suspects, but they were unsuccessful.

There are conflicting reports about how the robbers were set ablaze. Some witnesses said that a number of people in the mob doused them with petrol from their motorcycles and then set them on fire. However, some police officials claimed that the suspects' clothes caught fire when a local baker started beating them with a burning stick from his oven.

Some reports suggested police and rescue workers reportedly tried to save the suspects but were pushed back. However, pictures of the incident carried by the media did not show even a single policeman close to the scene.

According to witnesses, the suspects were alive and in "extremely precarious condition" when the crowd set them on fire. Two suspects died on the spot while the third died later at a hospital.

The superintendent of police for Karachi's Saddar locality told the media that police could book the mob if the dead suspects' heirs lodged a complaint.

Two days later, following orders by the Sindh home minister, police booked 17 residents and arrested over a dozen on suspicion of their role in the immolation.

Three days later, on May 17, people from another Karachi neighbourhood caught two men mugging bus passengers. They chased after the two, who surrendered to a police party but were snatched from them and beaten. The mob later doused them in petrol and set them on fire. There were reports of some citizens filming the incident as well. One of the two robbers died and the other was hospitalised with serious burns.

The trend found eager followers elsewhere in the country.

The following day, on May 18, scores of angry residents in Lahore severely beat an alleged robber, arranged for petrol and tried to set him ablaze outside a cell phone outlet after an apparent robbery. A police team rescued the robber, and took him into custody in a critical condition.

The residents said that killing criminals was the only way to purge society of crime.

The local police station chief said the people abused them for trying to rescue the robber.

He said registering a case against the mob would worsen the situation and further anger the public. (DT, May 22)

Vigilante action

The robber in Lahore who was rescued by the police from being burnt alive by a mob said one of the residents tried to shoot him with his own gun, which misfired. He said soon afterwards, someone brought petrol to burn him alive. "It was my first robbery. I thought I was going to die and I could not even remember the *kalma*." *Daily Times, May 20*

On May 20, the passengers of a bus beat up two robbers before handing them over to Khanewal police.

On May 25, an angry mob in Dera Ghazi Khan tried to burn alive three alleged robbers. However, the attempt was foiled on the intervention of local elders. The mob had beaten the suspects before attempting to burn them. They were later handed over to the police.

On May 17, an angry mob in Dir district's Timergara region, in NWFP, killed an Afghan refugee, on accusation of assassinating a police head constable, and burnt his house. The relatives of the slain cop had hired sniffer dogs to detect the murderer. The dogs took the family to the refugee's house. A man claiming to be the Taliban spokesman later called newspaper offices to say the Taliban had killed the policeman for spying and the refugee was not involved. The local police chief said the police had saved the life of the wife and children

of the refugee.

Citizens in Kharian captured an alleged robber on May 20 and tried to kill him. He survived only because police reached the scene and took him into custody.

There were numerous other incidents of people beating up alleged robbers before handing them over to the police. The civil society warned that the terrifying new phenomenon could be exploited to settle personal scores, with hints that at least in the May 14 incident in Karachi the victims might have been targeted by individuals pursuing a personal agenda.

Media reports called the incidents the peak of citizens' frustration over rampant violent crimes and their anger against the police, perception of arrested criminals evading justice because of corruption, shoddy investigation and a tardy justice system. There were also numerous incidents of enraged mobs setting vehicles, especially buses, on fire after road accidents.

Human rights organisations pointed out that the increase in crimes showed the accelerated increase of violence in the society. The judicial system was unable to protect the life and property of citizens on an alarming scale. The citizens were breaking the law in defiance of the state. They stressed that the machinery for protecting the life and property of citizens needed to be seriously examined and measures taken to make it more effective.

Abductions for ransom

Abductions, mostly for ransom, remained a major law and order concern throughout the country in 2008. Several incidents of abduction of individuals while shopping or driving in main urban centres highlighted the breakdown in law and order and a lack of security of life and liberty.

In January 2009, the Interior Ministry informed the Senate that there had been 540 abductions for ransom in the country during 2008 by September.

Even the figure for the first nine months of 2008 was higher than the number of abductions during any year in the past decade. According to data for 10 years submitted to the Senate, there had been 519 abductions for ransom in 2007, 299 in 2006, 324 in 2005, 304 in 2004, 191 in 2003, 213 in 2002, 288 in 2001, 181 in 2000, and 157 in 1999.

Of the 3,016 persons kidnapped for ransom in Pakistan from January 1999 to September 2008, 1,059 were abducted in the years 2007 and 2008. Out of the 10-year figure, kidnappers killed 198 people, while the police recovered 2,666. Fifty-eight people were killed by kidnappers in 2008.

Sindh topped the list with 1,219 cases registered during the last 10 years, and Islamabad had the least number of cases of kidnapping for ransom, 62, in the past decade. More cases were reported in Punjab in the last two years — 191 and 157 in 2007 and 2008 respectively, compared to 173 and 146 in Sindh.

According to data by the CPLC, 92 cases of kidnapping for ransom were reported in Karachi during 2008, of which 26 were resolved and 20 gangs of kidnappers apprehended. In 2007, 64 such cases had been reported, 25 resolved and 20 gangs arrested.

In May, the interior adviser conceded in the Senate that kidnapping of children for ransom had become a

lucrative business, especially in Sindh and Balochistan.

During the debate, a senator said the police role in Balochistan was reduced to acting as deal-brokers between kidnappers and victims' families. (NE, May 7)

In July, the Punjab chief minister asked the provincial police chief to form a special cell to curb kidnapping for ransom, buy equipment to trace phone calls and proceed against the criminals involved.

The federal capital, Islamabad, saw a 28 percent rise in crime reported to police in 2008. Twenty people were kidnapped for ransom in Islamabad during the year.

Many high-profile abductions also took place in the NWFP and the adjacent tribal areas.

These included the abduction of Pakistan's Ambassador to Afghanistan Tariq Azizuddin, who was taken away from Khyber Agency in February, when he was on his way to Kabul. The government denied media reports that the envoy's release several months later was in return for any ransom paid and the release of Taliban militants.

Two Chinese telecommunications engineers along with their security guard and driver were abducted from Khall town of Dir Lower district in August. The guard and driver were released in September. Mullah Fazlullah-led militants, operating in NWFP's Swat valley, paraded their Chinese captives before the media. They said the two could be released in exchange for over 100 Taliban prisoners. One of the engineers later escaped from captivity. The other man is still in captivity.

In September, militants abducted Afghanistan's ambassador-designate to Pakistan Abdul Khaliq Farahi from Hayatabad area in Peshawar. They killed his driver after he offered resistance.

Ziaul Haq, a younger brother of Afghan Finance Minister Anwarul Haq was abducted from Peshawar's Hayatabad area in October.

In November, armed men abducted another Afghan official from his in-laws' house in Chitral district.

On November 12, Canadian journalist Khadija Abdul Qahar was abducted from Bannu district along with her translator and an assistant. The very next day, gunmen abducted Heshmatollah Attarzadeh, the commercial attaché of the Iranian Consulate in Peshawar, and killed his bodyguard. A Japanese journalist, Motoki Yotsukura, and his Afghan colleague, Sami Yousafzai, were shot and injured in an unsuccessful abduction attempt in Hayatabad area.

There were scores of reports of citizens going missing in Peshawar during 2008.

It was believed that a combination of Taliban and other criminals was behind the abduction. Many criminals involved in abductions had reportedly joined Taliban's ranks as they continued with their illegal activities.

It was believed that many cases were not reported to police or the media throughout the country because victims' families wanted to avoid harm to their relatives.

Parallel justice

Over a dozen incidents were reported, mainly in Balochistan, of people walking on burning coal to prove their innocence to jirgas of charges ranging from murder to theft.

The "accused" were made to walk on coals usually in the



Ordeal by fire on the increase.

presence of hundreds of onlookers. Their feet were later dipped in the fresh blood of a goat. The jirga would subsequently examine the feet of the “accused”. If they found no blisters or burn marks, the accused would be declared innocent, otherwise they would be found guilty, and usually fined or/and expelled from the area.

In September, a jirga held in Machko town near Gotkhi district in Sindh fined a former police station house office (SHO) Rs 1.2 million after “finding him guilty” of killing a man in a staged encounter two years earlier.

The former SHO paid Rs 200,000 on the spot and promised to pay the rest within two months. The parents of the deceased agreed to withdraw a petition filed in the Sindh High Court over the issue after the entire amount was paid. (D, Sep 26)

Military operations against militants

Civilians continued to be the victims of clashes between the security forces and militants. Also, at least 31 US drone attacks in Pakistan – mainly in the tribal agencies of North and South Warziritan and Bajaur – during 2008 killed at least 93 people.

The government had little to show by way of improvement in law and order for the dialogue and agreements with militants.

According to media reports, there were at least 1,016 terrorist attacks, including 37 suicide bombings, by militants in the NWFP in 2008. The attacks killed 961 people and injured 1,698, compared to 447 terrorist attacks in the NWFP in 2007, which killed 1,051 people and injured 1,593.

In November, the NWFP police chief said that police had foiled 75 terrorist attacks and recovered 530,000 kilogrammes of explosives in the province during the first 10 months of 2008. He also said that police training modules had been modified and all policemen had to undergo one month anti-terrorism training.

Amid ongoing military operations, Taliban attacks spread to all tribal agencies in FATA and to around a dozen settled districts of NWFP, including the provincial capital Peshawar, Bannu, Charsadda, Dir, Dera Ismail Khan, Karak, Kohat, Lakki Marwat, Mardan, Swat and Tank. There was also large-scale displacement of the civilian population in the face of Taliban violence and military operations in the tribal areas and Swat. *[See the chapter ‘Refugees’]*

The first two weeks of December witnessed organised attacks on parking terminals in Peshawar in which hundreds of trailers and supplies for NATO forces in Afghanistan were torched, prompting the launch of a military



Force in evidence but no order.

operation in Khyber Agency.

Taliban retained their grip on the Swat valley and adjoining areas despite a prolonged military operation and incidents of slaughtering of government employees and “spies” for the government, targeted killing of political leaders and attacks on girls’ schools were reported from the restive region throughout the year.

Taliban militants and their sympathizers attacked and blew up hundreds of music, CD and barber shops, mainly in the NWFP and Tribal Areas. There were several media reports of singers and performers leaving the province, and occasionally the country, amid Taliban threats. Attacks on and disruption of art and cultural activities were reported throughout the country. In October, three explosive devices placed outside the venue of World Performing Arts Festival – a major annual cultural activity in Lahore – went off. There were no serious injuries.

Threats to NGOs

Non-governmental organisations, especially in the tribal areas and in the NWFP, faced harassment, attacks and abduction of their staff. On February 25, gunmen opened fire and hurled grenades at the office of a British-run NGO, Plan International, in Mansehra. Three staff members were among the four people killed, while another 20 were injured.

The NGO had reportedly resumed its operations in the district after shifting its office to Islamabad a few months earlier following threats by militants.

Several national and international NGOs suspended their work in the earthquake-hit areas of the NWFP following the attack. Police advised the NGO staff to take additional security measures and avoid field trips without police escorts.

Threats to NGOs through anonymous phone calls and letters were reported from across Pakistan.

Government on the run

Politicians, government officials and their relatives were targeted for their affiliation to the government in the strife-torn northern Pakistan, particularly in the NWFP.

Leaders of the ANP, which heads the ruling coalition in the NWFP, were the most frequently targeted and seemed boxed in, demobilised and under great personal threat. The militants accused the ANP-led government of violating a peace deal it had reached with them. At least 31 ANP activists were killed in a suicide attack in Charsadda district’s Shabqadar area ahead of the general elections in February.

The ANP chief escaped a suicide bombing outside his hujra in early October. Two days later, militants fired rockets at the residence of his nephew, the NWFP chief minister.

There were a number of reports of senior policemen receiving threats for arresting militants. The Taliban also threatened government employees, especially policemen, in Swat and told them to quit their jobs if they wanted to stay alive. Their families were threatened as well. Beheadings and literal slaughter of security personnel, other government staff and those deemed police informers were frequently reported.

In October, it was reported that a police informer and six members of his family had been beheaded in Swat after he tipped off police about the presence of militants in Karachi. The informer was reportedly abducted from Karachi and taken to Swat, where he was executed along with his family. (D, Oct 27)

No place for civilians

In Swat, the population not only faced a serious threat from militants, but also suffered as a result of extended curfew, at some places round the clock. Disruption in the supply of electricity, gas, and water and shortage of edibles also compounded their misery. There were frequent reports of civilian casualties in military action, particularly aerial bombardment and artillery fire. Local residents appeared astounded by the inability of the law enforcement agencies

Desperate measures

In a bid to improve law and order, a police station in-charge in Mithi, in Sindh, announced to the residents that anyone found on the streets after 9pm would be “taken to task”. The local residents were required to inform the area’s watchman in case of emergencies. *Dawn, January 23*

to track the apparently unhindered movement of the militants.

There were regular reports of civilian deaths caused by security forces' firing in all areas where the operations against extremists were underway.

Parliamentary sanction

In a bid to build political support, the government convened a joint session of the two houses of parliament to discuss the security situation. In October, the parliamentary session adopted a resolution calling for "an urgent review of the national security strategy and revisiting the methodology of combating terrorism in order to restore peace and stability through an independent foreign policy". However, the measures suggested in the resolution remained unimplemented in 2008.

Sectarian violence

Sectarian clashes were reported in FATA's Kurram Agency bordering Afghanistan, as well as Dera Ismail Khan, Hangu and Kohat districts of NWFP. Sectarian violence in Kurram, which has been raging since April 2007 forced thousands of local residents to seek shelter in Afghanistan. [See the chapter 'Refugees']

Ambulances were attacked, civilians slaughtered and scores of dismembered bodies in sacks found dumped by the roadside in Kurram Agency. For over a year, the main road connecting the agency to the rest of Pakistan has been occupied by militants who close it at will. Militants used heavy weapons to target civilian neighbourhoods, destroying communication, water supply systems and the local economy.

At least 16 members of the Shia Hazara community died in targeted killings and another 23 were injured in attacks in Balochistan during the year.

Police excesses

As in previous years, killing of alleged criminals by police in encounters – largely claimed by the victims' families to be staged – continued to rise.



Beating sense into erring citizens.

At least 289 people were killed in such encounters in 2008, 73 in Karachi alone. Generally, alleged outlaws were seldom captured alive in such encounters. They were either killed, or escaped. Relatives claimed that in dozens of incidents during 2008, those killed had been in police custody prior to their killing.

During the year, the media also reported that at least 186 individuals were recovered from illegal police custody, either in police stations, private buildings rented by police officers or even in the detained citizens' own houses. Since illegal custody of

119 citizens was reported from Lahore alone, it was deemed that similar police practices were not being fully reported from elsewhere.

In one incident in June, a judge raided a police station in Sindh's Khairpur district and found 22 people illegally detained in the lockup. (D, Jun 11)

The police practice of detaining or harassing relatives of the accused, in one instance a six-year-old, to force

them to surrender continued.

The media reported a number of incidents of police beating suspected criminals in public with shoes before taking them into custody.

On their own

In the run-up to the general elections, the Punjab government asked politicians to increase their security and hire private guards. The candidates were informed that the provincial government would give them police commandoes if they agreed to bear their expenses. Politicians were asked to contact the Interior Ministry if they wanted to import bullet-proof vehicles.

In January, the caretaker federal minister for tourism asked politicians to be vigilant while campaigning on account of the law and order situation. Speaking in Peshawar, he said most of the politicians had been provided with bullet-proof cars and the government was protecting them from suicide bombers.

The country's main business body, the Federation of Pakistan Chambers of Commerce and Industry, expressed concerns over the deteriorating law and order and its effect on the national economy a number of times. Traders and industrialists increasingly hired private guards and sought weapons' licences for their own security.

Members of a committee of small traders of Karachi Chamber of Commerce and Industry said in May that traders were under constant threat of harassment and violence and demanded the government provide them with arms licences so that they could protect themselves.

Also in May, transporters in Karachi demanded permission for drivers and conductors of commercial transport vehicles to carry weapons to defend themselves against terrorism and violence in the city.

The Interior Ministry informed the Senate in January 2009 that the government had issued 178,754 non-prohibited bore arms licenses in 2007 and 2008.

Media reports suggested more resources and security personnel were being deployed to protect government ministers and senior officials.

Human trafficking

US State Department's Trafficking in Persons Report 2008 lists Pakistan as a "significant source, destination, and transit country for men, women, and children trafficked for the purposes of sexual exploitation and forced labor".

Internal trafficking involving women, girls and children from rural areas and poverty-stricken areas of Pakistan to main urban centres also occurs mainly for sexual exploitation, domestic servitude in slavery-like conditions and child labour.

Pakistan is a destination country for trafficked women and children from Bangladesh, India, Burma, Afghanistan, Sri Lanka, Nepal, Iran, and the Central Asian Republics for commercial sexual exploitation and forced labour.

In 2008, the prosecution of traffickers generally remained weak and the sentences were not stringent.

Trafficked women were further victimised by the police and the legal system, which often treats them as criminals. At times, victims of trafficking were booked for violating immigration laws. Women from Bangladesh, Sri Lanka, Nepal, and Burma are also trafficked through Pakistan to the Gulf.

Though precise figures are difficult to ascertain on account of the hidden nature of human trafficking, large-scale human trafficking from and through Pakistan to Europe occurs via Iran.

Political and socio-economic conditions in Pakistan have caused the trafficking business to flourish. Pakistanis from poor and backward areas are among the cheapest labourers in the world and have been falling victims continuously to human trafficking.

The favourite destinations for Pakistanis include Saudi Arabia, countries in the Gulf and in Western Europe, including the UK, Italy, Spain, Greece, Cyprus and Scandinavian countries, as well as South East Asian countries including Malaysia, Hong Kong and South Korea. [*See the chapter 'Women'*]

Recommendations

1. Any government's efficiency and claim to public allegiance is judged first and foremost by its ability to

guarantee security of life and liberty. Failure in this area could gravely undermine the democratic system. Law and order should therefore receive more earnest attention than seen hitherto.

2. The rise in crime and instant justice of a most brutal nature, all in the name of religion, cannot be tackled by the traditional police methods or by force alone. Besides addressing the socio-economic causes of these phenomena, the government must find ways of promoting tolerance.

3. The law-enforcing agencies must be trained in anti-terrorism measures, particularly in use of force in a manner that does not cause avoidable harm to innocent people.

4. Effective methods to check extra-legal killings in the so-called police encounters must no longer be delayed.

5. The mechanisms developed to deal with trafficking are grossly inadequate and the personnel lack proper training. Special efforts are needed to punish traffickers instead of concentrating on penalising the victims.

Jails, prisoners and ‘disappearances’

No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall be denied the right to consult and be defended by a legal practitioner of his choice.

Every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such arrest.

Constitution of Pakistan

Article 10(1) and (2)

The dignity of man and, subject to law, the privacy of home, shall be inviolable.

No person shall be subjected to torture for the purpose of extracting evidence.

Article 14(1) and (2)

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

Universal Declaration of Human Rights

Article 5

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

Article 6

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

Article 8

Penal servitude continued as the principal form of punishment even for petty crimes and alternative penalties were not considered despite acutely overcrowded jails.

Respect for prisoners’ rights, including their right to life and dignity, largely continued to be absent in the country’s prisons. Prisoners were largely barred from communicating with their families and lawyers via phone, even under supervision.

An overwhelming majority of the prison population consisted of under trial prisoners.

The urgent need to humanise the prisoner and the jailer both, and to improve the terms of service of jail staff remained largely unmet.

Many measures that could improve the lot of prisoners were limited to one or two provinces, and were not implemented countrywide. These included the launch of a project in the NWFP to allow detainees to spend time with their wives in family barracks, and the enhancement by the Punjab government of daily dietary allowance for each

prisoner from of Rs 20 to Rs 50.

In June an announcement by the prime minister hinting at conversion of death sentences of all condemned prisoners into life imprisonment led to a heated debate and vehement support and opposition to the move, even though the announcement did not by itself abolish or commute the death penalty.

No headway was made in the case of missing persons despite petitions against their disappearance pending in the Supreme Court and the emergence of a civilian government after the February 18 elections.

Overcrowded prisons

It was not uncommon for prison superintendents to complain about the lack of space to house detainees in the jails under their charge.

In January, the Kasur prison's superintendent said the facility housed 1,814 prisoners against its sanctioned capacity of 540.

The superintendent of Central Jail Rawalpindi said in July that against the authorised accommodation for 1,994 prisoners, the prison population was 5,906.

The superintendent of Camp Jail in Lahore said in September that the prison had 5,192 prisoners while its sanctioned capacity was 1,053 prisoners.

An overwhelming majority of detainees in the country's prisons were under trial, many ending up spending more time behind bars than they would have on being sentenced.

According to the Sindh prisons chief, Karachi's Central Prison alone had 5,800 prisoners against the capacity of 1,600. He cited non-prosecution of under-trial prisoners' cases as the main reasons for the high number of prisoners in Karachi jails. He said there were 3,500 prisoners in Karachi's Malir Jail, more than double its capacity.

According to a media report, of around 7,300 detained in Central Prison of Karachi and the Malir Jail in Landhi, more than 6,000 had been under trial for years.

In May, the Punjab prisons minister said around 59,000 prisoners were detained in the province's jails meant for detaining no more than 21,000.

The Sindh chief minister's adviser for prisons said in August that the capacity for prisoners in 20 jails of Sindh was 9,000 but over 20,000 prisoners were being kept there.



Early introduction to curbs and humiliation.

Earlier in July, the adviser had said that 86 percent of the detainees in Sindh's jails were under-trial prisoners, and the number kept swelling due to shortage of judges and lack of legal advice.

A change in the Criminal Procedures Code in October 2001 took away a provision regarding mandatory bail to prisoners whose trial would not begin for two years. This was presumably done to deny the benefit of bail to political prisoners, but it led to a massive swelling in the prisons' population.

In September, the Sindh Assembly was informed that there were 18,585 prisoners in the province's jails, which had capacity for 9,511 only. The

prisoners included 169 females, and 34 juveniles. Four new prisons were being constructed in Naushehro Feroze, Ghotki, Mirpurkhas and Thatta districts.

In Punjab, the construction of four new prisons was underway in Okara, Pakpattan, Layyah and Bhakkar districts. Seven new jails were planned for Hafizabad, Khanewal, Lodhran, Sahiwal, Mianwali, Rajanpur and Narowal – to reduce overcrowding in existing jails in the province.

In July, the NWFP minister for jails said the government had approved the construction of eight new jails in the province.

In December, the Punjab prisons’ minister said the government was considering renaming prisons as ‘Darul Islah’ (reform houses), but did not elaborate any change beyond the name.

Prisoners’ protests, rioting in jails

Numerous jail riots were reported throughout the year, as rights organisations urged the government to undertake prison reforms. A number of incidents of prison unrest erupted in quick succession in October and were met with short-term measures, while the urgent need for prison reform was ignored.

Riots, violence and prisoners’ protests – mainly against prison staff’s misbehaviour, denial of rights, slow pace of trial and overcrowding – were reported from jails across the country.

- ◆ In April, over 100 prisoners in Sukkur’s Central Jail-I held prison wardens hostage for several hours in protest against torture and solitary confinement of two of them.

- ◆ Prisoners demonstrated in Khairpur jail on July 15 over delay in being taken to court for hearing of their cases.

- ◆ Rioting prisoners took seven jail guards hostage in Sukkur jail on July 18 and demanded basic facilities.

- ◆ 25 prisoners protesting against police behaviour were injured in tear gas shelling in Hyderabad prison on October 4. They were protesting against not being presented before courts. The situation was resolved after the prison administration assured the protesters that no case would be lodged against them for protesting and they would not be shifted to other jails as a punishment. Around 2,500 people were detained in Hyderabad jail at the time against the sanctioned capacity of 1,527.

- ◆ Four policemen were injured when a group of prisoners demanding a separate ward clashed with the staff at Karachi’s Central Prison on October 13.

- ◆ Five prisoners were killed and 11 others were injured when guards opened fire to quell a revolt at Karachi’s Malir Jail on October 15. The detainees torched the office of the jail superintendent and a recently established industrial unit within the premises. The prisoners had wanted to talk to the media and threatened to commit suicide if the police used force. The authorities said the prisoners had been shot as they attempted a jailbreak. Two prison guards were injured as well. The following day, at least 225 prisoners were shifted to prisons across the province to avoid recurrence. According to the jail surgeon, the prisoners killed had been shot in the head or chest. The HRCPC emphasised that that was hardly the ideal method for riot control or use of minimum force needed to quell rioting, and pointed to deficient training for jail staff at the very least.

- ◆ Army troops had to be called to Dir District Jail in NWFP on October 16 to end a nine-hour standoff after protesting prisoners, including alleged Taliban militants, took four jail officials hostage to pressurise the jail authorities

Prison population in Sindh	
Jails	Prisoners
Central Prison Karachi	5,417
Central Prison Hyderabad	2,431
Central Prison-I Sukkur	1,987
Central Prison-II Sukkur	377
Central Prison Larkana	1,454
Central Jail Khairpur	864
District Jail Malir Karachi	2,923
District Jail Nawabshah	307
District Jail Mirpurkhas	244
District Jail Sanghar	311
District Jail Jacobabad	396
District Jail Dadu	373
District Jail Badin	260
District Jail Shikarpur	422
Special Prison Nara Hyderabad .	384
YOIS Karachi	280
Women’s Jail Karachi	110
Women’s Jail Larkana	9
Women’s Jail Hyderabad	36
Total	18,585

to accept their demands – the return of their seized mobile phones and an end to alleged physical violence against them by the prison staff. Two officials, including the jail’s deputy superintendent, were injured. Later, 54 prisoners were shifted to other prisons in the province.

◆ On October 18, dozens of prisoners of Central Jail-II Sukkur climbed the rooftops of the barracks and torched their clothes and bedding to protest against what they called atrocious attitude of the jail administration.

◆ On October 19, the detainees at Mianwali’s Central Jail protested against denial of remission and shifting of prisoners to other jails. The prisoners took 14 guards hostage, who were released following negotiations with the jail administration.

◆ Prisoners in Sindh’s Sanghar Jail on October 28 climbed the barracks’ rooftop to protest against perceived security threats from police, whose firing they claimed had killed two detainees.

◆ Four prison guards and 20 prisoners were injured in a clash in Mianwali’s Central Jail on December 25.

Dozens of clashes between groups of prisoners were also reported.

In July, an Anti-Terrorism Court acquitted for lack of evidence the main accused, a police inspector, in the 2003 Sialkot jail riot, which claimed the lives of four judges and five prisoners. The court issued warrants for the arrest of the Sialkot Jail deputy superintendent in the case.

The prisoners had taken hostage seven of the 13 judges who had gone to the jail for a visit in July 2003 and demanded ‘safe exit’. The judges were killed in crossfire. The families of the judges had filed a case against police and jail officials. The court had already acquitted a deputy inspector general of police, two district police officers, the jail superintendent and 18 other jail officials.

The HRCP continued to call upon the government to undertake urgent reforms to end unrest in prisons. Calling



Enough: Prisoners take to barracks’ roofs to protest denial of rights.

the loss of life in prison riots tragic but not unexpected, it said in October that the incidents were the result of problems left unsolved for decades, mainly appalling overcrowding, rampant corruption, torture, unhygienic food, a lack of health facilities and staff training, tardy judicial process and inefficient investigation and prosecution. It said the reported torture of

prisoners after rioting or provision of more teargas shells and smoke bombs to police, as was being considered after riots in Hyderabad Jail, was no solution to the problem.

Abuse of prisoners and bribery

In November, the Punjab prisons minister said the US detention facility in Guantánamo Bay, Cuba, paled in comparison with Pakistani prisons, which he called “torture cells”.

There were numerous reports of jail staff torturing and abusing the detainees demanding bribes for providing allowed facilities, or basic rights and at times for sparing them illegal corporal punishment. Periodical meetings with relatives, mandatory under the law, were denied or made difficult to extract money from the prisoners.

When bribed, the prison staff reportedly allowed or arranged for prisoners mobile phones, television sets and

even relaxed rigorous punishment. Rights groups blamed abuse of prisoners' rights as a main reason for frequent unrest in the country's prisons and said if conditions at detention facilities were not radically improved, things were bound to deteriorate further.

At least four cases of prisoners stitching their lips to protest denial of rights and torture by jail authorities were reported during 2008.

The Lahore High Court ordered an inquiry in November into such action by an under-trial prisoner at the Lahore District Jail.

In June, two under-trial prisoners from Rawalpindi's Adiala Prison stitched their lips to protest alleged torture by prison staff.

Also in June, a prisoner from Lahore's Camp Jail Lahore stitched his lips to protest torture by prison guards.

Deaths in prisons

At least 76 prisoners died in jails across the country during 2008, and torture was alleged in many cases. The deceased included 22 convicts and 31 under-trial prisoners. At least 163 detainees were injured in prisons during the year.

Women and juvenile prisoners

In February, the caretaker interior minister informed the Senate that 428 convicted women were detained in different jails of the country: 261 in Punjab, 72 in Sindh, 77 in NWFP, 17 in Balochistan and one in Azad Kashmir.

In July, the Senate Committee on Women Development suggested building a separate jail for women after visiting Adiala Jail in Rawalpindi where it found the female ward had 172 detainees against its capacity of 80.

The committee recommended construction of a new prison for women on priority to ease the overcrowding. An 87-acre piece of land had reportedly been acquired for the purpose.

Terming the daily dietary allowance of Rs 20 per prisoner "too meagre", the committee called for enhancing it to at least Rs 100, as many female detainees' young children were also detained along with them in the prison.

It recommended the provision of at least one full time medical specialist and one medical officer for women's ward as well as a skin specialist to cope with the growing number of cases of scabies and other diseases.

Responding to prisoners' complaints against female jail wardens and superintendents regarding manhandling, abusive speech, and beating, the Senate body urged the government to arrange special 'behavioural training courses' for the staff and acquisition of services of a psychiatrist to seek attitude change among the prisoners and the prison staff.

The committee directed the prison authorities to discontinue the practice of taking male and female prisoners to courts in the same vehicle and suggested separate transport arrangement for female prisoners.

During an unannounced visit to Kohat Prison in April, NWFP's minister for prisons found juvenile prisoners engaged in labour work and warned the jail authorities against repeating the act. (D, Apr 26)

Justice Nasir Aslam Zahid, a retired judge of the Supreme Court, who runs the Committee for Welfare

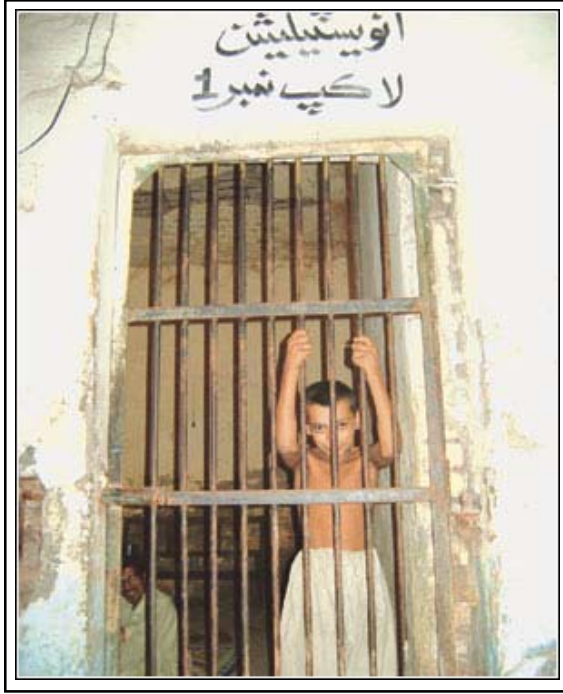


Imparting valuable skills to prisoners.

of Women Prisoners, said of the 200 prisoners in the juvenile jail in Karachi, only six were convicts and the rest under trial. He said they would be moved to the Central Prison with the same status once they reached 18 years of age.

Remission

The government announced remission, ranging from 45 to 90 days, in the sentence of convicts in 2008 on the occasion of Eid Miladun Nabi, Eidul Fitr, Benazir Bhutto's birth anniversary and Independence Day.



Juvenile justice.

To qualify for remission, a convict was required to have undergone two-third of his/her sentence and must not have been convicted of murder, espionage, anti-state activities, sectarianism, rape, robbery, kidnapping/abduction and terrorist acts.

Total remission was given to male prisoners 65 years of age or above and female prisoners 60 years of age or above who had undergone at least one-third of their imprisonment, except those involved in culpable homicide or terrorist acts.

Special remission of one year was given to the female prisoners with accompanying children and serving sentence of imprisonment for crimes other than culpable homicide or terrorist acts.

Total remission was given to juvenile convicts (under 18 years of age), except those involved in culpable homicide or terrorist acts, who had served one-third of their substantive sentence.

Convicts who qualified for the exams of universities and education/technical boards were granted a six-month remission.

Prisoners from religious minorities

The Punjab prisons minister stated in October that convicts memorising the Quran would get special remission of up to two years in their sentence. However, no such incentive was announced for non-Muslim convicts. The minister also said that Christian convicts were being provided the services of Christian teachers to guide them in their faith.

On December 24, all Christian convicts in Punjab's prisons who were entitled to special remission granted by the province's chief minister on the occasion of Christmas were released from jails. The government paid the amount of unpaid fine for convicts unable to pay the amount.

In February, the caretaker federal minister for human rights said that during visits to prisons a major complaint by prisoners from religious minorities was a lack of separate places of worship inside prisons. He said the Human Rights Ministry had ordered the construction of such places of worship and work would begin after the Finance Ministry approved funds.

Family meetings

Detainees at two of the four central prisons of the NWFP were waiting for the initiation of the 2004 Family Barracks Project.

Under the project, the prisoners could spend three days with their wives every four months. The first family barracks were constructed at the Central Prison Bannu, and the project launched there in September 2006. The provincial government announced the launch of the project in Peshawar's Central Prison in May.

Family quarters are yet to be constructed in two other central prisons of the province - Haripur and Dera Ismail

Khan.

The Punjab minister for prisons announced in May that the government would allow privacy to prisoners to spend time with their wives and children once every three months.

Pakistanis in foreign prisons

Scores of Pakistanis were deported to Pakistan for illegally entering or staying in other countries, mainly in Europe.

In May, the Senate was informed that the government was in touch with nine of the 12 Pakistanis detained in Spain on suspicion of involvement in terrorism and would provide legal aid to them. The other three accused had been released.

Prisoners from the Subcontinent

The release of Kashmir Singh, an Indian national imprisoned in Pakistan on charges of espionage, in March brought hope for many prisoners from the two countries languishing in each other's jails for decades.

However, the subsequent death of two Pakistani prisoners in Indian jails dampened the optimism. One of the prisoners, Khalid Mehmood, had reportedly gone to India in 2005 to watch a cricket match. The Pakistani Foreign Officer protested that Islamabad not had been informed until 20 days after Mehmood's death. India ordered an inquiry into the death.

Both countries continued to arrest each other's citizens for overstaying or violating the terms of their visas.

The Pakistan-India Judicial Committee on Prisoners, comprising retired judges from both countries, met on February 26 and agreed that the two countries would exchange lists of civilian prisoners in each other's jails toward the end of March.

The committee, set up in 2007, urged the immediate release of prisoners who had completed their sentences and whose national status had been verified. It recommended that special consideration be accorded to women, juvenile and disabled prisoners for their repatriation.

On March 31, Pakistan and India exchanged lists of prisoners in each other's jails. According to the list provided by Pakistan, there were 489 Indian civilians, including 436 fishermen, in Pakistani jails. India declared 149 Pakistani civilians, including 14 fishermen, in its custody.

In May, Pakistan and India signed an agreement to allow consular access to prisoners in each other's jails.

Perpetual imprisonment

Incidents of prisoners continuing to languish in jails despite acquittal or because of failure to furnish fines after they had served their sentence pointed to a lack of vigilant implementation of court orders.

A young man charged with cell phone theft was in prison three months after his release orders were issued by the Sindh High Court.

According to the law, a convict failing to pay Diyat (compensation for murder) or any part of it may be kept in jail to undergo simple imprisonment until the amount is paid in full or may be released on bail if he furnishes security equivalent to the unpaid amount.

In February, four prisoners who had spent up to a decade behind bars because of non-payment of Diyat were



Kashmir Singh's release did not bring the expected change in the lot of Indo-Pak prisoners.

released after the NWFP provincial government paid the fine on their behalf. (D, Mar 1)

In November, a resident of Multan jailed since 1958 was finally released. He was convicted for two murders and awarded the death penalty in 1958. The sentence was converted into life imprisonment in 1988. Despite having completed his prison term, the prisoner was not freed as he could not pay the Rs 20,000 in fine. He was released after a lawyer read about his case in a newspaper and paid the fine. (NW, Nov 13)

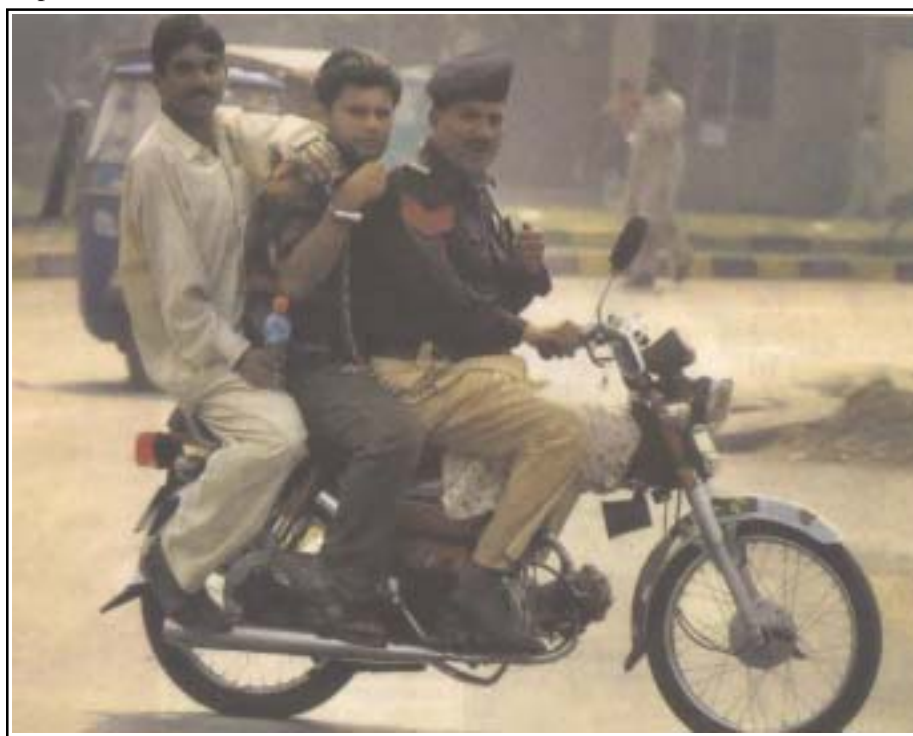
In May, the state news agency announced that the prime minister had asked all provincial governments to release prisoners who had completed their sentence but were detained due to their failure to pay meagre amounts of fines.

In June, the government released over 220 prisoners on the direction of the prime minister after paying Rs 7.5 million in fines the convicts had been unable to pay. Those released included more than 140 from the prisons in Punjab, 33 in Sindh, 11 in Balochistan, 19 in NWFP, and 26 in Azad Kashmir.

The Senate Committee on Women Development, after a visit to a prison in Rawalpindi in July, called upon the affluent sections of society to pay fines for prisoners who had completed their jail term but could not be released due to their inability to pay fine.

In March, the Sindh caretaker chief minister said the provincial government would pay fines on behalf of women and juvenile prisoners, who did not have the means to pay the fines to pave the way for their release.

According to media reports, philanthropists and government ministers paid tens of millions in fine/surety money of prisoners for their release.



Making do with available resources.

Scores of foreign prisoners, who had completed their jail terms, remained incarcerated, as their repatriation required preparation of travel documents, followed by approval from their countries of origin.

According to statistics with the Punjab Prison Department, 293 foreigners, including convicted and under-trial prisoners, were detained in 32 jails in the province. These included prisoners from Nigeria (97), Afghanistan (52), India (44), South Africa (12), Bangladesh (11), Tanzania (11), Britain (5), Myanmar (5), Ivory Coast (4), Zambia (4), Ghana (4), Iran (3), Liberia (3), Mozambique (3), Nepal (3), Thailand (3), Turkey (3),

Zimbabwe (2), Kenya (2), Congo (2), Guinea (2), Sierra Leone (2), Russia (2) and Somalia (2). One prisoner each from Cameroon, Indonesia, Iraq, Kyrgyzstan, China, Malawi, Morocco, the Netherlands, Romania, the Philippines and Saudi Arabia was detained in the province's prisons. A foreigner of unidentified nationality was also detained and under trial.

The Punjab prisons chief said that most of the foreign prisoners were in jails for illegally crossing the border into Pakistan and prisoners from Afghanistan and African countries were mainly convicted or accused of drug trafficking.

Health hazards

In March, the Sindh caretaker chief minister expressed concern over the conditions of detention in 20 prisons in the province, saying medical facilities in the province's jails were almost non-existent. He said that the prisons in the

province had only 28 doctors and a few paramedics. He ordered steps to protect prisoners from diseases like AIDS and hepatitis.

“These prisons have a capacity for 10,000 prisoners but at present 20,000 are being kept there, while the condition of Karachi, Hyderabad and Sukkur jails is also not satisfactory,” he remarked. (D, Mar 15)

In December, health authorities in Karachi expressed concern over the prevalence of hepatitis B and C among jail detainees, including females and children.

Karachi’s executive district officer health said that during screening of 2,174 prisoners at Karachi’s prisons 226 tested positive for hepatitis C, and 69 for hepatitis B.

Three persons tested positive for HIV/AIDS and another 42 and 50 for hepatitis B and C respectively following the screening of 9,800 prisoners in 22 jails of the NWFP. The screening was conducted between May 2006 and April 2008.

In February, the medical officer at Rawalpindi’s Adiala Prison said that 179 prisoners were suffering from scabies. He said overcrowding and clothes worn by old prisoners being given to new prisoners had caused the skin disease to spread. “We ask the prisoners to wash these clothes properly and iron them from inner side to kill harmful germs,” he said. He said 5,865 prisoners were imprisoned in Adiala Jail against the original capacity of 1,800 prisoners.

Meanwhile, a team of doctors that visited Adiala Prison for a general medical examination of prisoners after a directive from the health minister said they found that of 411 patients examined 375 were infected with scabies. All the prisoners examined suffered from some skin disease. (RNE, Feb 17)

There were reports of prisoners being forced to sleep in bathrooms because of inadequate space in Adiala Prison. (RNE, Feb 14)

Death penalty

At least 237 people, including two women, were awarded the death penalty during 2008. Thirsty-six people were executed during the year.

On June 8, the federal finance minister said the government was working on recommendations to abolish capital punishment in the country.

On June 21, on the birth anniversary of former premier Benazir Bhutto, the prime minister announced in the National Assembly that he had asked the Interior Ministry to submit a summary to the president to convert the death sentence of condemned prisoners into life imprisonment. The move was to exclude convicts guilty of crimes described as heinous.

The announcement was praised by human rights organisations but opposed by religious parties and clerics, who said that only the heirs of the deceased had the right under Sharia law to pardon a murder convict. A number of parliamentarians also opposed the suggested commutation, saying the move was contrary to Islamic injunctions. The leader of a religious party said that his group would pull out of the coalition government if the announcement were not withdrawn. Clerics said that by moving to commute the death sentence the government was inviting mass murder and God’s wrath.

Human rights organisations pointed to the high probability of miscarriages of justice in awarding the sentence in view of the well-documented defects of the law, of the administration of justice, of the police investigation methods, the chronic corruption and the cultural prejudices affecting women and religious minorities.

Heirs in a number of murder cases vowed to move court if the initiative was not abandoned.

Amid opposition to the move, the law minister said on June 24 that the announcement regarding commutation of death sentences was only a proposal, and the president would make the final decision.

Demonstrations were held in a number of cities, mainly in the NWFP, in favour of the death penalty.

On July 2, the cabinet approved the conversion of death penalty awarded to around 7,500 prisoners into life imprisonment. The Law Ministry had reportedly opposed the commutation, arguing the decision violated Islamic laws. (NE, Jul 7)

On July 4, the Supreme Court took suo motu notice of the government’s move to commute the death sentence.

However, the matter had not been decided until the end of 2008.

On July 14, the government informed the Supreme Court that the decision on commutation of death sentences had not been approved so far.

On September 30, the federal law minister said the decision on the death penalty would be in accordance with Sharia law.

On October 10, the HRCP urged the government to end the death penalty and as a first step place a moratorium on executions and restrict the number of offences punishable with death to the most serious crimes only.

In November, however, the government extended the offences punishable with death by prescribing the death penalty for those involved in 'cyber-crimes' under the Prevention of Electronic Crimes Ordinance.

On November 21, the National Assembly was informed through written comments by the interior adviser that the government was considering a proposal to abolish the death penalty in the country. The Law Ministry was said to be processing the proposal. However, there was no progress in this regard until the end of the year.

Addressing a press conference on December 11, the interior adviser said the Interior Ministry was working on a proposal for the award of the death penalty to human traffickers.

At least 16 prisoners were executed after the premier's June 21 announcement regarding commutation of death sentences.

Enforced disappearances

The families of persons subjected to involuntary and enforced "disappearance" by state agents pinned hopes of finding their missing relatives after the civilian government took over. But the expectation largely remained unmet. The emergence of a democratic government after the February 18 elections did not bring about any change in official indifference with regard to the cases of enforced disappearances.

The number of reports of enforced disappearances fell drastically after February 18, but new incidents continued to be reported, mainly from Balochistan.

The HRCP repeatedly reminded the government of Pakistan of its duty to trace all the "disappeared" persons. It asked the government to release all the persons traced, during the Supreme Court hearings of the missing persons' case, and have their statements recorded so that perpetrators of their illegal abduction and detention could be brought to justice. However, there was scant official action apart from a few statements.

More than two dozen petitions pending in the Supreme Court on behalf of the missing persons were not heard after the November 3, 2007 judicial upheaval and no action had been taken on them during 2008, despite the civilian government taking over.

On February 5, the caretaker minister for human rights said that some of the missing persons were in intelligence agencies' custody.

On April 30, Jeay Sindh Qaumi Mahaz leader Dr Safdar Sarki was released after the Balochistan government withdrew cases against him. He had "disappeared" in February 2006 and was only seen again in October 2007 when police in the Balochistan town of Hub filed charges against him.

In May, the HRCP started interviewing individuals released from "enforced disappearances" to learn about the facts of their "disappearance". The organisation encountered difficulty in gathering information from the released individuals, especially in Balochistan and NWFP, who felt that speaking with the media or human rights organisations could jeopardise their safety and they might be picked up again.

On May 28, three Baloch leaders, who had come to the HRCP office in Karachi to record their experiences of arbitrary disappearance, went missing after they left the office at about 5:30pm. While the three were released a few days later, they were no longer willing to talk to human rights organisations, even on the phone. The attitude of the other released individuals became even more cautious. They were not willing to do anything that risked them being picked up again.

The whereabouts of Dr Aafia Siddiqui, who had gone missing along with her three children in Karachi in 2003, became known for the first time since her disappearance.

In July 2007, Amnesty International had mentioned Siddiqui as a possible CIA "secret detainee", even though she

remained on the FBI list of people wanted for questioning.

On July 6, 2008, British journalist Yvonne Ridley told the media that a Pakistani woman was held in solitary confinement for years in the US internment facility at Bagram, Afghanistan. Nobody had seen her but a number of former prisoners at Bagram claimed hearing her screams. Reportedly registered as prisoner number 650, she was generally believed to be Dr Siddiqui and HRCP asked Islamabad to seek her release.

On July 21, 2008, the US forces in Afghanistan claimed arresting her. It was widely believed in Pakistan that public pressure had finally compelled the US to admit to Dr Siddiqui's custody.

According to the US version of events, which Siddiqui's lawyer calls "absurd", Dr Siddiqui and a teenage boy were detained in Ghazni, Afghanistan, on July 17, 2008 after local authorities became suspicious of their loitering outside the provincial governor's compound. Afghan



We want them back.

police claimed a search of Dr Siddiqui's handbag yielded documents explaining how explosive devices could be made. They claimed she also carried sealed bottles and glass jars filled with liquids and gels. Later, she allegedly tried to fire at US personnel that came to question her in detention and was shot in the abdomen during an alleged altercation.

Dr Siddiqui was taken to New York where her fitness to stand trial for assaulting US personnel was being determined.

In October, four members of the Pakistani Senate were allowed to meet Dr Siddiqui, who reportedly expressed her lack of confidence in both the court hearing her case and the two lawyers representing her. Siddiqui told the four lawmakers she was on her way to the Karachi airport in 2003 with her children when she was taken. She said she remembered being given an injection and when she came to she was in a cell. She said she was made to sign statements, some of which included information on phone calls she was said to have made. She stated that she had been tortured and told by her captors that if she did not co-operate her children would suffer. Her son, allegedly arrested with her in Ghazni, has since been returned to Pakistan.

HRCP has demanded an official investigation in Pakistan into the "disappearance" of Dr Siddiqui and her children and details of their detention – from the point of being picked up in 2003 until the present.

Recommendations

- 1. An inter-provincial meeting of prison authorities should be held soon to work out plans for ensuring uniform respect for detainees' rights and promotion of jails as reformatories.*
- 2. Special arrangements need to be made at all prisons for women, specially those accompanied by children,*

and members of minority communities.

3. The problem of overcrowding in jails is getting more and more acute each year. The only rational way to overcome it is through a relaxation of bail conditions and creation of mechanisms for quick disposal of cases of petty offences. A large number of the under-trial detainees should not be in jail at all.

4. A large number of detainees are suffering from diseases that can be prevented if they are not obliged to use unwashed clothes and beddings and due attention is paid to hygiene and sanitation. All prison authorities must be made to attend to these matters.

5. The methods of handling prisoners' grievances, especially use of force to quell disturbances, have been due for revision since long. It is time concrete steps were adopted.

6. The system of extending succour to prisoners who have to stay in jails for non-payment of diyat or fine should be institutionalised.



لاٹھی گوڑی
آئی سرکار

مکرم شرف

نہیں چلے گی
نہیں چلے گی

FREE TH
MEDIA

MARTIAL
LAW

MARTIAL
LAW

دستور کو میں نہیں مانتا ہوں نہیں جانتا۔

III - Fundamental freedoms

Freedom of movement

Every citizen shall have the right to remain in and, subject to any reasonable restrictions imposed by law in the public interest, enter and move freely throughout Pakistan and to reside and settle in any part thereof.

Constitution of Pakistan

Article 15

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

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

Universal Declaration of Human Rights

Article 17(1,2)

While some of the traditional restrictions on the people's right to freedom of movement were noted in 2008, the year also witnessed a certain relaxation in the government's attitude towards processions and protest marches. The most significant beneficiaries were the lawyers who kept hitting the streets throughout the year.

Although there were some incidents of police violence against them in Islamabad, Peshawar and Karachi, on the whole the lawyers' rallies were not interfered with. The best manifestation of the authorities' respect for the right to freedom of movement was seen in June during the lawyers' march to Islamabad.

Some serious infringements of the right to freedom of movement resulted from the Musharraf regime's decisions to detain the superior court judges and the leaders of the lawyers movement at their residences. It was only on March 24 that the 5-month-long detention-at-home of Chief Justice (under restraint) Iftikhar Mohammad Chaudhry and several other sidelined judges was ended and they were allowed to move about freely. Bar leaders Aitzaz Ahsan and Ali Ahmad Kurd were allowed freedom of movement after four months of detention.

Travel

The use of the Exit Control List (ECL) to deny citizens their right to go abroad continued during the first quarter of 2008 but it tapered off in the second half of the year. In the last week of March, after the new government had taken over, Interior Advisor Rahman Malik announced that all political activists' names were being taken off the ECL. After that cases reported in the media involved people whose movement had been restricted earlier. A majority of those later on put on the ECL were involved, or were suspected of involvement, in criminal cases.

In the first week of the year, the chief security officer on Benazir Bhutto's personal staff and over a dozen others were put on the ECL. They were obviously required for investigations into the PPP leader's assassination. The authorities indicated that more people required for these investigations could be barred from travelling abroad but this



Not beyond this point.

did not happen. (J, Jan 5)

Asma Jahangir, HRCP chairperson and UN Special Rapporteur for Freedom of Belief, was stopped from taking an international flight (January 9) for a UN mission. She was told that her name was on the ECL and had been there since November 2007. She was allowed to leave when she pointed out that since November 2007 she had gone abroad more than once, and after the immigration staff at the Lahore airport had consulted their superiors (D, Jan 20). It was obviously one of the common instances of the authorities' tendency to forget when a citizen's name needed to be deleted from the ECL.

- ◆ Former Punjab Minister Aleem Khan's name was put on the ECL. Media reports said the reason could be litigation over property. (N, Feb 29)
- ◆ Happy Minwala, who was much in the news during Benazir Bhutto's first term in office, had to secure a Sindh High Court order to beat the ECL bar before going abroad for medical treatment. (D, Mar 20)
- ◆ When Sarfaraz Cheema, a former secretary of the Lahore High Court Bar Association arrived at the airport to take an international flight, he was told his name was on the ECL. (N, Mar 21)
- ◆ Sindh PPP leader Pir Mazharul Haq's name was taken off the ECL under Sindh High Court orders. (RNE, Apr 4)
- ◆ The names of an ex-husband of a French woman and their son were put on the ECL on court orders. (N, Apr 28)
- ◆ The Balochistan High Court ordered removal of Jamil Bugti's name from the ECL so that he could go abroad for treatment. (D, Jun 10)
- ◆ Abdul Qayyum Khan, brother of Dr A. Q. Khan, protested in December against his name having remained on the ECL since 2004. (Aaj Kal, Dec 20)

LHC observation

The echoes of the 2007 ban on Tehrik-i-Insaf chief Imran Khan's leaving Lahore were heard in the Lahore High Court in the last days of January 2008.

The Punjab government issued an order on May 26, 2007 prohibiting Imran Khan from leaving Lahore for three days. The purpose was to stop him from going to Karachi. He challenged the restriction in the LHC and the case came up for hearing on May 29, 2007. The government counsel argued that the impugned order had already lapsed, though he defended the government's right to restrict anybody's movement. The petitioner's counsel argued that it was still necessary to probe the matter. The court asked the additional advocate-general to find out the reasons for restricting Imran Khan's movement and report on June 4, 2007.

No hearing was possible on June 4, 2007 and when the case came up for hearing on January 29, 2008, it could

only be dismissed as the petition had become redundant. The judge was however reported to have observed that when a person was directed to remain in a place or an area and not allowed to move out without the permission of an authority, this amounted (or could amount) to illegal confinement. (N, Feb 2)

Imran Khan was again prevented from entering Sindh on February 7, 2008 under a 30-day ban. This time he was allowed to fly from Lahore to the Sindh capital and turned back from the Karachi airport. (NW, Feb 8)

Restrictions on clerics

With the advent of the month of Muharram in the last week of 2008 the annual ritual of banning some clerics from entering particular districts or provinces was duly carried out. According to one report, as many as 433 clerics were placed under travel restrictions.

Blockades by non-state actors

The citizens' right to freedom of movement was also affected by the use of road blockade as one of the more common forms of voicing a public grievance. Some of the incidents occurred at Naushero Feroze in Sindh (against kidnappings), Nawabshah (politician's arrest), Hangu (murder of a scholar), Faisalabad (protest by students), Gujranwala (attack on church), Mardan (kidnapping), Lakki Marwat (kidnapping), Mianwali (violence upon a former minister), Sukkur (killing by dacoits), Shikarpur (kidnapping).

Off and on the law-enforcing agencies closed certain conflict areas to travel by non-residents. A team of ex-servicemen was not allowed entry into the tribal area.



Hyderabad: Blocking roads to protest lawlessness.

Parachinar blockade

The most serious violation of the right to freedom of movement occurred in the Kurram tribal agency. The road linking Parachinar with Peshawar and other 'settled' areas of the Frontier province was blocked by militants for weeks on end. They wanted to punish the Parachinar population for resisting their sectarian mischief and unlawful demands. The blockade caused the people unbearable hardships as their food stocks were exhausted and the prices of wheat flour shot up by as much as 1000 percent. The administration's inability to keep the roads open was one of its most stunning failures.

Travel by foreigners

Foreign nationals did not have serious trouble while moving around. However, nearly all foreign missions curtailed their diplomats' travel within the country, especially in the conflict zones of the Frontier province and the tribal area.

Mystery surrounded the case of a US journalist, Nicholas Schnide, who was reported to have been told to leave

Pakistan. (D, Jan 13) It was said that he had been allowed to come to Pakistan as a research scholar but he started working as a journalist and interviewed some people he should have avoided.

Passports

Except for a couple of occasions when machines at passport offices went out of their operators' control and the public had to suffer some inconvenience, the authorities continued to try to improve their service. In May they claimed to have issued 5.8 million machine-readable passports (MRPs) while the total number of passport holders was 7.5 million. The number of passport offices where MRPs could be issued also was increased.

Recommendations

1. *A reduction in the use of ECL to restrict freedom of movement does not mean its provisions shall not be abused in future. The law and the procedure should be streamlined to ensure, at least, that the citizen whose name is put on the ECL is promptly informed.*

2. *Blockade of roads and highways for long periods, especially when the objective is to punish an ethnic or religious group, is a serious matter. All governments must ensure that nobody is allowed to obstruct citizens' access to public thoroughfares.*

3. *Pakistan's tourism has suffered a great deal as a result of the administration's failure to guarantee tourists, specially foreigners, freedom of movement. The situation should be expeditiously remedied.*

4. *Barring ulema from traveling within the country during such periods as Muharram or prohibiting politicians from visiting a city or a district are crude ways of preventing trouble and open to abuse too. Punitive measures can be justified only against actions or speech and the policy of the so-called preventive steps should be abandoned.*

Freedom of thought, conscience and religion

... It is the will of the people of Pakistan to establish an order ... wherein shall be guaranteed fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality.

Constitution of Pakistan

Preamble

Subject to law, public order and morality (a) every citizen shall have the right to profess, practise and propagate his religion; and (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.

Article 20

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

Universal Declaration of Human Rights

Article 1

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

Article 18

No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.

No one shall be subject to discrimination by any state, institution, group of persons, or person on the grounds of religion or other belief.

UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

Articles 1(2) and 2(1)

The Human Rights Commission of Pakistan is guided by international human rights law, particularly while monitoring the human rights situation under freedom of thought, conscience and religion. Domestic legislation departs and at times is ambiguous regarding the principles of human rights on freedom of religion, belief and conscience.

The standard-setting norm on freedom of religion or belief was initially included in Article 18 of the Universal Declaration of Human Rights 1948. The Declaration recognised without exception the freedom of thought and conscience in matters of religion or belief. Freedom to change one's religion or belief and the freedom to manifest a



Demanding protection against sectarian violence.

religion or belief in teaching and in practice was recognised as a right.

The International Covenant on Civil and Political Rights (ICCPR), 1966, expanded on this right but a limitation provision was also added to make manifestation of these rights subject to laws that are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. Article 20 of the ICCPR obliges governments to prohibit by law, “any advocacy or national, racial or religious

hatred that constitutes incitement to discrimination, hostility or violence”.

The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 1981, is the most important global instrument regarding the freedom of thought, conscience and religion. Although not binding, the 1981 Declaration implies an expectation of observance and has laid a solid ground for interpreting and evolving this right into a binding legal instrument of the United Nations in the future.

The 1981 Declaration follows the pattern of previous international norms on the subject by drawing a distinction between basic rights in the inner form – thought, conscience and belief – and the external manifestation of these e.g. worship, observance, practice and teaching. Only external manifestations can be limited.

Other UN instruments that also include provision for freedom of thought, conscience and religion are the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions, CEDAW and the CRC.

Freedom of thought, conscience and religion is partially recognised by the legal system of Pakistan. Article 20 of the Constitution guarantees right to profess, practise and propagate religion and grants every religious denomination and every sect the right to establish, maintain and manage its religious institutions. These rights can be limited by law and “subject” to public order and morality. Article 21 ensures that no person shall be compelled to pay any special tax the proceeds of which may be spent on the propagation or maintenance of any religion other than his/her own. Article 22 guarantees that no person attending any educational institution shall be required to receive religious instructions, or take part in any religious ceremony, or attend religious worship, if such instructions, ceremony or worship relates to a religion other than his/her own. Religious institutions are prohibited from discriminating against any community in granting exemption or concession in relation to taxation. Unless so provided by law, no religious community or denomination can be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination. The Constitution prohibits denial of admission to any citizen in educational institutions receiving aid from public revenues on the basis of race, religion, caste or place of birth.

In 1988, no case law is reported under these Articles of the Constitution. Since 2005, a number of constitutional petitions were filed challenging building of a church, banning books on Christianity and appointment of a non-Muslim as judge to superior courts. The courts upheld the spirit of the Constitution and refused interference on the principle of non-discrimination. The Sindh High Court dismissed the plea that a non-Muslim could not be appointed as a judge as s/he may be required to interpret Sharia law. The courts emphasised that discrimination based on religion cannot be promoted. However, in the case of religious practices of Ahmadis the courts followed a contrary principle. The law prohibiting Ahmadis from using exclusive descriptions and titles like mosque or Azan while manifesting their

religion was upheld on the principle that Ahmadis were obliged to honour the Constitution, which declared Ahmadis as non-Muslims.¹ From the constitutional declaration of defining Ahmadis as such it follows that all Muslim religious symbols are exclusive to them alone.

The Constitution of Pakistan defines citizens as “Muslims” or “Non-Muslims”. A Muslim is defined as a person who believes in the unity and oneness of God, in the finality of the Prophethood of Muhammad (peace be upon him), and does not recognise as a prophet or religious reformer any person who claimed or claims to be a prophet after Muhammad (peace be upon him). Non-Muslims are those who are not Muslims and include Christians, Hindus, Sikhs, Buddhists, Parsis, and Ahmadis. The Constitution, therefore, recognises all religions but decides the faith of any group that may believe itself to be Muslims.

Article 2 of the Constitution declares Islam as the State religion. The United Nations Special Rapporteurs on freedom of religion or belief as well as the UN Human Rights Committee have pointed out that an official or State religion in itself is not apposed to human rights. It could simply be symbolic because of historical reasons but emphasised that it must not be exploited at the expense of the rights of minorities. They have also cautioned that while in its Constitution a state may simply profess its adherence to a particular faith, yet some may see the mere profession of that faith as a form of discrimination against other ethnic or religious minorities. They have noted that it often becomes inevitable that the established religion or ideology guides the vision of society to the exclusion of others. The State religion of Pakistan is a driving force making Islam the preferred religion through laws and practices. For example Article 2(a) of the Constitution recognises principles of democracy, freedom, equality, tolerance and social justice as “enunciated by Islam”. It guarantees “adequate provisions” for the minorities to freely profess and practice their religions and develop their cultures.

A Federal Shariat Court hears appeals of certain convictions under criminal law and can declare any law repugnant to the injunctions of Islam. All eight judges of the court must be Muslims.

The Hudood Ordinance 1979 saw a number of amendments but discriminatory provisions against religious minorities were not changed. In order to award the “Hadd” “punishment, the evidence of a non-Muslim can only be accepted if the accused is also non-Muslim. In addition, Muslims are liable for stricter penal sanctions than non-Muslims for the same crime e.g. Hadd for rape and zina. Muslims can be stoned to death, while non-Muslims receive 100 lashes. So far, though, Hadd punishment has not been carried out against anyone.



Victims of violence against Shia Muslims.

Article 3 and 17 of the Qanun-e-Shahadat Order, 1984 (Evidence Act), grants the courts authority to determine the competence and quality of witnesses in accordance with the qualifications prescribed by the injunctions of Islam. While non-Muslims would find themselves being subjected to the principles of Islamic law in determining the quality

¹ Article 260 (3) defines a “Muslim” and a “Non-Muslim”. A “Non-Muslim” is defined as a person who is not a Muslim and includes a “person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of Qadiani group or the Lahori group (who call themselves “Ahmadis” or by any other name), or a Bahai and a person belonging to any of the scheduled castes”.

of a witness, it also places a heavy burden on Muslims to convince the courts of their Islamic credentials.

A somewhat similar provision is found in the Constitution too. A Muslim member of the Parliament is qualified only if s/he is “not commonly known as one who violates Islamic Injunctions”. Muslim parliamentarians must have “adequate knowledge of Islamic teachings” and Islam.

The Pakistan Penal Code prescribes penal sanctions for arousing communal unrest based on the premise of protecting public order.² Imprisonment for life is prescribed for “wilfully” defiling, damaging or desecrating a copy of the holy Quran. The death penalty is prescribed for anyone who “by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him). HRCPC has documented several cases and found that there is a clear trend of exploiting these provisions by religious zealots.

There are penal sanctions for Ahmadis for misusing religious “epithets” reserved for Muslims. They are prohibited from describing or copying their call to prayer as “azan” or their place of worship as a “mosque”.

In May 2008, Pakistan’s human rights record was evaluated through the Universal Periodic Review (UPR) system of the United Nations Human Rights Council. On the question of religious freedom the representative of Pakistan reported:

“The Constitution of Pakistan guarantees freedom of religion or belief. The Pakistan Penal Code proscribes actions that would hurt interest of minorities through abuse of laws. Specific steps are being considered to strengthen laws and procedures to reduce incidence of their abuse.

“The government has taken a series of measures to empower minorities. The ministry of minorities affairs and the National Commission for Minorities, in particular, have pursued policies to promote and protect religious, social and cultural rights of minorities. The government has restored the joint electorate system for minorities in federal and provincial assemblies. In addition, 10 seats are reserved for minorities in the National Assembly and 23 in the four Provincial Assemblies. Religious minorities have been given representation in the local bodies, even in constituencies where their population is less than 1 percent.

“We agree that more needs to be done. The Prime Minister of Pakistan has expressed his resolve that minorities will be given representation in all national institutions. The statutes that could lead to discrimination against religious minorities would be reviewed.

“Discrimination on the basis of caste is prohibited under our law. Efforts are made to eliminate discrimination wherever it exists and to give maximum support to scheduled castes. The Federal Government has relaxed upper age limit for the scheduled castes for government jobs. The Ministry of Minorities intends to associate one member from the scheduled caste of Hindu community in the National Commission for Minorities. The Government of the Province of Sindh, where most of the scheduled caste Hindus live, has appointed an advisor from scheduled castes. We are encouraging NGOs to highlight the issues of scheduled castes to seek redress to their grievances.”

HRCPC remains concerned at the high level of religious persecution by religious zealots and rising threats as well as violence perpetrated by religious militant groups. The authorities, by and large, remain unconcerned and law enforcement staff is most reluctant to take any action against religious groups or militants. While women and religious minorities bear the worst brunt of religious extremist groups, men and Muslims are not spared either. Artists, musicians and those affiliated with performing arts are at risk in all parts of the country but particularly vulnerable in the province of NWFP. Sectarian violence and victimisation under the blasphemy law continues. The Ahmadi community was targeted throughout but they saw worse times after a popular television station, in a talk show, declared that killing them was permissible under Islamic norms. This was followed by the killing of three Ahmadis in Sindh in the month of September. [*See the chapter ‘Administration of Justice’*]

In 2008 the HRCPC highlighted the concerns of religious minorities by holding four provincial workshops on the *State of Minorities’ Rights*. This effort was followed by a *National Minorities Workshop* to frame a charter of demands to present to the government.

Artist Jamil Masih said that it was impossible to get his work displayed at art galleries. “They might even like the work at first but once they find out I am a Christian they won’t show it.” Many minorities were forced to switch to

² Article 295 and 295-A

Muslim names and even hide their religion to avoid harassment.

Literature too was affected. Fifty years ago a Persian teacher, a pious maulana, explaining the exemplary character of the Holy Prophet (PBUH) quoted lines from Guru Nanak, the founder of Sikhism, to explain his point; from poets to villagers everyone quoted Nanak. Now, Guru Nanak is no longer taught at the Punjab University because he was a non-Muslim. While a translation of Guru Nanak's work by an eminent Pakistani scholar was welcomed in departments of South Asian languages in other countries, no curriculum in Pakistan would use it.

An editorial comment in a daily referred to some of the causes of minority persecution. It mentioned instances of discrimination, such as the kidnapping of Christians, including two priests while they were offering prayers in Peshawar, suspension of around two dozen Ahmadi students from Punjab Medical College, and the dire plight of scheduled caste Hindus in Sindh. The writer said that the blame rested on several parties: liberal and secular politicians who, in order to appease the religious right in Pakistan, did not lift a finger to mainstream the minorities; elite minority leaders, co-opted time and again by both military and civilian rulers, who compromised the rights of the minority community which was largely poor and disadvantaged; and those who had joined the rule of former president Ziaul Haq, who was responsible for pushing the minorities to the margins by introducing discriminatory legislation and by promoting a curriculum which was demeaning for the minorities. (NE, Jun 27)

There were, however, some positive developments. In January, the federal cabinet approved the Sikh Marriage Ordinance, 2008, allowing marriages solemnised under Sikh personal law to be registered in Pakistan.

The ordinance also addressed issues related to void and voidable marriages, divorce, legitimacy of children, alimony and maintenance, and custody and maintenance of children. In February, the government allotted 34 kanals of land at Babu Sabu to more than 1,000 Hindus living in Lahore and adjacent cities for a crematorium. In Islamabad, prisoners belonging to various minority groups were allowed their own worship places; the Human Rights Ministry gave a directive for construction of such places of worship. (DT, Feb 4)

Reserved seats for minorities in parliament

The system of reserved seats for minorities and women introduced by President Musharraf in 2002 failed to fulfil the required objective of giving a political voice to minorities. The minorities' representatives in the assemblies usually followed the line of the party that got them elected and not the interest of their communities.

In early February, the World Minorities' Alliance Convener, Mr. J. Salik, said the current system did not allow any minority person to contest elections independently on the minorities' seat. He had challenged that process in the Supreme Court in 2002 but to date no hearing had been set. (N, Feb 6) A minority representative said: "When the Hasba Bill was approved in the NWFP, two persons elected by the MMA on reserved seats also voted for it. This instance showed that representatives of religious minorities elected on reserved seats were not free to pursue private agendas". (DT, Feb 24)

Sectarian violence

As in previous years, the month of Muharram raised serious security challenges. The increased number of suicide bombings and an escalated militancy added to the sectarian tensions that played out in Muharram every year. The help of the army was sought to maintain law and order; the hospitals were put on high alert and their administration was directed to make arrangements on war footings especially after a spate of suicide attacks in Rawalpindi and Lahore.

In Peshawar, at least 12 people were killed and another 20, including two women constables, were injured when a teenage suicide bomber detonated explosives at an Imambargah in January. (NE, Jan 18)

In the Kurram tribal agency, combatants belonging to Sunni and Shia sects engaged in bloody fighting and casualty figures rose over 1,000. Thousands of people were displaced and their property ransacked, looted and torched.

In Dera Ismail Khan at least 30 people were killed and 40 were injured in August when a suicide bomber blew himself up during a protest against the death of a Shia government official. The government came under severe criticism in the National Assembly over sectarian killings the following day. A PML-N legislator drew the attention of the house towards the killings in Dera Ismail Khan. He said that for the preceding six months Shias had been targeted

and the government and security agencies had not done anything.

In October, a suicide bomber in Bhakkar blew himself up in a crowd of people at the house of Mr. Rashid Akbar Niwani, a Shia MNA from the Pakistan Muslim League-Nawaz (PML-N). The attack killed 25 people, 60 others were wounded including Mr. Niwani.

In Peshawar, the caretaker of Hussainia Imambargah, his wife and seven other people suffered injuries in November in a blast which took place in the second-storey washroom. The Imambargah was situated in a densely inhabited street and people faced difficulty in rescue work.

In late November, eight people, including six Shias and two Sunnis, were killed and several injured in separate acts aimed at fanning sectarian violence in Hangu and Kohat.

Freedom of Religion

Ahmadis

As in previous years, the spread of hatred against the Ahmadis continued. At least six Ahmadis were murdered because of their faith during 2008.

An anchorperson of a popular TV channel held a prime-hour discussion commemorating the 1974 amendment to the Constitution declaring Ahmadis as “not Muslims”. The programme ended with a verdict by a participating mufti, of an extremist school, that the Ahmadis deserved to be murdered for deviating from the view of the finality of the prophethood of the Holy Prophet (PBUH). Neither the TV channel nor the anchorperson was chastised by the government for the virulent broadcast. Following the TV discussion, three Ahmadis were shot dead in early September – Dr. Abdul Mannan Siddiqui in Mirpurkhas, Seth Yusuf, a Nawabshah trader, and Sheikh Saeed at his pharmacy in Karachi. (D, Sep 21)

In Lahore in late May the International Khatm-e-Nabuwat Movement (IKNM) announced a moot to be held at the Aiwan-e-Iqbal. IKMN Ameer MPA Maulana Ilyas Chinoti added the moot would mark a hundred years of successfully countering Qadiyaniat. (N, May 23)

In Faisalabad in early June, a mob of 300 college students barged into the rooms of Ahmadi students, beat them up and threw their belongings out of their rooms. The boarders also stole valuables from the Ahmadi students. The Punjab Medical College (PMC) through a notification rusticated 23 Ahmadi students on the report of the disciplinary committee. It was alleged that they were preaching and distributing Ahmadi literature. (DT, Sep 9) The students suffered harassment and interruption in their studies for months before they were allowed to resume their studies.

In Shabqadar, Charsadda district, local clerics refused to lead the funeral prayers for a man believed to be an Ahmadi. The local clerics issued a fatwa (decree) that the deceased had become an Ahmadi and, therefore, no one would lead his funeral prayers. (DT, Sep 23)

Christians

The Christian community was discriminated against and the marginalisation of an already poor and disenfranchised community continued with the State offering virtually no protection.

In early January, dozens of Christians held a protest outside the Lahore Press Club against the occupation of their homes in Bakar Mandi by influential people with the support of the government. The protesters said they had been living on the government property since pre-partition time but now they were being forced out. They said that the residents were very poor and had no means to buy houses; they had no shelter and had been left with no option but to commit suicide along with their children. (N, Jan 7)

In late February, the Christian residents of Chananpura, Bakar Mandi, claimed that they were under siege by “land grabbers” who continued to harass and threaten them despite an ongoing civil lawsuit to decide ownership of the disputed land. The residents claimed that armed men, acting on behalf of the alleged land-grabbers, stripped and beat one of their young men, Faqirah Masih. They also hurled threats at him of bulldozers demolishing their pre-partition homes. (D, Feb 23)

In Lahore, two minority councillors were injured during a scuffle in a meeting of the Lahore district council when they had attempted to move a resolution against a blast that damaged a church and also draw attention to the

illegal occupation of the Church of Christ in Garden Town by land grabbers. (D, Mar 17)

In late May, Christians protested against the Defence Housing Society, Lahore, for desecration and bulldozing of the graves in a Christian graveyard situated on Walton Road. The Christians alleged that they were being stopped from burying their dead in the graveyard.

In June, 20 minority members of the Christian community, in Peshawar, were kidnapped and beaten up at a charity dinner for the members. The attackers, who came in land cruisers and pick-up trucks, attacked the Christians who were in the middle of their prayers. The attackers threatened them of similar attacks in the future if the “Christian community did not mend its ways”. (D, Jun 22)

Hindus

The Hindus of the scheduled class were neglected and ignored in every walk of life.

At a conference at the Lahore Press Club, the Haray Rama Foundation and Guru Gorakh Naath Sewa Mandal director protested that there was no lower caste Hindu or other caste MPA or MNA representing the non-Muslims in Punjab. He stated that the lower caste was given no representation in the 10 national assembly and 23 provincial assembly seats. (N, Jan 5) In Hyderabad, the low caste Hindus staged a demonstration outside the press club protesting discrimination towards them by successive governments. They said that the lower caste constituted 95 percent of the Hindu population; the 5 percent upper caste Hindus became MPs and MNAs and patronised only their own class. (D, Oct 26)

Sikhs

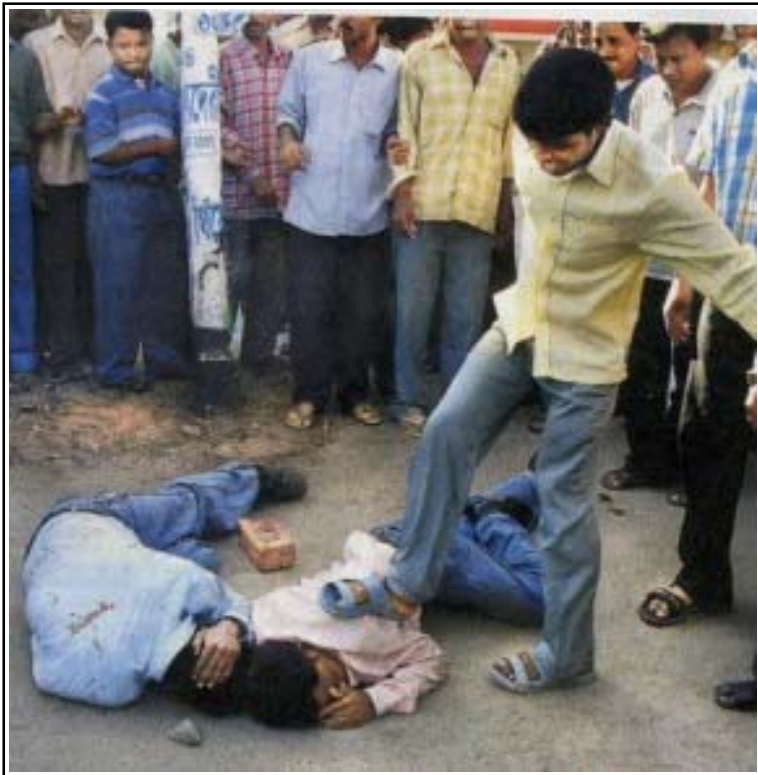
The Sikhs had no representation in parliament and could not hope to have their issues taken up.

In Lahore, Dr. Swaran Singh of the Pakistan Sikh Gurdwara stated Sikhs in the country (about 12,000 in number) faced social and political problems because of a lack of direct access to the government. While Christians and Hindus had representations in the government, Sikhs had none. Many Sikh youths were deprived of quality higher education because there was no scholarship quota in the Higher Education Commission. Further, the poor Sikhs did not receive financial relief from the government. Christian and Hindu widows received Rs 5, 000 per month but the Sikh widows were deprived. (DT, May 3)

Blasphemy laws and their victims

In Karachi, a Hindu factory worker, Jagdeesh Kumar, was killed outside his workplace by a mob, which comprised of many of his colleagues. He was allegedly accused of blasphemy. The law enforcement agencies did nothing to save the young man. (D, Apr 26, May 11)

In early May, Dr Robin, of Hafizabad, who had lived and served in that town for thirty years was booked under Section 295-C of the Pakistan Penal Code. The doctor was charged with blasphemy when he joked with a patient about the latter’s unruly beard. After incitement by a local Imam, hundreds of residents marched to Dr. Robin’s residence threatening to kill him and his family. While the mob encircled Dr. Robin’s house, law enforcers stood by and watched the whole episode silently. A Christian welfare organisation rescued the doctor and



Jagdeesh Kumar: Done to death by his co-workers.

his family from likely death. Dr. Robin was put in jail and the uprooted Robin family had to go into hiding to escape the anger of religious extremists.

Demolition of places of worship

In Lahore, members of the Christian community protested against the demolition of a church in Garden Town,



Christians demand end to occupation of a church by the land mafia.

desecration of the holy Bible and illegally occupation of the land. The Church of Christ was constructed in 1963 and had been a place of worship since then. (DT, Jan 25). In protest, Sunday prayers were offered on the road in front of the demolished church. The participants said the police and district administration had remained silent spectators despite

the desecration. (D, Feb 15)

Recommendations

1. *The blasphemy law was promulgated in 1985 and in 1990 the punishment under this law, which sought to penalise irreverence towards the Holy Quran and insulting the Holy Prophet (PBUH), was life imprisonment. In 1992, the government introduced death penalty for a person guilty of blasphemy. Immediate abolition of ‘blasphemy’ laws is needed as these provisions are often used against non-Muslims as well as Muslims to settle personal scores.*
2. *School curriculum has to be sensitised toward non-Muslim Pakistanis so that children feel safe, secure and equal.*
3. *The Ahmadis have been denied the benefit of the joint electorate system which was revived in 2002. The discrimination should be ended.*
4. *The Commission on Minorities should be made functional by reinforcing its independent status and providing it with the necessary resources, human as well as financial.*

Freedom of expression

Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restriction imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court or commission of or incitement to an offence.

Constitution of Pakistan

Article 19

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

Universal Declaration of Human Rights

Article 19

The outcome of February 18, 2008, general elections in the country expanded the space for the citizens to exercise their right to freedom of expression. The newly-elected coalition government stopped the use of violence, established a “victims’ fund” for affected media persons and withdrew some curbs, including amendments to laws relating to electronic and print media imposed during the previous year by the government headed by General Pervez Musharraf. The elected government freed, on parole, Mr. Rehmat Shah Afridi, owner and editor-in-chief of the Frontier Post, and promised not to resort to arrest and detention of journalist on trumped up allegations. The malpractice of blocking of electronic media channels on official instructions was also promised to be stopped. Furthermore, the government allowed the resumption of BBC Urdu service broadcasts by an FM radio channel. It also restored the programmes of some anchor persons working with the private sector electronic media whose programmes were banned by General Musharraf’s regime.

The situation during the pre-election period in 2008 had worsened as the military-dominated regime was continuing with its arm-twisting activities against the media. Dozens of journalists and other media persons were booked under laws relating to terrorism after violent protests in Sindh against the assassination of former prime minister and PPP leader Benazir Bhutto just before the beginning of the new year.

Journalists were also at the receiving end from the ruling coalition partners and other mainstream political parties besides the uninterrupted suppression, threats to life and killings at the hands of vigilantes, armed fanatics and the



Rallying to demand arrest of journalists' killers.

security agencies / forces. The menace was particularly in evidence in the tribal agencies and adjoining settled areas of the NWFP.

The elected government failed to keep its promise of bringing a consensus freedom of information law as an act of parliament to replace the one enforced in 2002 along with half a dozen other laws relating to the media. It allowed those ordinances to sleep and was not able to negotiate any agreed code of conduct with the stakeholders based on the

principle of freedom of expression and public's access to information. The federal information minister instead continued to insist upon media to itself formulate the code. Meanwhile the Pakistan Media Regulatory Authority formulated rules regarding cross media ownership.

Media bodies including Pakistan Federal Union of Journalists (PFUJ), Media Broadcasters Association (MBA) and South Asian Free Media Association (SAFMA) have formulated codes of practice for the media which carry many a similarities but the organisations of the media owners/ managements have yet to agree to a code acceptable to the print and electronic media stakeholders collectively. Media owners and managements were particularly reluctant to sit together with and include the working journalists' bodies. Once that was done the task would be to create a mechanism for the implementation and enforcement of the code.

Absence of a code and its enforcement mechanism was seriously felt during the recent "hate war" that ensued between the Indian and Pakistani media, especially between the electronic media in the wake of Mumbai carnage by a band of terrorists with links in Pakistan.

Working journalists as well as other employees in the print and electronic media continued to face insecurity of both life and livelihood along with hardship due to non-payment of earned wages by a large number of media managements. The PFUJ officially claimed that 85% of media persons continued working without job security. The financial crunch for them was easy to measure as the Seventh Wage Board Award, announced in 2001, was yet to be implemented by managements of the print media including leading media barons. The price spiral during the past eight years provided a clue to the plight of the majority of employees working for the electronic and print media that had otherwise shown an appreciable growth both in terms of its expansion and earnings.

The promises made by the ruling and opposition political parties vis-à-vis the enforcement of minimum wages under the 2001 wage award remained unfulfilled. The federal minister for information who discussed the issue with the managements said that the management bosses desired that the wage award/s should be tagged to the amendments in the Act of parliament that governed newspaper employees conditions of service so as to enable the managements to exercise authority to hire and fire the media workers without the conditions laid under the law in force, the Newspaper Employees (Conditions of Service) Act. Until the end of 2008, the federal information minister was actively engaged in persuading the managements to arrive at an understanding with the newspaper employees' representatives about the implementation of the Wage Board award. Rule of law required that termination of a newspaper employee from service should be based on sufficiency of grounds and not on the whims of employer. As

for the Wage Board awards, they were determined by different factors including the rise in the cost of living, increase in the income of the employers due to rise in the rates of advertisement and the increase in price of newspaper. In this regard organisations of newspaper employees have been urging the successive regimes to link public sector advertising with the payment of wages in accordance with the Wage Board award.

The employees of both the print and electronic media were facing serious threat of unemployment, as quite a few managements had not been paying the wages of their employees to force them to quit their jobs. Services of scores of them were also terminated without clearance of their dues and termination benefits as provided under the law. At least one employee of a TV channel was forced by the circumstances to commit suicide.

Threats to media professionals

Some three dozen journalists in Sindh were picked up under anti-terrorism and anti-riot provisions of draconian 'laws' in the wake of assassination of Benazir Bhutto. Most of them belonged to Sindhi newspapers and television channels. The PFUJ and other media bodies strongly condemned their detention and registration of cases against them. They were released after the advent of the elected government.

Despite the improvement witnessed in the government-media relations after the advent of an elected coalition government, journalists and other media persons continued to face danger to their life and freedom to work. Amongst the settled areas Swat was the worst affected, besides Bajaur and other federally administered tribal areas bordering Afghanistan. The Daily Times and its sister publication Aaj Kal received threats to lives of four journalists by Waziristan vigilantes. Television channel transmissions were stopped under threats from the extremists in the tribal areas and some of the adjoining places besides many places in Sindh for a short period of time. In urban areas, particularly in Karachi, powerful parties succeeded in forcing the closure of several television channels following reporting considered to be adverse or inadequate. Regrettably, the Ministry of Information, while denying its role in these closures did not instruct PEMRA to take action against those who were responsible. Neither the government nor the service providers took responsibility or identified the culprits.

In May 2008, the Supreme Court directed the media not to publish or telecast any report concerning judges without prior clearance. The court also issued *suo motu* notice to Absar Alam, Islamabad Bureau Chief of Geo News, for running a ticker reporting a meeting between the Chief Justice, Justice Nawaz Abbasi and Justice Faqir Mohammad Khokhar and Interior Secretary Kamal Shah. A notice was also issued to *Jang* newspaper for carrying the same story.

At least four journalists were kidnapped and two went missing in 2008. Unlawful detention and harassment was faced by a couple of journalists while a few others were beaten by the police.

Taliban threatened four journalists in South Waziristan — Din Muhammad, Zafar Wazir, Gul Khan and Anwar Shakeel — to give up their profession. In 2007 Din Muhammad's father, brother and uncle had been killed by local Taliban.

Killed

At least nine journalists were killed and one committed suicide during the year. A couple of others were also killed, apparently for reasons not related to their professional work.

◆ Kamil Mashhadi, a



Out on the street to demand end to curbs on media.

television news channel employee, was shot dead outside his residence in Peshawar on the New Year's day.

- ◆ Dr Abdus Samad, who worked with the pen name of Dr Chishti Mujahid as a columnist and photojournalist of a magazine, was gunned down in Quetta on February 9. A 'Baloch Liberation Army' spokesman claimed responsibility accusing him of 'anti-Baloch bias'.

- ◆ Sirajuddin, a correspondent for an English daily, was among 40 persons killed in a suicide blast in Mingora during the funeral prayers of a police officer on February 29.

- ◆ Khadim Hussain Sheikh, a correspondent for a Karachi-based newspaper, was shot dead in Hub, Balochistan, on April 13.

- ◆ Muhammad Ibrahim Khan, a print and electronic media journalist, was killed on May 21 in Khar, Bajaur, while he was on his way back from Damadola, where he had interviewed Maulvi Omer, a spokesperson for Taliban extremists.

- ◆ Azim Leghari, a TV channel reporter, was shot dead in the vicinity of Dadu police station when he along with his brother and nephew was ambushed by armed men on August 11.

- ◆ Abdul Aziz Shaheen, a correspondent in Matta tehsil of Swat — who was allegedly abducted by Taliban when he went to recover his vehicle and other belongings — was killed during an air strike on the extremists' hideout on August 29.

- ◆ Abdul Razzak Johra, an employee of a television channel, was reportedly killed after being dragged out of his home by six armed men on November 2. He was reported to have filed several reports on drug-related crime.

- ◆ Qari Muhammad Shoab, a correspondent for two Mingora-based dailies, was shot dead in his car by security forces on November 09. The force claimed that he was killed by "mistake".

- ◆ Muhammad Azam, a TV channel employee, committed suicide over non-payment of his dues on the eve of Eid.

Arrests, kidnappings and illegal detentions

At least 34 journalists were arrested after violent protests against the assassination of Benazir Bhutto at different places in Sindh and were charged under laws related to terrorism. Nineteen of them belonged to Kawish group's Sindhi daily and KTN television channel.

- ◆ A van carrying journalists was fired upon from two sides near Kohat tunnel.

- ◆ Journalists Mehboob Hiraj and Aoun Sahi were manhandled by the police.

- ◆ Journalist bodies protested over General Musharraf instigating violence against London-based senior journalist M. Ziauddin during a visit to London.

- ◆ Journalists Munir Shakir, Ayub Baloch, Munir Noor, Abdul Latif and Abdullah were injured in a blast in Khuzdar.

- ◆ A retired army brigadier attacked journalists protesting near his house in Lahore.

- ◆ Journalists Hameed Baloch and Khalid Khoso remained missing for three days and were asked not to talk about the incident by the perpetrators.

- ◆ PML-N workers and activists of the Tehrik-e-Insaf roughed up some media persons in different incidents in Islamabad.

- ◆ Tehrik Minhajul Quran activists besieged a television channel office and raised slogans against the journalists and the channel over comments in a programme about the organisation's chief Tahirul Qadri.

- ◆ Khadija Abdul Qahar, a Canadian journalist, was abducted from Sra Darga along with her interpreter while she was on her way to North Waziristan.

- ◆ A television channel's transmission was blocked without giving any reason or notice in certain areas of Karachi.

- ◆ Javed Afridi of daily The News, who was kidnapped from Peshawar, succeeded in escaping from captivity

and reached home. His family had received ransom demands in phone calls from Azakhel in FATA.

- ◆ Security personnel detained journalists trying to visit Orakzai and Parachinar.
- ◆ Three journalists, Pir Zubair Shah, Akhtar Soomro and Abdul Hosain, were kidnapped in Mohmand Agency of FATA.
- ◆ Dawn News TV channel's employee Hasan Abdullah was detained by intelligence agencies personnel who interrogated him for six hours, snatched his cell phone that contained an interview of Baloch leader, Balach Marri, around 500 contacts besides family photographs.
- ◆ Frontier Corps personnel allegedly tortured Wali Khan Shinwari, a Dawn News correspondent in Khyber Agency. His cell phone and camera were snatched as he photographed armed combat between extremists and FC personnel.

Threats and harassment

- ◆ Extremist Taliban threatened print and electronic media against publishing and telecasting "obscene" photographs.
- ◆ Goons attacked Absar Alam, a senior journalist and television anchor, in Islamabad telling him that he had been targeted for being "anti-Musharraf".
- ◆ Clerics from Islamabad's Lal Masjid threatened TV channel Aaj for its coverage. CPNE leader Arif Nizami condemned the threats and demanded the government provide protection to the media.
- ◆ NWFP provincial police chief asked subordinates to book journalists reporting against the force.
- ◆ Continued harassment of Munir Mengal, who had faced protracted enforced disappearance ahead of a planned launch of a TV channel, was criticised by Reporters Sans Frontiers (RSF).
- ◆ Chief Justice Abdul Hameed Dogar and Attorney General Latif Khosa observed that the media had gone wayward.
- ◆ Journalist Nur Bahram Khan was detained by police as he covered the aftermath of a suicide bombing in Bannu.

◆ Extremist Taliban in Kohat banned certain TV channels and allowed some others while threatening to kill the operators and their families if the 'banned' channels were transmitted.

◆ The PFUJ reported and condemned beating up of journalists Ghani Kakar and Shakir Umrani by Frontier Constabulary personnel.

◆ Three journalists covering a protest rally on the



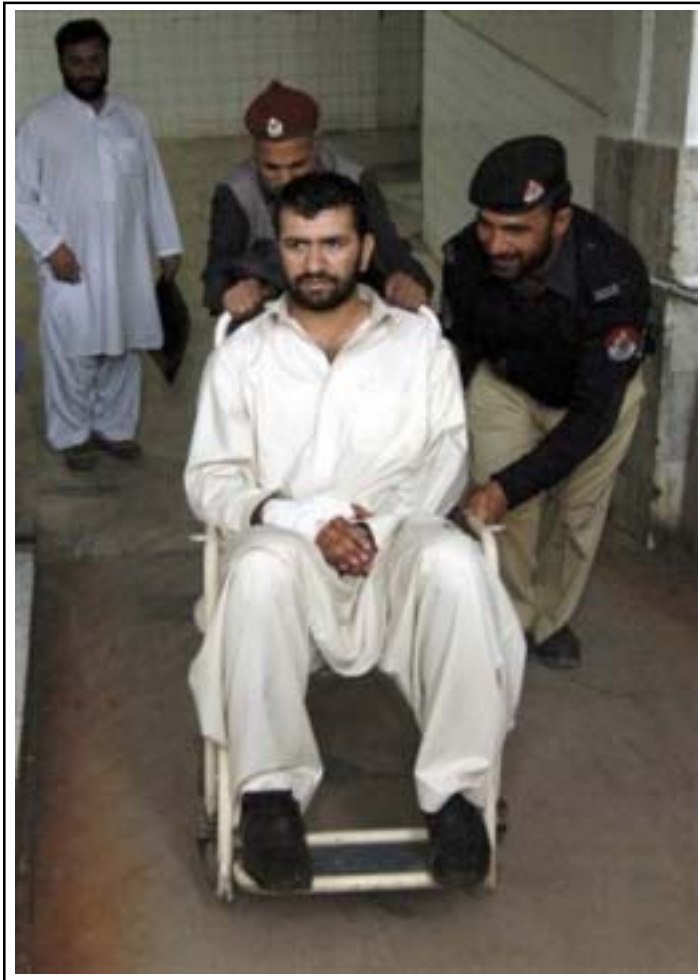
Foreign journalist in a Pakistani hospital.

assassination anniversary of Sardar Akbar Bugti were manhandled and injured by security forces personnel in Turbat.

- ◆ Ansar Abbasi, senior reporter for daily The News, was given ‘brotherly’ advice regarding his investigative stories about the high and mighty.

- ◆ Journalist brothers Musa Khankhel and Isa Khankhel of daily Jang were abused, manhandled and threatened by uniformed security personnel and their officer. The Inter-Services Public Relations director general promised an inquiry.

- ◆ Police manhandled daily Dawn’s Adnan Lodhi in Lahore.



Injured journalist Sami Yousufzai.

- ◆ A journalist was tortured by a police officer in Gilgit for reporting on police wrongdoings.

- ◆ Kashif Latif, a reporter, was injured in firing outside the Lahore Press Club.

- ◆ Correspondent Khurram Latif was incriminated in criminal cases for reporting on encroachments by influentials in Gujjar Khan, Punjab.

- ◆ Journalist Javed Farooqi was threatened with death for reporting about encroachments by influential persons in Chakwal, Punjab.

- ◆ Jamiat Ulema-e-Islam leaders threatened Jang Group’s Ansar Abbasi over his reports of land scam allegedly involving the party’s chief.

- ◆ Ayaz Khokhar, a Dera Ismail Khan-based journalist, was shot at by unidentified assailants.

- ◆ A study reported that over 80 percent of journalists in Pakistan fear reprisals if they report against extremists.

- ◆ A Taliban spokesman announced the exclusion of the media, and WAPDA, Health and Education departments’ staff from being abducted and murdered.

- ◆ Javed Lehri, a 21-year-old reporter for daily Azadi in Khuzdar was abducted by security personnel, tortured and was asked to ‘soften’ his reporting about acts of administration. He was later

released but continues to visit Karachi every fortnight for specialized medical treatment.

- ◆ A rocket hit the Bajaur Press Club premises.

- ◆ Seventy-five percent of journalists asked in a research study said reporting about human rights violation in Pakistan was hazardous.

- ◆ The Press Information Department (PID) officials were alleged to be indulging in favouritism and malpractices while releasing official advertisements. The All Pakistan Newspapers Society (APNS) criticised the suspension of official advertisement to the Peshawar-based Mashriq Group.

- ◆ In Bajaur, local Taliban took over a Pakistan Television (PTV) booster in Barang Tehsil. Security personnel later regained control of the booster.

- ◆ Reporter of a television news channel and photographer of another were picked up, detained and tortured by

personnel of a police station in Peshawar. The provincial information minister and senior police officials personally apologised to the journalists at the Peshawar Press Club.

◆ In Hyderabad, the excise director related to an official posted at the Presidency in Islamabad got a television channel reporter beaten up. No action was taken against the culprit but the top police official ordered the registration of a case when he was shown a videotape of the incident.

◆ An armed gang attacked journalists Manthar Dahiri, Abdul Aziz Channa, Zahid Bughio and

Haji Muhammad Haroon allegedly at the behest of a feudal and abducted them from the Shahpur Jehanian Press Club, in Nawabshah district. The goons also took over the club premises.

◆ Gilgit Union of Journalists protested over harassment by administration of journalists bringing malpractices to public notice and the non-appearance in court by a former special superintendent of police despite non-bailable warrant issued against him by the Northern Areas apex court in a case of alleged torture by him.



Lahore : Burning CDs to appease Taliban

Curbs on artistic expression

◆ The government failed to reverse a ban imposed by the Taliban on cable operators and CD shops in FATA, Swat and in some settled areas in NWFP.

◆ The Punjab government imposed restrictions on some dancers' performances at privately-run theatres

◆ Satish Anand, a prominent film producer and distributor, was kidnapped while on his way home in Karachi and remained untraced until the end of 2008.

Recommendations

1. *The government must earnestly endeavour to secure an environment in which the media professionals can function without fear or coercion. Intimidation of reporters, columnists and commentators by security agencies as well as by anti-state elements and militant mafias has become a dominant feature of the overall media landscape. Media persons and media premises should be protected by the security forces against threats of violence by religious extremists, armed political groups and mafias.*

2. *Appropriate codes of ethics and practice should urgently be enforced for both the print and the electronic media. These codes, meant to protect both the rights of the individual and the public's right to know, need to be framed in collaboration with the representative bodies of the working journalists, editors and owners of the media houses and must include a compliance mechanism to deal with violations of the code and complaints made by aggrieved individuals or groups. A vital element should be the concept of self-regulation on the part of the media.*

3. *Laws that relate to the right to information of the people should be revised to allow the media as well as civil society organisations and citizens quick access to official information and documents in enlightened public interest.*

4. *To ensure artistic and intellectual creativity, censorship rules for performing arts and cinema should be*

reviewed in line with universal values and standards. Similarly, the area of academic and cultural freedoms on our campuses should be enlarged to enable the educated youth to fully participate in the struggle for social emancipation and enlightenment.

5. Extremists who indulge in violence against CD shops and other material for entertainment and information or who propagate violence in this respect should be vigilantly pursued and booked under existing laws.

Freedom of assembly

Every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order.

Constitution of Pakistan

Article 16

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

Universal Declaration of Human Rights

Article 20(1) *Freedom of Assembly*

General elections were held on February 18, 2008 and the new government took over on March 25, 2008. The former President, General (r) Pervez Musharraf, left office on August 18, 2008. The right to freedom of assembly, therefore, has to be seen in the context of the political events during 2008. Prior to the takeover by the new government, section 144 curbs on freedom of assembly were imposed in many parts of the country for extended periods¹. It was also defied.

Election campaigns for the February 18th General Election were seriously hampered because of restrictions imposed by the government on freedom of assembly. Often, government officials and public holders of high offices warned candidates from campaigning openly because of threats by Islamic militant groups. These warnings were particularly taken seriously after the assassination of Benazir Bhutto. Ironically, the ruling party, itself, paid little heed to the warnings they themselves urged the opposition to take seriously. The ruling party was seen holding public rallies and meetings throughout the election campaign. No one was apprehended for threatening political activists for assembling for election campaigns.

In Rawalpindi, the district administration banned public gatherings at Liaquat Bagh. The requests of the APDM and some other political parties to hold public gathering at Liaquat Bagh were rejected. (NE, Feb 13)

In Lahore, in January, under section 144 the government of Punjab banned all public rallies for one month in order to improve the law and order situation. Owing to the upcoming elections, the candidates of the political parties expressed their concern, as public rallies were a campaigning vehicle. (J, Jan 17)

Benazir Bhutto's assassination

The assassination of Ms. Benazir Bhutto in December of 2007 triggered a violent reaction all over Pakistan, but

¹ *Section 144 of the Criminal Procedure Code is a transitory provision meant to cater for temporary situation or to facilitate the stop-gap arrangement till alternative measures are taken to preserve public peace and tranquility.*

was extreme in the province of Sindh. The country came to a grinding halt.

What appeared to be spontaneous protests and outrage, soon turned into loot and arson. In Sindh, protest demonstrations were held in Hyderabad, Larkana, Nawabshah, Khairpur, Mirpurkhas, Hala, Kotri, Jamshoro, Sehwan, Thatta, and in other towns. Karachi was in a state of siege; thousands poured onto the streets to protest. All business centres, petrol pumps and shops were closed down. At least three banks, a government office and a post office were set on fire. Tyres were set on fire on many roads and there was indiscriminate shooting and stone-throwing. Violent mobs torched railway stations and blocked railway tracks in several places. Protest demonstrations were held in Rawalpindi and Islamabad. In Muzaffarabad, protesters blocked roads with burning tires and chanted anti-Musharraf slogans. Disturbances were reported in Multan. In Lahore, at least three buses were burnt and several other vehicles damaged; shops and businesses remained closed. The law enforcement personnel stood aside for a couple of days and made no effort to control the situation. A large number of activists of the People's Party were arrested. The PPP denounced these arrests alleging that the law enforcement agencies had carried out a sweep against their party activists in order to prevent them from campaigning during the General Elections. According to them the loot and arson was carried out by criminal elements, who were encouraged by elements within the government to take over peaceful forms of protests and turn them violent. On the other hand, parties affiliated to the government laid blame on the PPP for the violence.

On January 7, police in Karachi arrested 35 workers of the All Pakistan Democratic Movement for protesting against Bhutto's murder as well as the shortages of flour, electricity and gas. The arrests took place even though the police admitted that there was no Section 144 imposed in Karachi that bars protests.

Lawyers' movement

Lawyers and members of civil society continued to picket and held rallies in various parts of the country, despite imposition of section 144. They demanded the release of Chief Justice Iftikhar Chaudhry, other deposed judges, and lawyers. The police kept the demonstrators in check and did not allow them to gather in the judges' colony, where a number of Supreme Court judges and their families were detained. Often gatherings of lawyers and civil society were baton charged; participants forcibly picked up and locked in police stations for a few hours and thrashed by the police. This occurred before the new government was installed. Later on peaceful protests were not stopped by the administration.



Locking courtrooms to press for judges' restoration.

The change of government ended the police brutality often carried out against protesting lawyers. In June, lawyers, political party activists, mostly from the PML (N) and large sections of civil society marched from all corners of the country to Islamabad. The call for the 'long march' was responded well in order to impress upon the PPP government to restore all deposed judges. According to independent reports, hundreds of thousands of people participated. The gathering remained peaceful and the government, after initial steps to prevent the march, did not place any obstacles for the protesters. Calls to surround the Parliament building by the protesters were turned down by the leaders of the long march sparking a heated debate amongst protesters but no violent incident took place.

On February 21, hundreds of lawyers protesting outside the city courts in Karachi were baton-charged and tear-gassed and 21 of them were later arrested.

On May 18, the Islamabad police booked at least 10 civil society activists - Dr Farzana Barri and Ghazala

Minallah among them -for trying to protest in front of the Supreme Court building. All their efforts to stage the protest were thwarted by the local police that blocked all roads leading to the Supreme Court building.

Political parties

After the strictures of the emergency in 2007, the advent of a democratically elected government should have come as a sigh of relief for most of the political parties wanting to reach out to the people on a variety of concerns and problems. But the run up to the February election showed that the passage to the realization of their hopes was not as smooth as they could have asked for. The first three months of 2008 was in many ways for them a continuity of life under the emergency: Political protests were hardly tolerated, politicians and activists were rounded up and sent behind bars and occasionally disallowed from entering certain areas of their own country. The events listed below clearly show that things were very dismal for political parties, wanting to make their problems and complaints known through public protests, before they started getting better after the new government came to power.



Lawyers, civil society & political parties joined hands for restoration of judiciary.

On February 5, a rally by the Jamaat-e-Islami on Kashmir Solidarity Day was tear-gassed by the police after some of its participants wanted to visit the residence of deposed judges.

Jamaat chief Qazi Hussain Ahmad was leading the rally. Two days later, he and 500 others of his party were booked for instigating •rioting, and interference in official affairs.

On February 7, the Sindh government banned the entry of Pakistan Tehrik-e-Insaaf leader Imran Khan into the province. Mehmood Khan Achakzai, the chief of Pakhtoonkhwa Milli Awami Party, accompanying Khan, was also initially disallowed from exiting the Karachi Airport, though later he was allowed to enter Karachi city. Imran Khan wanted to participate in public meetings at Karachi and Hyderabad organized by the All Pakistan Democratic Movement.

On February 8, the police in Karachi arrested three people belonging to Jamaat-e-Islami even before they staged a protest against inflation, dictatorship and deteriorating law and order.

On February 15, the police in Quetta disrupted a rally by All Pakistan Democratic Movement and arrested 25 protesters.

On February 18, that is, the polling day, the police in Karachi arrested 50 people in Karachi, mostly belonging to the Pakistan Peoples' Party as well as some of the party's election candidates.

On March 12, the police baton-charged and tear-gassed a protest by the Islami Jamiat Talba in Peshawar, leaving five people injured. The police also arrested 35 protesters who were agitating against the publication of blasphemous cartoons.

Protests and rallies

Pakistan has witnessed one of the worst shortages of electricity. Load-shedding in some parts of the country went beyond 16 hours a day. A 12-hour cut in the electricity supply is routine. Water shortage affected agriculture and food supplies. Gas shedding is routine. As a result, a large number of industrial units, small businesses, and shops suffered, rendering hundreds to be unemployed. Shortage of fuel followed further exacerbating the situation and

added to the frustration of the people. Throughout 2008, many rallies and protests were seen against shortage of electricity, gas, and water.

In Peshawar, a protest gathering swelled as hundreds of residents poured in from the surrounding villages to express anger at the suspension of power supply. The protesters then started marching northward to attack the 60-year-old Warsak dam. The crisis was defused by ANP members along with the officials concerned who arrived at the scene and promised a resolution of the problem. (RNE, Jan 9)

In Mardan, student organisations held a demonstration against gas and power load-shedding, suicide bombings and shortages of flour. The students condemned the failed policies of the government and said that youth were the asset of a country but in Pakistan, the students were neglected. The students were facing long hours of load-shedding which affected their studies. (D, Jan 13)

In October, there were countrywide protest demonstrations against excess billing and prolonged load-shedding (from 16 to 18 hours) which led to factories shutting down; hundreds of low income people were rendered jobless as big and small factories let go of their workers. In Lahore, there were citywide protests against load-shedding and overcharging in bills; protestors shouted slogans, blocked roads, and burnt their electricity bills. The traders of Islamabad and Rawalpindi staged a protest against unannounced power breakdowns. A protest was held in Charsadda against continued power outages and other public miseries and the furious marchers burnt tyres and blocked roads. Protest demonstrations were held in Okara, Sheikhpura, Pakpattan, Vehari, Phoolnagar, Lalamusa, Muridke and Toba Tek Singh. (NE, Oct 23)

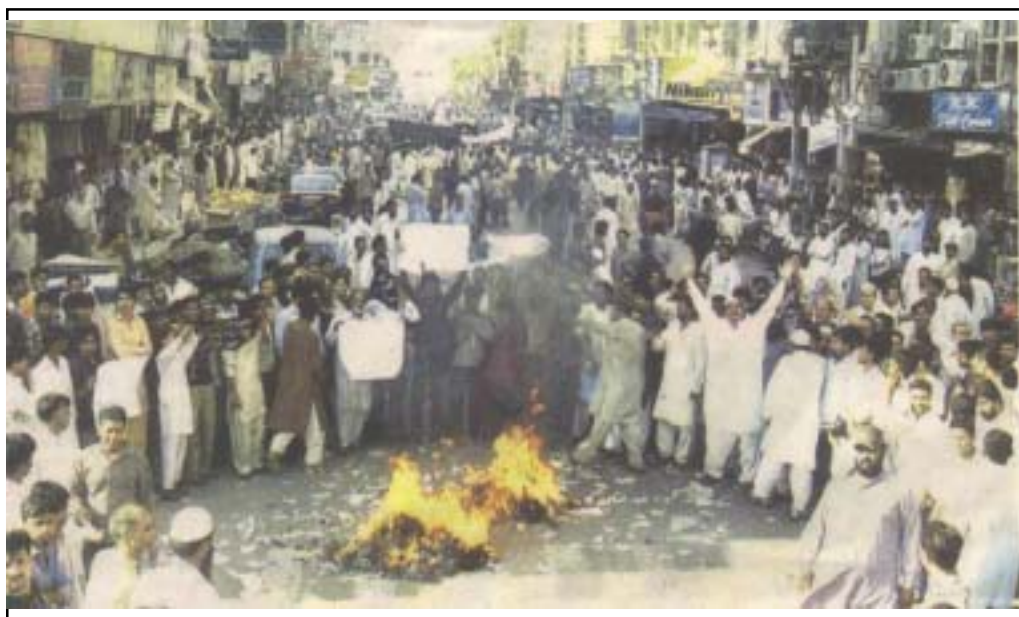
In Faisalabad, an alliance of traders and industrialists observed Protest Day against severe load-shedding of electricity in this industrial city; 200,000 industrial workers of power looms units, hosiery and sizing factories observed a complete strike and a protest procession blocked all the main roads in the city for about five hours. Several gas pumps and cars were also set on fire.

The flour crisis too enraged the public. In Peshawar in January, police resorted to baton-charge when people in the provincial metropolis and other parts of the province staged protest demonstrations against the flour crisis. In Nowshera, several people sustained injuries when police used batons to disperse the people who were struggling to get flour from the utility stores at Ashorabad. (RNE, Jan 1)

Increase in lawlessness and rising acts of terrorism irked the people too. There was a wide perception that the government was not paying enough attention to rising incidents of kidnapping, killing, and acts of terrorism. Frustrated by the government's inability to act effectively, a large number of demonstrations were held throughout the country. In Larkana, people of Badah town took out a rally in protest against the kidnapping of two brothers, Abdul Hafeez and

Abdul Waheed, from their shop. The protesters in buses, cars, tractor-trolleys, and motor cycles demanded recovery of the kidnapped brothers and removal of the SHO of Badah police station. (D, Jan 16)

The Hangu-Kohat road was blocked on the call of the All Teachers Association who staged a sit-in to protest against the killing of two primary school teachers and demanded arrest of



Traders torch electricity bills in protest against excessive billing.

the killers. (D, Mar 15)

Acts of militancy and suicides bombings generated anger amongst the people. On the one hand, people demonstrated against militants, like in Peshawar, The Awami National Party (ANP) activists staged rallies in the wake of a blast in Charsadda that killed 30 party activists. The rallies were staged to protest against government's failure to provide protection to the leaders and activists of the opposition parties. Rallies were held in Mardan, Mingora, Daggar, Charsadda, Dir and Chitral. (RNE, Feb 11)

On the other hand, anger was directed towards bombings by the US forces in FATA, killing militants but also innocent civilians. In Islamabad, the Islami Jamiat Talaba staged a 'Down with America' rally to express its reservation against the war on terror policy of the US and alleged killing of local people in the ongoing military operation in tribal areas. (RNE, Nov 5)

Civil society groups took joint actions against abuse of their rights. In Toba Tek Singh, hundreds of power loom workers staged a protest demonstration over the alleged torture of a worker by his employer. (NE, Mar 28)

In Karachi, ad-hoc lecturers demonstrating in support of their demand for their regularization were roughed up by the police. (D, Nov 25)

Consumer rights also began to surface. In Hyderabad, CNG-rickshaw owners and drivers staged a demonstration accusing the rickshaw manufacturing company and the National Bank of Pakistan, through which they had received the vehicles, of supplying them with "useless machines that remained off the road 15 days a month". (D, Apr 16)

The government took preventive measures against advocacy of religious hatred. These measures, though largely legitimate, also targeted specific groups of people, like Afghan refugees.

Ban on public gatherings

Section 144 was used quite unsparingly by almost all the provincial governments to ward off different types of protests:

On January 11, Section 144 was imposed in Peshawar, mainly to ward off sectarian activities, but effectively also stopping all protests.

On January 14, Punjab government extended section 144 for another month, barring all election rallies, gatherings and processions. On May 20, Punjab government again imposed a one-month ban on all religious gatherings and political meetings "to maintain law and order", according to officials of the government. But the lawyers' long march planned for June 10 remained exempt. The ban continued to be in place till the end of the year.

On February 10, Rawalpindi district administration banned all political rallies and public meetings at Liaquat Bagh until the February 18 polls. Benazir Bhutto had been assassinated at the Bagh after a public meeting.

In February, in view of the volatile situation in the Hangu district Section 144 was imposed for 10 days to ensure



Sit-in against police excesses.

a smooth electoral process. (NE, Feb 16)

In May, Section 144 was imposed in Abbottabad for two months; wall chalking, encroachments, writing and distribution of hate material was banned. (D, May 18)

In Punjab, a month long ban was imposed on religious and political meetings under section 144. It was claimed to have been imposed in the interests of maintaining law and order. (DT, May 21)

In Punjab, security was put on high alert in the aftermath of blasts in Islamabad and Karachi; Section 144 was extended for another month. (N, July 8)

On May 26, the district authorities in Jhang imposed a ban on the centenary celebrations of Jamaat-e-Ahmadia in Rabwah after Muslim religious organisations and clerics pushed the authorities to do so.

The government was swift in restraining the villagers of Bani Gala, who were protesting against the establishment of a 300-cum-botanical garden to uplift the area inhabited by the affluent to the detriment of the villagers, who lost communication and land in the process. The district administration imposed section 144 in four villages following threats by the villagers to protest against the Ministry of Environment.

Recommendations

1. The government machinery needs to learn how to anticipate turmoil and chaos. It should have the vision, strategy and tactics to preempt the chaotic aftermath of mega political events. It should not always be seen as reacting after an event has taken place and even then reacting in a ham-handed manner.

2. The government should have the capacity to allow lawful protests to be held smoothly. Instead of always taking to batons and teargas, it should learn how best to let a protest take place without creating a law and order situation.

3. The government should avoid activating Section 144 every now and then. Stopping people from protests is like wishing away the problems they protest for or against.

4. People will protest as, if and when they have a problem that they see the government should do something about and is failing to do so. Instead of seeing them as troublemakers, the government should take concrete measures to alleviate their sufferings that force them to take to the streets in the first place.

Freedom of association

Every citizen shall have the right to form associations or unions subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.

Constitution of Pakistan

Article 17

Everyone has the right to freedom of peaceful ... association.

No one may be compelled to belong to an association.

Universal Declaration of Human Rights

Article 20(1,2)

The year that dawned under the vanishing shadows of President Pervez Musharraf's emergency and the darkening clouds of uncertainty and chaos in the wake of Benazir Bhutto's gruesome assassination could have been worse for freedom of association. Fortunately, the political parties' demonstrated considerable faith in responsible conduct. Some of them resisted the temptation to exploit troubles that could have brought them parochial political benefits. Many of them maintained their trust in the electoral process, despite registering serious reservations about the management of the election and its fairness. No party was seriously accused of instigating violence to disrupt the electoral process.

After the elections were over and a new government installed, the people expected the opening of a new phase of unhindered freedom of association under a democratic dispensation that had come into being mainly because the people had been able to exercise their right to associate with the parties and representatives of their choice. When Prime Minister Yousaf Raza Gilani announced in his maiden speech in the National Assembly that his government had decided to allow trade and student unions, the reaction was one of unmixed joy. But, as often happens, the government's performance trailed behind its promise by a long margin.

Still, the government did replace the Industrial Relations Ordinance of 2002 with the Industrial Relations Act of 2008. The new law freed the trade unions of some of the indefensible curbs imposed on them by the previous legislation but labour complained that respect for freedom of association was still conditional.

State and semi-state actors

The year started off on a sour note, with police and other law enforcement agencies booking and arresting thousands of activists of the Pakistan People's Party ostensibly for taking part in riots that broke out in the wake of Benazir Bhutto's assassination.

On January 6, the police in just two districts in Sindh – Thatta and Khairpur — booked 200,000 people for

'rioting'. Many of those booked were PPP workers, leaders, candidates in election and even journalists. Two blind people were also reported to have been accused of 'rioting'. At least 50 of them were later arrested in a late night swoop on January 11. The same day police in Layyah booked 66 people for 'rioting'. They included four candidates



Power vacuum: Demanding an end to electricity load-shedding.

in the elections, three of them belonging to the PPP and one to PML-N. On January 8, the Toba Tek Singh police booked 62 people for 'rioting'. They included councillors and local leaders of the Pakistan People's Party and the Pakistan Muslim League (Nawaz). On January 9, journalists in Dadu protested the registration of cases against eight journalists allegedly for rioting after Benazir Bhutto's murder. On January 23, police in Dadu, lodged a case against 300 people for

torching a government office. Those nominated in the case included PPP leader Pir Mazharul Haq and his two sons. It is possible that in some cases the authorities had reasonable cause to proceed against the accused but in many cases, especially those involving people opposing the ruling party (PML-Q) in the election, the citizens were targeted only because of their association with the opposition parties.

However, nothing could distract the state from aiming at its favourite target for exercising its powers – the non-government organisations (NGOs). As on many occasions in the past, the authorities – most notably in the Frontier province – continued to curtail if not altogether stop the working of NGOs by banning the registration of new ones or asking the old ones to have their accounts and other records monitored and verified. For example, the Frontier government put a ban on the registration of new NGOs on April 15 and announced setting up of monitoring committees at districts to evaluate their performance. In line with the provincial government's thinking, on August 9 the district nazim of Mansehra stopped all government teachers working in the district from attending functions organized by NGOs.

Perhaps the most controversial case of the state banning an organisation in the non-government sector came in the last month of the year when on December 11, Jamaat-ud-Dawa, a quasi-religious organisation, was banned for its alleged involvement in Mumbai attacks. Scores of its offices were sealed across the country, its bank accounts frozen and many of its members, including its chief Hafiz Saeed, either put under house arrest or detained/arrested. Two more organisations – Al-Akhtar Trust and Al-Rasheed Trust – operating as Al-Amin Trust – were also banned. Instead of following a lawful procedure to ban these organisations, the state acted in haste leaving many a legal loophole in its swoop against these organisations, as was shown when similar organisations were banned in 2001. Not only most of them, including Jamaat-ud-Dawa, came back with new names but also with the same leaders and same ideologies. The courts, too, overturned some of the government actions regarding the arrest of their leaders and seizure of their assets. This is perhaps due to the fact that the state moves against these organisations because of tremendous international pressure to do so, not because it wants to.

Non-state actors

In 2008, the right to freedom of association came under a considerably heavier pressure from non-state actors, (political parties, religious and ethnic groups and organisations and other anti-social elements) than it did from the

state and its institutions. Student organisations, lawyers' bodies and many other socio-political and religious organisations threatened their opponents with whatever ways and means they could to prevent the other side from enjoying and exercising its freedom of association.

Students

Some of the more significant incidents of non-state actors' intervention took place in the universities and other educational institutions. Buoyed by excitement created by the government's announcement to restore unions, student organisations have been trying to gain an upper hand in the union elections if and when they are held. For a better part of the year the student groups considered no instrument as off-limit and no method as excessive in their efforts to subjugate their opponents. A list of major clashes among different student organisations, as given below, shows how peace on campus is linked with respecting people's freedom of association and allowing it to be expressed in democratic terms through elections to the student unions.



Venting their anger at foreign intervention.

When on January 15, Insaf Students Federation came into being at the Punjab University, its founder members claimed that they were being threatened and harassed by the Islami Jamiat-i-Talaba (IJT).

On February 1, the IJT was accused of beating up some members of the Students Action Committee and stopping them from distributing pro-judiciary pamphlets on the campus of the Punjab University. On the same day, security guards manhandled members of the Students Action Committee for distributing the same pamphlets in front of the Punjab College, a private institution owned by the city district nazim of Lahore, a pro-Musharraf politician of Pakistan Muslim League (Quaid-e-Azam). The incident was repeated on the following day.

On February 2, four members of the IJT were arrested from Bahauddin Zakariya University in Multan after they clashed with the members of the People's Students Federation.

On March 11, Jeay Sindh Students Federation at Sindh University, Jamshoro campus, alleged that the IJT stopped them from holding a cultural event. Two days later IJT activists thrashed members of the Students Action Committee for distributing pamphlets in support of a pro-judiciary black-day.

On July 4, IJT activists beat up students at the Punjab University for joining its rival student associations. On December 3, rival student groups scuffled again on the campus, resulting in gunfire and leaving 10 injured and forcing the Punjab Governor, also the varsity's Chancellor, to intervene. The United Students Federation accused the IJT of firing at the federation activists and torturing them. Two days later, the IJT 'took over' a rally against its activities by force – crowding out the protesters and turning it into a protest in their own favour.

Lawyers

Though the lawyers' movement was by and large peaceful, some sporadic acts by individual lawyers or sometimes groups of them underscored the dangers lurking beneath the black-coats' democratic struggle for the restoration and

the independence of the judiciary. These incidents pointed out how a movement aimed at securing people's democratic rights to freedom of expression, association and assembly could end up trampling the same rights if not carefully handled and guided. The incidents mentioned below serve as a reminder that without properly defined mandate and



Black coats and the baton.

aims and objectives even a democratic struggle might degenerate into a self-righteous effort to cleanse society of dissent and difference of opinion.

On April 8, an angry mob, including some young lawyers of Lahore detained for many hours and harassed former federal minister Sher Afgan Niazi for defending his government and the Musharraf regime against accusations that they were against

the judiciary. When Barrister Aitzaz Ahsan, one of the main leaders of the lawyers' movement, pleaded with the mob to spare Niazi, nobody paid heed. An angry and emotional Ahsan announced he was stepping down as the president of the Supreme Court Bar Association in protest against the rowdy and unruly behaviour of the mob that beat up Niazi. Later on, he withdrew his resignation under pressure from other leaders of the movement.

Next day, Niazi's ancestral Mianwali town was up in flames and protests. Also on the same day, Karachi was bleeding and burning in clashes between two groups of lawyers.

On October 19, lawyers and civil society activists besieged Sharifuddin Pirzada, the legal adviser to former President Pervez Musharraf. They raised slogans against him, and threw shoes at his car.

Political activists

Political workers in Pakistan, mainly because of the absence of a continuous and uninterrupted political and democratic process in the country, sometimes exhibit a propensity to use violent means. Even though the riots that broke out across Sindh and parts of Punjab after Benazir Bhutto's assassination had subsided by the dawn of the year, isolated events kept occurring for days afterwards.

For instance, on January 7 an email circulating among the civil society organisations said: "As a result of the eruption due to sad demise (murder) of Mohtarma Benazir Bhutto ...miscreants broke open the Office/Premises of Lyari Community Development Project (LCDP), smashed and damaged the computers, printers, equipments, goods, instruments, furniture and record. The loss sustained by LCDP is approximately 5,000,000." The email added: "Lyari Community Development Project is a civil society organisation established in 1954...whose sole objective is to provide social welfare and development services to the people... of Lyari".

In fact some of the political emotions inflamed by Benazir Bhutto's assassination reared their head well after elections were held on February 18. A glaring incident of political violence linked to the anger that some people felt at the way the Musharraf government had handled Benazir Bhutto's death and its aftermath, took place on April 9 when

former Sindh Chief Minister Dr Arbab Rahim was humiliated, insulted and beaten up while he was attending a session of the newly elected Sindh Assembly. One of the reasons was probably the pent-up anger people felt at the way Arbab had oppressed his political rivals.

In another display of political intolerance, some protesters in Timergrah area blocked a by-election convoy on June 19. The convoy was led by Maulana Fazlur Rehman, the chief of his own faction of Jamiat Ulema-e-Islam. The protesters were ostensibly agitating against electricity load shedding but JUI (F) claimed that they belonged to a rival religious party and were deliberately deployed on Fazlur Rehman's route to disrupt his journey.

Religious elements

Credible evidence is available of the violence by religious organisations against their sectarian opponents, their ideological enemies, their political rivals and even individuals, associations and business concerns that they think do not fit in their idea of an Islamic society. Historically, the non-government organisations (NGOs) working in the development sector as well as for raising awareness against various social ills have been the target of their frenzy more than many other sections of society. They denounce these organisations and those associated with them as the agents of the West that are trying to unhinge the Pakistani society from its religious moorings.

Religious zealots kept up their attacks on NGOs and their workers throughout 2008.



Dealing with citizens' anger.

For instance, on May 9, Taliban in Orakzai agency banned NGOs from operating in their area besides putting an end to the activities of all female educational institutions. Three days later the Taliban gave an ultimatum to NGOs working in Kohat area to wind up their activities in three days or face action. On June 22, Taliban in Battagram area warned local and female staff of NGOs to leave their jobs or face the consequences. They also told local and foreign NGOs to leave the district at the earliest. And in Swat hundreds of girls' schools were closed or destroyed.

Recommendations

1. Mechanisms and institutions need to be developed so that the government of the day cannot misuse state laws and apparatus against people associated with its political opponents.

2. Elections to the student unions should be held immediately and the state authority applied without fear and favour to anyone breaching the law on campus to maintain peace and law and order there.

3. All political and social movements, claiming democratic credentials, should develop a code of conduct for their participants and an unambiguous chain of command. No individuals or groups should be allowed to take the law and the movement into their hands.

4. All political parties must draw up a code of conduct for their workers that conforms with the laws of the land

and the leaders of the parties should shunt out party activists and members who breach that code of conduct.

5. The writ of the government must be enforced across the board and any individual or group harassing, threatening or endangering any lawful forum must be dealt with strictly in accordance with the law of the land. Non-government organisations should be provided proper security wherever their existence and working face threats.

IV - Democratic development



Political participation

... the state shall exercise its powers and authority through the chosen representatives of the people ...

Constitution of Pakistan

Preamble

... the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed ...

Preamble

... fundamental rights [shall be guaranteed] subject to law and public morality ...

Preamble

The state shall encourage local government institutions composed of elected representatives of the areas concerned and within such institutions special representation will be given to peasants, workers and women.

Article 32

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

Universal Declaration of Human Rights

Preamble

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

Article 1

The political turmoil and violence witnessed in the previous year carried into 2008, accompanied by a flurry of changes in the country's leadership, including the elections to the National Assembly and provincial assemblies, the election of Yousuf Raza Gilani as prime minister, the resignation of President Pervez Musharraf, and the election of Asif Ali Zardari as president.

Implications of Emergency rule, anxiety over the safety of politicians, lawyers, journalists, and other civil society actors, and uncertainty about the political climate plagued political participation in the earlier part of 2008. The outcome of the National Assembly and Provincial Assembly elections in February, which ousted the Musharraf-affiliated PML-Q party, led to the formation of a coalition government between the Pakistan Muslim League-Nawaz (PML-N) and the Pakistan People's Party (PPP).

Unfortunately, past and continuing executive interference with the independence of the judiciary had long-lasting implications throughout the remainder of the year, most notably resulting in the collapse of the coalition government at the federal level and a growing rift between the PPP and its former coalition partner the PML-N. The end of the

year saw considerable political unrest over the still existing extra-constitutional presidential powers and the lack of an independent superior judiciary, issues which would dominate the early part of 2009.

Election of National Assembly and provincial assemblies

With the National Assembly's (NA) completion of its five-year term for the first time in the nation's history in November 2007, Pakistanis braced themselves for the long-anticipated general elections that were to be held in early 2008. Before, during, and subsequent to the elections, human rights and observer groups documented serious impediments to a democratic electoral process. These included a lack of transparency in the electoral process, an unsafe environment, partisan caretakers, inaccurate voter lists, discrimination against women and minorities, and a host of other legal and social obstacles to a free and fair election.

In the months preceding the elections, pre-poll reports by domestic and international non-governmental organisations and election monitors expressed little confidence that the upcoming elections would be free from manipulation.

Problems with the electoral system

Pakistani election law is based in several national documents, including the 1973 Constitution, the Delimitation of Constituencies Act of 1974, the Electoral Rolls Act of 1974, the Representation of People Act of 1976, and the Electoral Rolls Act of 1977. In addition to these texts, the Election Commission of Pakistan (ECP) established rules and regulations, as well as a Code of Conduct for Political Parties, in the year preceding the election. Inconsistencies between these various documents led to ambiguity in the electoral requirements. In such instances, laws were open to interpretation by election officials, which resulted in uneven application of the law. Besides, the structure of oversight throughout the electoral process caused concern.

Under the Pakistan Constitution, the Election Commission of Pakistan (ECP) is responsible for the conduct of



Political activists were frequently arrested ahead of polls.

elections, including the supervision of the tallying and polling processes, managing voter registration, and appointing election tribunals to handle electoral disputes. Because of its wide reaching authority, the ECP's credibility is pivotal to a free and fair election. Interference with the ECP and extra-constitutional manipulation of the judiciary by the executive however, strained the ECP's ability to fulfil its role as an independent body.

The President is solely responsible for constituting the ECP, made up of a Chief Election Commissioner and four judges from the provincial High Courts. Because these members are selected from the judiciary, any external interference with the courts, such as President Pervez Musharraf's during 2007, can severely compromise the functions of the ECP.

The standing of the judiciary is also essential to the credibility of the ECP because the Supreme Court and High Courts have the power of judicial review of ECP decisions. The electoral oversight responsibilities of the judiciary were severely threatened by President Musharraf's interference in its functioning. A lack of confidence in the judiciary may also result in doubts about the credibility of elections results. *[See the chapter 'Administration of Justice']*

Pakistani election laws also permit candidates to contest simultaneously from two or more constituencies, which

can allow candidate with weak ties to a geographic area to compete there. Additionally, if a candidate wins in more than one constituency, by-elections must be held afterward, further increasing the cost and administration of elections.

These criticisms suggest a strong need for serious reform of the election system in order to ensure a duly free and fair election process, particularly for election law to be more specific and to have greater, more enforceable electoral oversight.

Security situation

The previous year's intense political violence caused considerable anxiety about security and maintenance of order prior to, during, and after the elections. Apart from the killing of three candidates and former prime minister Benazir Bhutto who was assassinated in December 2007, the media and observer groups reported at least 130 others were killed in the pre-election period in politically-motivated attacks. The assassination of candidates, attacks on campaign rallies and fear of violence hindered active and free campaigning, keeping some of the candidates from campaigning door-to-door, holding rallies, and engaging in other public election activities.

On January 23, Nawaz Sharif, another former prime minister and chief of the PML-N party, said that Pakistan's deteriorating security situation was impeding politicians who were campaigning in the general elections, with many putting their lives at risk in order to do so. On January 26, Caretaker Interior Minister Hamid Nawaz said that the lives of politicians in the country were in jeopardy and efforts were being made to provide them maximum security.

The security code enacted after the political violence in 2007 banned long processions and only permitted assemblies in specified areas with the approval of the authorities in advance. Still, there were doubts about the government's ability to guarantee a safe and secure environment on election day.

In one report, the ECP denied a request by the Sindh provincial government to allow the hiring of private guards for security assistance. The PPP complained to the ECP of its candidates being kidnapped on the way to filing nomination papers and being unable



Keeping peace in restive regions added to security forces election responsibilities.

to submit nomination forms for want of security despite specific requests following threats to their lives.

The government's ability to provide a secure environment for voters and campaigning politicians was particularly in doubt in large parts of the NWFP and FATA, where extremists allied with the Taliban were operating, and in Balochistan, where government troops were battling an insurgency.

An outgoing federal minister insisted that the law and order situation in NWFP was not conducive to holding elections there. On account of security concerns, the nomination filing date was extended in the districts of Hangu, Swat, and Shangla, as well as in North Waziristan and Kurram tribal regions. A militant organisation banned electioneering in Bara in the tribal areas, and warned candidates against hoisting flags, banners and holding rallies and processions. It only "allowed" public gatherings inside *hujras* (compounds).

The elections to the NA and provincial assemblies were postponed from January 8 to February 18 following the assassination of former Prime Minister Benazir Bhutto. Ms. Bhutto's assassination garnered a great deal of sympathy and support for her party, the Pakistan People's Party, across the country. The media widely reported that the ruling

Pakistan Muslim League (PML-Q) officials recognised this and sought postponement of elections. The PPP and the PML-N contested any delay, arguing that elections should be held democratically on schedule. Ultimately, the Election Commission of Pakistan (ECP) decided to delay elections because of damage to ballot boxes and ballot papers in the Sindh province during the riots following Ms. Bhutto's assassination.

In the final weeks before the election, violent attacks on campaign offices and rallies further intensified fears of violence on election day. In early February, two suicide bomb attacks on election rallies in northwest Pakistan killed 22 people and wounded more than 30. Two days before the election, a suicide bomber killed more than 50 people and wounded around 140 outside the office of an independent candidate affiliated with the PPP in Parachinar, in FATA's Kurram tribal region. Polling in the constituency was deferred.

Despite the violence before election day, polling was not plagued by large-scale bombings and attacks that many had apprehended. Still, the fear of violence may have kept many would-be voters from casting ballots. In some areas, security lapses were reported on election day. For example, in Multan NA-148 (polling station #94) it was reported that the police were overseeing voting rather than maintaining security. The guarantee of a secure environment, which is vital for ensuring a democratic and free electoral process, was not evident at many places. [*See the chapter 'Law and Order'*]

Lack of neutrality

The constitutional requirement of an independent caretaker regime during the election period was not met. There were numerous reports and claims by opposition political parties and NGOs that police and other security apparatus, as well as caretaker ministers, nazims and state resources helped candidates affiliated with the pro-Musharraf PML-Q. There were also reports of the arrest and harassment of opposition candidates.

Former PML-Q parliamentarians were accused of using police escorts while electioneering. Calls from political parties and NGOs to freeze development funds and local government institutions to ensure free elections were ignored. The Balochistan provincial Election Commissioner spoke of "credible evidence" of nazims using public money and official machinery. He was also unhappy about a reshuffle in the provincial police department ahead of elections. There were many reports of similar interference in other provinces and districts.

The Layyah district nazim was reportedly using vehicles donated for an anti-tuberculosis drive in the election campaign of his daughter, a PML-Q candidate.

There were many names among caretaker ministers with known affiliations to the outgoing ruling party. Caretaker premier Muhammad Mian Soomro was the Chairman of the Senate on behalf of the ruling party and never relinquished that charge. Serving as the Senate chairman, earlier in the year Soomro had repeatedly supported Musharraf's controversial election in military uniform by outgoing assemblies.

PML-Q Senator and caretaker federal information minister Nisar Memon was a known Musharraf supporter, and publicly proclaimed shortly before the presidential election that Musharraf had sufficient votes to succeed. Memon also warned the next government that it would face severe problems if it had a conflict with the president. He also said that local governments would not be suspended. Memon's daughter, Marvi, was one of the candidates for the PML-Q on a reserved seat for women.

This lack of neutrality of caretakers, district nazims, and other election officials, particularly among those affiliated with or supporting the PML-Q, did affect the fairness of the election, if not the ultimate outcome.

Enrolment of eligible voters

Accurate and complete voter registration lists are fundamental to free and fair elections. The voter registration process for the general election was generally perceived as flawed and unjustifiably convoluted.

The first electoral roll, compiled in June 2007 and comprising 52.1 million voters, was assessed by observer groups, such as the Free and Fair Election Network (FAFEN), to be missing approximately 25 million voters' names. Rather than attempt to retrieve those missing names, the names from the 2002 electoral rolls, which were based on census data from 1998 and widely regarded as out of date, were added to the electoral roll for the 2008 election. These additions resulted in duplicate entries, wrong names, and omission, which increased the likelihood of voter

fraud. It was also reported that a higher number of women (than men) had been left out of these lists.

In addition to inaccurate lists, which opened up opportunity for fraud, accessing lists was problematic for both voters and political parties. Rather than displaying the updated list on the ECP website, the Election Commission set up 45,403 display centres countrywide. Political parties' demands for electronic copies, that could enable them to carry out crosschecks and trace missing voters, were only met belatedly in December 2007. Though duplicate and wrong entries remained an issue right up until election day, the ECP claimed in December that the electoral rolls were error-free after 3.7 million duplicate entries had been deleted during their computerization. The ECP finally posted electoral rolls on its website in January 2008.



The controversy about faulty voters' lists marred the electoral process.

Restrictions on voting and running

A critical restriction on eligible voters included the requirement of computerised national identity cards (CNICs) for registering votes. In July 2007, the Supreme Court was informed that 19% of males and 49% of females had not been issued CNICs. Those most affected by the CNIC requirement were women, rural populations, and nomadic people. The Supreme Court directed the ECP to ensure the registration of all eligible voters deprived of their basic constitutional right on account of not meeting the CNIC requirement.

Restrictions such as the graduation condition, which required candidates to present a graduation degree, prevented a large majority of Pakistan's population from contesting elections. The graduation bar before the election, however, allowed individuals with certificates from madrassahs (seminaries) to contest elections.

The Supreme Court struck down the graduation bar on April 21, 2008, allowing candidates in the June by-elections to run for office without meeting the previous eligibility requirement of holding a graduation degree. However, the decision came too late for candidates who could not run for office in the February elections because of the discriminating standard.

An additional barrier to contesting elections was the excessive cost of campaigning. Most political parties nominated candidates on the basis of their ability to finance expensive campaigns. The legally allowed limit of expense for an NA campaign is Rs 1.5 million, and for a provincial assembly Rs 1 million. The actual expense by serious candidates was likely to be at least 10 times the ceiling. Even those from the middle-income bracket were unable to consider running because of the expenses.

Election boycott

A number of groups had threatened to boycott the elections. The All Parties Democratic Movement (APDM) and Tehreek-e-Insaaf carried out their boycott. The PPP and PML-N, which won a majority of seats, had also considered boycotting the election, but ultimately chose to participate. The effects of boycotting, however, were most evident in Balochistan. In the province, the people's grievances on account of military operations led to some groups' calling for

a boycott of the polls. Thousands of Baloch political activists had been arrested and enforced disappearance of many others was blamed on the intelligence agencies. Most of the nationalist parties, including the Balochistan National Party (BNP), Pakhtoonkhwa Milli Awami Party, National Party (NP) and Jamhoori Watan Party (JWP) decided to stay away from the electoral process following the boycott decision by the APDM.

These parties' absence from the election process was deemed to further alienate the moderate Baloch and Pakhtoon political forces in the province from the centre. Poor law and order, the military operation and the boycott by parties that retained the support of a vast majority of the population led to a low voter turnout in Balochistan in the February 18 election and the results were generally deemed not to reflect the genuine will of the people of the province.

Challenges for women and minorities

The 2008 elections brought attention to persisting barriers to and restrictions on the full participation of women and minorities in the political process. Religious and ethnic minorities also faced considerable barriers to their participation which were not addressed by the government or the ECP.

The ECP compiled a separate electoral roll just for Ahmadis, distinguishing them from the list of all other eligible voters in the country. In addition to outright religious discrimination, a separate list for Ahmadis completely disregarded the spirit of the joint electorate, the Constitution of Pakistan, and the guarantee of international human rights. As had happened in previous elections, the Ahmadis chose not to participate in the elections.

Additionally, organisations representing religious minorities complained that the names of 50% of the voters belonging to minorities had not been included in the new voters' lists in interior Sindh. They criticised the nomination of representatives in the assemblies on reserved seats and some of them demanded a separate electoral system for

minorities to elect their representatives.

Women's political participation is crucial to fair elections but women's under-participation due to gender-based inequality and discrimination was particularly marked. Some parties continued to hold that women were not capable of serving or should not serve in public offices.

Additionally, statistical discrepancies in the participation of women in the election



Women turned out to vote in large numbers when not barred by violence or tradition.

demonstrated that the electoral system was not adequately inclusive of women. The ratio of reduction in draft electoral rolls in the number of registered women voters in the country was more than twice that of men. The number of women voters had dropped by 39% as compared to 18% for men, before the SC ordered registration of all eligible voters.

Instances of women being barred from voting were reported from many parts of the country. Prior to the general elections, tribal elders had reportedly barred women from voting in a by-election in Bannu. In another by-

election in Bajaur Agency, all candidates, including those from secular parties and the ruling PML-Q, agreed to prevent women from voting. There were reports of a village near Multan, in Punjab, where women had not cast their votes in any election since the creation of Pakistan in 1947. In January 2008, Ghathar village – one of the largest villages of district Qambar in Sindh – attracted significant media attention because not a single woman from the village had been allowed to cast her vote in any election since 1947. HRCP activists, who visited the village, were assured of a break in this tradition in the February elections.

Many election observer organisations also expressed their fears that women’s reserved seats would be manipulated by men. There were also numerous deficiencies in the polling scheme which increased obstacles to



Campaigning for a boycott.

women’s participations. Observers noted a lack of sufficient polling booths for women, which prevented their voting. Additionally, poor women and women from rural areas were less likely to have the CNICs required for voting. The ECP did not take effective measures to address exclusion of women from electoral participation.

Fifteen women candidates were directly elected to the National Assembly in the February election, in addition to 60 seats reserved in the legislature for women to which allocations are made on the basis of political parties’ representation in the house.

In November, Dr. Fehmida and several women parliamentarians constituted the Women Parliamentarians’ Caucus to promote women’s rights and an improved role of female lawmakers in proposing ‘gender-sensitive’ legislation. *[See the chapter ‘Women’]*

Media election coverage free from bias

The politically motivated crackdown on Urdu media channels in 2007, which included the temporary suspension of media broadcasts and enforcement of a media Code of Conduct limiting criticism of the state, continued in other forms in 2008.

Organisations monitoring the elections, including Human Rights Watch, an international watchdog, cited a strong pro-Musharraf and pro-PML-Q bias in state-run electronic media leading up to the elections.

Following the death of Benazir Bhutto, the state-run Pakistan Television (PTV) increased the percentage of its airtime for the PLM-Q and its allies to 77% in January, and 58% in February 2008, according to Human Rights Watch. The pro-Musharraf and PML-Q’s allied parties featured in this coverage included the Muttahida Qaumi Movement (MQM), Pakistan People’s Party-Sherpao (PPP-S), and Pakistan Muslim League-Functional (PML-F). Human Rights Watch also reported that considerable coverage on PTV was given to the caretaker government appointed by Musharraf.

Additionally, PTV did not provide coverage to the parties boycotting the election. Private TV channels were seen

as offering a somewhat fair coverage. [*See the chapter 'Freedom of expression'*]

Transparency of results

The ECP's task of ensuring transparency in conducting the elections was severely hindered by the weakening of the judiciary. Pre-poll conditions and electoral measures which favoured the President raised concerns among many citizens and election observers about the validity and impartiality of the upcoming elections. Still, the outcome, in which two of the major opposition parties, the PPP and PML-N, won a majority of the seats in the National Assembly, dealt a strong blow to the PML-Q, whose seats in the lower house of parliament dropped from 146 seats to 40.

According to the Election Commission of Pakistan, voter turnout was 45.6%. Overall, the results were largely accepted because despite evidence of rigging and interference with election regulating bodies by Musharraf and the ruling party, the dominant PML-Q party lost its stronghold, while its two biggest opposition parties won a majority of the seats. For many, this signalled that the people of Pakistan had overcome the daunting obstacles, including violence, poor law and order, and pre-poll rigging designed to prevent fair and democratic elections.

Unfortunately, the elections did not yield a democratic change reflecting majority opinion in Balochistan. Because various Baloch parties, including the Balochistan National Party (BNP), Pakhtoonkhwa Milli Awami Party, National Party (NP) and the Jamhoori Watan Party (JWP) chose to remain out of the electoral process following the boycott decision by the APDM, the election was not representative of the will of the majority in the province.

Domestic observation efforts for the elections covered a wide area. After initial delays, the ECP eventually accredited more than 25,000 domestic observers, permitting them to directly observe the process. But some domestic groups were still unable to get all of their observers accredited, and many received credentials only in the last days before the elections. Other problems, including intimidation and difficulties in accessing polling stations, particularly in the provinces of NWFP and Balochistan, also contributed to difficulties in observing the elections.

Resolution of complaints and disputes

Voters and candidates expressed widespread lack of confidence in the complaints and appeals mechanism for the electoral process.

Prior to the publication of results, redress could be sought through the superior courts. The capacity of the courts to address complaints made before the publication of results was undermined by the fact that all judges had taken an oath under the controversial Provisional Constitutional Order of 2007, and therefore were perceived to be close to President Musharraf and the former ruling parties.

Following publication of the final results, judicial challenges could only be lodged by candidates with election tribunals composed of current or former judges appointed by the Chief Election Commissioner. This lack of an independent appointment mechanism, together with a record of tardiness (39 petitions were pending since the 2002 elections), contributed to a further lack of confidence.

More generally, there is a continuing culture of impunity surrounding electoral offences, with very few prosecutions undertaken. Despite numerous examples of vote rigging, including up to 140% turnout in some areas, the ECP took little to no action.

The Chief Election Commissioner informed the public that the ECP examined about 1,500 complaints of violations of its Code of Conduct, and most of them were not genuine. Still, some opposition parties claimed that their complaints relating to partisan caretakers, vote-rigging, and fraud remained largely unaddressed.

Democracy International, a global election observation organisation, reported the ECP "seems to lack political will or de facto authority within the bureaucracy to prevent other government agencies and officials from actively working for the benefit of particular candidates or parties..."

Democratic transition

Despite obstacles to a free and fair election, democratic transition through the general elections brought some changes. While many had predicted the elections would be flawed on the basis of fraud, the victory of opposition parties restored some faith in the electoral process and brought about democratic change.

National Assembly's performance

The 13th National Assembly began its term on the 17th of March and adopted four bills during 2008. The

government tabled six Ordinances issued in 2008 in the National Assembly. In a positive development, for the first time in the country's history, details of the defence budget were presented in parliament. The finance bill passed by the National Assembly also includes a number of provisions, which had no link to financial issues, including the increase in the number of Supreme Court judges among other matters. [See the chapter 'Laws and law-making']

Formulation of coalition government and its collapse

The outcome of the election transferred power at the federal level from the PML-Q to a coalition government in which the PPP and the PML-N were the main partners. The leadership of these two parties agreed to meet to outline a plan to work together. On the 9th of March, PML-N leader Nawaz Sharif and PPP co-chairman Asif Ali Zardari, the husband of the late Benazir Bhutto, issued a six-point declaration in Murree as the basis for a national consensus coalition to govern. The Murree Declaration established that both parties would support the PPP's candidate for Prime minister. It also specified that the NA speaker and deputy speaker would be from the PPP, while Punjab Assembly speaker and deputy speaker from the PML-N. Additionally, the declaration stated that all deposed judges would be restored to their positions as on the 2nd of November 2007 within 30 days of the formation of the federal government through a parliamentary resolution.

On March 18th, Dr Fehmida Mirza of the PPP was elected the first woman Speaker of the National Assembly with 249 votes.

For the election of the Prime Minister, the PPP endorsed its Vice-Chairman, Yousuf Raza Gilani, who had spent over five years in prison, due to conviction on charges of making illegal government appointments. Gilani's election as prime minister was aided by the support of PPP's coalition partners, including the PML-N, the Awami National Party, Jamiat Ulema-e-Islam F, and the Muttahida Qaumi Movement.

Brief honeymoon

Strains between the parties of the coalition government emerged early on. In spite of the prime minister's comments and the agreement to restore the pre-November 3 judiciary, the PPP delayed doing so.

As the PML-N struggled to convince the PPP leadership to reinstate judges and remove the judges appointed by Musharraf who had taken oath under the Provisional Constitutional Order (PCO), Nawaz Sharif threatened to pull his party's ministers from the cabinet.

In May 2008, the PML-N made good on these threats and pulled out all nine of its federal ministers from the cabinet and the two main parties seemed headed towards a repeat of the confrontational politics of the 1990s.

The prospects of the country's two main political parties joining hands to introduce initiatives and legislation to confront crucial national issues did not materialise.

However, on the 7th of August, the PML-N and PPP agreed to work together once again to force the president to step down. With the victory of opposition parties in the general elections and mounting resistance to his presidency, President Musharraf's role in government became increasingly untenable. Under the threat of impeachment by the coalition committee drawing charges against him for corruption, economic mismanagement, and violating the constitution, Musharraf resigned from his post on the 18th of August. His resignation was seen as victory for civil society, which had been at the forefront of a countrywide struggle following President Musharraf's attack on the judiciary.

The PPP and PML-N's successful efforts to oust President Musharraf from power were the last remnants of the coalition government formed



The coalition that did not last.

between the parties. On the 25th of August, the coalition government officially broke down as the PML-N's deadline to reinstate sacked judges had lapsed. The PML-N became an opposition party, but retained its government in Punjab. The rift between the two parties would become a central political issue in the new year.

Strains in the Federal-Punjab Relationship

The growing rift between the PML-N and PPP and the pulling of PML-N ministers from the federal cabinet brought out strains between the PML-N dominated Punjab province and the PPP dominated Federal Cabinet.

In the Punjab provincial assembly elections, PML-N President Shahbaz Sharif was elected unopposed from the PP-48 Bhakkar constituency. In June of 2008, Sharif was elected 21st Chief Minister of Punjab with 265 of 297 votes.

As the PML-N and PPP parted ways in the centre, the two parties' working relationship soured in the Punjab. With the PML-N asking the PPP ministers to resign if they wanted to and the PPP saying that the PML-N government could not stand without the support of its voters.

Additionally, tensions between Punjab chief minister and the governor, who is the federal government's nominee, also soured the relations.

Healing Balochistan's wounds

Despite vows to address injustices of the past in Balochistan by the parties in the government, the use of military means remained the preferred tool in Balochistan, against militants demanding greater control over the province's resources. There was lack of any genuine effort to engage the militants through a dialogue or address their longstanding grievances.

Soon after the general elections, the PPP adopted a resolution apologising "on behalf of the people of Pakistan... to the people of the province of Balochistan for the atrocities and injustices committed against them and pledges to embark on a new highway of healing and mutual respect".

The resolution demanded a halt to the military operation in Balochistan and the release of all political prisoners including Akhtar Mengal.

The party also pledged to "work to give maximum provincial autonomy to the provinces in the framework of the 1973 Constitution".

Asif Zardari, the PPP co-chairperson said that Balochistan had suffered hugely in the past and the PPP would do all it could to heal the wounds of injustice in the past.

Political leaders from Balochistan termed the apology a positive but insufficient step and demanded an end to the military operation and recovery of scores of people believed to have been subjected to "enforced disappearance" by state agents. [*See the chapter 'Jails, prisoners and 'disappearances''*]

The reluctance to engage the disgruntled elements in Balochistan was in sharp contrast to the government's keenness to negotiate peace agreements with militant extremists engaged in blowing up government schools, murdering civilians and security personnel and eroding the state's writ in large parts of the country.

This was despite the fact that the February election results made it clear that the militants lacked support amongst the population.

On April 8, the NWFP cabinet formed a committee to negotiate peace with militants. On May 21, the NWFP government inked a peace accord with Swat-based militants, agreeing to the release Taliban prisoners, a gradual withdrawal of the army from Swat and for militants to stop suicide and terrorist attacks on security forces and civilians and military installations. The chief military spokesman was reported as saying that the army would not oppose the deal. (DT, May 22)

HRCP expressed reservations about the reported terms of the agreement and cautioned the government that its reconciliatory approach towards those using violence would be seen as an incentive to other militants to raise arms against the State and secure a bargaining position. The peace deal ended after militants accused the NWFP government of violating the terms of the agreement it had reached with them.

Militants in the NWFP and the tribal areas attacked elected leaders, government officials and their relatives for

their affiliation to the government. [*See the chapter 'Law and order'*]

Presidential address to parliament and retention of powers

Elections for the President were held on the 6th of September. Before the elections, a Supreme Court verdict declared the stipulation that parliamentarians must possess a bachelor's degree was unconstitutional, creating the opportunity for Asif Ali Zardari, widower of Benazir Bhutto, to be elected as president.

On the 20th of September, President Zardari made his first address to the 63rd session of parliament, the first Presidential address to the parliament in four years. In his speech, the President identified the state of the country's economy as the greatest challenge facing the government, and declared his commitment to uphold the supremacy of the Parliament, the sanctity of the constitution, and the rule of law. He also stressed his intent to return to the 1973 constitution and declared that the Charter of Democracy – signed by former prime ministers Benazir Bhutto and Nawaz Sharif in 2006 – bound the government to a framework of peace and justice for the Pakistani people. He stressed the importance of provincial autonomy and the need for the people of the Northern Areas to get their basic rights, representative rule, and an independent judiciary.

Perhaps most notably, the President urged the formation of a parliamentary committee to revisit the 17th Constitutional Amendment and Article 58(2b) of the Constitution, which respectively include the power of the President to dissolve the parliament. While the President's address was received well by some, others remained concerned over his omission of any reference to the restoration of the judges.

In 2008, President Zardari did not relinquish the extra-constitutional Presidential powers encompassed in the 17th Amendment and Article 58(2b). Additionally, the deposed Chief Justice had still not returned to his post until the end of the year. President Zardari's unfulfilled promises led many to believe his remarks to Parliament were simply empty words.

Military role in government

With the escalating public demands to curb the military's ubiquitous presence in the government, President Musharraf resigned from his position as the Chief of the Army Staff in December 2007. His successor Ashfaq Kayani was also a former chief of the Inter-Services intelligence Agency (ISI) and Deputy Military Secretary to Benazir Bhutto in 1988. Despite his political involvement and experience in intelligence, Kayani sought to weaken the historically strong relationship between the military and the government through several measures.

In January 2008, Kayani was hailed for reforming his predecessor's approach to military-government relations when he issued a directive that army officials were not to maintain contact with politicians. In February, Kayani announced his decision to recall all military officers from 23 civil departments, although it could take three to six months to do so.

Additionally, Kayani refused suggestions that the Army should administer the 2008 general elections, saying that this was only in the jurisdiction of the ECP. Following the 2008 general elections, Kayani reiterated the army's commitment to the democratic process and that it would remain out of politics and support the new government.

Despite these moves, some critics wondered whether the military's role in government could be significantly reduced through the measures taken by Kayani. Some cited the National Security Council as evidence of the military's continued presence in government. The NSC, a forum initiated by President Musharraf in (2002), included in its members the chiefs of the three defence forces.

Many saw the creation of the NSC as an attempt to institutionalise the military's say in the affairs of the state. On November 28, however, Prime Minister Yousuf Raza Gilani announced that the National Security Council would be disbanded. He also stated that Nawaz Sharif of the PML-N also approved the decision to dissolve the council. Implementation was awaited.

Recommendations

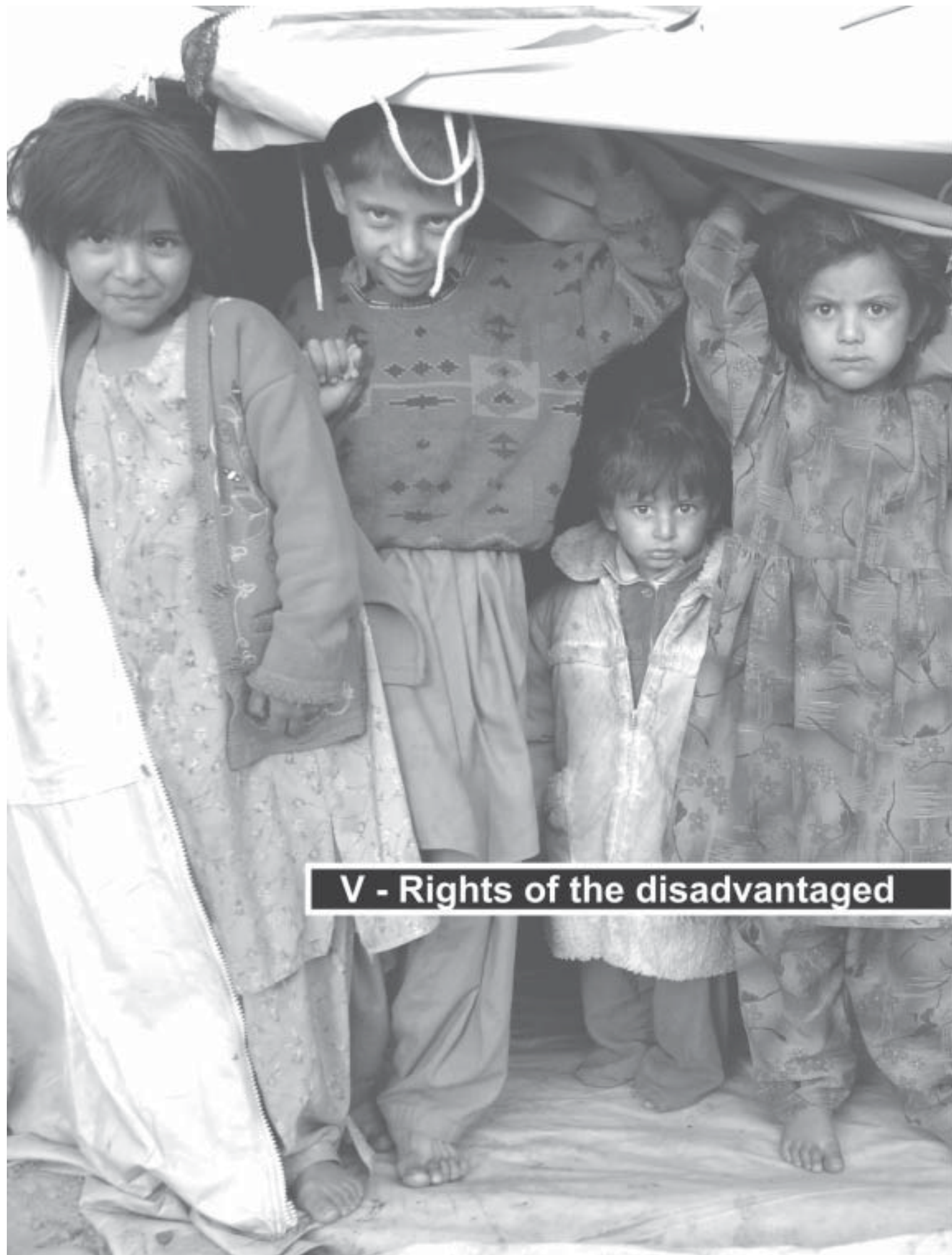
1. *The creation of a permanent, multi-member, independent Election Commission, whose membership need not be drawn from the judiciary alone and which should include at least one woman, is absolutely vital to the consolidation*

of democratic governance. The matter must be decided on a priority basis.

2. It is impossible to eliminate practices that bar women from exercising their democratic rights in elections unless those who prevent women from voting, or seeking election, or attending forums to which they are elected, are called to account for their offences.

3. Democratic and responsible governance cannot be promoted if political activity is confined to electoral matters. Political parties must pay due attention to democratisation of party structures, training of their workers, and public mobilisation during periods between general elections.

4. Denial of the principles of federalism, specially reluctance to concede autonomy to the less populous provinces, is undermining the state's integrity. The remedial measures should now go beyond charity-inspired rhetoric.



V - Rights of the disadvantaged

Women

All citizens are equal before law and are entitled to equal protection of law.

There shall be no discrimination on the basis of sex alone.

No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of ... sex ...

Steps shall be taken to ensure full participation of women in all spheres of national life.

The state shall protect the marriage, the family, the mother ...

The state shall ... [ensure] that ... women are not employed in vocations unsuited to their sex....

Constitution of Pakistan

Articles 25, 27, 35, 37

All human beings are born free and equal in dignity and rights ...

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind

...

All are equal before the law and are entitled without any discrimination to equal protection of the law ...

Men and women of full age ... are entitled to equal rights as to marriage, during marriage and at its dissolution.

Marriage should be entered into with the free and full consent of the intending spouses.

Everyone has the right to equal access to public service in his country.

Mother and childhood are entitled to special care and assistance.

Universal Declaration of Human Rights

Articles 1, 2, 7, 16, 21(2), 25(2)

The year 2008 brought some change in many areas but the status quo survived as far as the rights of women were concerned. With routine reports of murder, honour killing, gang rape, abduction, torture, sale, abuse of minors and the elderly, and countless other examples of cruelty and discrimination coming in, it became clear that not much had been achieved during the year. In fact new patterns of horror were set when five women were murdered in the name of honour in one incident in Balochistan and no concrete action was taken by law enforcement agencies. Some NGOs claimed that at least some of the women were alive when they were buried. Following this, two senators from Balochistan defended this act in the Senate as part of non-debatable cultural rituals. Ignoring these criminal remarks, the government went on to appoint these senators as ministers in the cabinet.

The new government failed to focus on thwarting human rights crimes and instead spent more time covering up government faults and questionable policy decisions. However, the Ministry for Women Development did push for the "Protection from Harassment Bill, 2008", which claims to criminalise sexual harassment at workplace. A Domestic Violence Bill was also submitted in October in the National Assembly that sought to bring domestic violence crimes under



A rape victim's cry for justice.

the law. Two bills relating to working women were also drafted.

It was observed at the “Sixth South Asia Regional Ministerial Conference: Commemorating Beijing” (co-hosted by the Ministry of Women and Child Development, Government of India and UNIFEM South Asia Office) that the Pakistan Ministry of Women Development is “marginalized within the national bureaucracy and needs additional resources” and that the “National Commission on the Status of Women exists but does not enjoy independence and has limited influence to make a difference”.

Women and the law

- ◆ The “Muslim Family Laws and Domestic Violence (Prevention and Protection) Bill 2008”, a bill that seeks to broaden the definition of domestic violence and bring such matters under the law as punishable crimes, was pending approval since August. In October, legislators, lawyers and activists demanded amendments in these laws and strict implementation.

- ◆ The “Protection from Harassment Bill 2008” was submitted by the Minister for Women Development, which sought to provide protection to women from sexual harassment at workplace. The bill will cover women working in government, semi-government and private organisations as well as domestic and rural labour. Non-governmental organisations, lawyers and activists were invited to give their input in refining the draft.

- ◆ Two additional bills, “Working Women (Protection of Rights) Act, 2008” and “In-House Working Women Protection Act, 2008”, were drafted to protect the rights of working women and women working at home. These bills aimed at regularizing working conditions, hours and wages so that exploitation could be reduced as far as possible.

- ◆ The three relatively new laws and amendments safeguarding women against violence and abuse were still not extended to the Provincially Administered Tribal Area (PATA) of NWFP. These laws deal with honour killing, customs of swara and vani, allowing bail to women in most of the offences and amending the Offence of Zina (Enforcement of Hudood) Ordinance. The Honour Killing Act of 2004, the Code of Criminal Procedure (Amendment) Ordinance, 2006, and the Women’s Protection Act of 2006 are the main pieces of legislation that address these issues, yet no executive authority extended them to the PATA districts – Swat, Shangla, Chitral, Buner, Malakand, Upper and Lower Dir, and tribal areas of Mansehra and Kohistan – which means that the crimes kept occurring without being checked under proper laws. (D, Jun 23) The 2006 Act of the Zina law is included in the laws that will be extended to PATA under the proposed Nizam-e-Adl Regulation. However, the application of these laws of Sharia is left to the understanding of individual judges – not really a positive outcome.

Women and politics

The PPP formed the government with claims of addressing women’s rights issues and violence against women.



Out for a cause.

However, the assigned Minister for Women Development could not solely dispense her duties towards the ministry as she was also heading the Ministry for Information & Broadcasting and the Ministry of Health. The government was also unsuccessful in passing the Domestic Violence Bill that had been brought forward by two women senators. The hurdle, it was claimed, were the anti-women attitudes of the male senators.

Fifteen women candidates were directly elected to the National Assembly in the February election. The National Assembly consists of 342 seats including 60 seats reserved for women. The reserved seats are allocated on the basis

of political parties' representation in the legislature.

On March 19, for the first time in the history of Pakistan a woman was elected as the speaker of the National Assembly. Dr. Fehmida Mirza was elected by a two-thirds majority.

In November Dr. Fehmida and several other women parliamentarians constituted the "Women Parliamentarians' Caucus" with the objective of protecting women's rights and promoting women's development, empowerment and emancipation along with improving the role of female parliamentarians in proposing 'gender-sensitive' legislation.

Pakistan ranked 45th amongst 188 countries evaluated for women's representation in national parliaments. India ranked 108, Sri Lanka 123 and Afghanistan 28, according to the UN International Organisation of Parliaments of Sovereign States. [See the chapter 'Political participation']

Women at work

Two bills were introduced in the National Assembly that dealt specifically with working women. These bills, once enacted would be known under the titles of "Working Women (Protection of Rights) Act, 2008" and "In-House Working Women Protection Act, 2008".

The first bill aims at providing certain facilities to the working / employed women. It provides for more convenient working hours, relaxation in recruitment age-limit, provision of transport, and other facilities that include separate areas for toilets, mosques, staff rooms and child care facilities. The bill also places strict restrictions on night duty for female workers. Another provision says women would be posted near their homes and families, and if both husband and wife were employed then they would be posted together at the same location. Other clauses sought to regularise wages.

The second bill aims at protecting women working at their homes and providing for terms and conditions for such women. It provides for identification and proper registration of home-based workers, regularisation of their wages, avenues to redress their grievances, penalties and rules. Other details included forming a body for managing funds, insurance, maternity benefits and medical facilities. A registrar will submit half-yearly reports in respect of implementation of the provisions of the act. Similarly a wage commission and a labour court would also be set up.

In a case of women being treated unfairly in their professions 40 lady doctors were fired simultaneously from hospitals all over the Dadu district. The women had only completed three months of their one-year contracts. The sacked doctors' representative said the lady doctors were performing their duties accordingly but had not been paid their salaries since they began work three months earlier. She said that they were all qualified and experienced doctors and were working on a meagre salary of Rs15,000 per month,

and claimed that the termination of their jobs was unjustified. According to the EDO health of Dadu, paucity of funds was cited as the reason. He also added that according to the terms and conditions of service, the doctors' contract could be terminated at anytime without prior notice. (D, Jun 15)



Unacknowledged contribution.

The rights of women and growing poverty

With Pakistan affected by the global economic crisis and faced with its own central issues of water, electricity and gas shortages and high food prices, poverty levels rose sharply. Women, already a vulnerable sector of society,



When the next meal is the main concern.

got the worse part of the deal. They were at the lower end of receiving a nutritious diet, proper health care, educational opportunities and openings for development. They were subjected to rising domestic violence and ill treatment at the hands of employers. Also, cases of violence against women remained on a high. Many more women became susceptible to sexual abuse and trafficking as they were duped into thinking they were being taken away for jobs and for alleviating their poverty. Unauthorised forums such as *jirgas* and *panchayats* continued to wreak havoc for women, in tribal/remote areas. Because of a lack of education, awareness of their own rights, and most importantly, severe economic dependence, women were extremely

vulnerable against adversity. The government and private sector launched or continued work on several schemes and projects designed to address specific issues but were unable to make any significant headway.

Health

Public healthcare in 2008 was a reflection of the pattern in previous years – inadequate facilities and resources, unaccountability and poorly planned programmes and incentives for women and children. Remote places in Balochistan and Sindh did not even have access to skilled medical workers, especially female workers. The situation was aggravated by natural and man-made disasters, such as the Balochistan earthquake, Sindh flood and massive internal displacement from various conflict areas. Women suffered the most because in most cases medical help was either not available to them or health care provided by male practitioners was forbidden by local traditions. Maternal morbidity remained high though the rate declined to 276 deaths per 10,000 live births, which was 533 deaths in 1990. However, it needs to be further slashed to 140 by 2015 to reach MDG stipulation. (D, Nov 15)

According to a seminar on Pakistan Demographic and Health Survey, 2007, “Fertility has decreased steadily since 1984 from six children to 4.1 children on average. Women in the NWFP and Sindh have 4.3 children compared with 3.9 children in Punjab and 4.1 in Balochistan. Half of the surveyed women got married after reaching 19. The rate of family planning has tripled over the last two decades but has been on a constant decline for the last few years. Now the contraceptive prevalence rate is 30%, slightly less than what it was in 2003 (i.e. 32%), according to the survey report. 22% married women use modern methods for family planning, lagging behind India and Bangladesh where 49% and 47% married women use the modern methods. Under the Millennium Development Goals the rate of contraceptive use needs to go up to 55% by 2015. There is a large gap between contraceptive knowledge and use, as 96% married women know about it but the use is as low as 14% in Balochistan, 25% in the NWFP, 27% in Sindh, and 33% in Punjab.” (D, Nov 15)

Balochistan earthquake 2008

According to IRIN, in the Balochistan earthquake that occurred on the 29th of October 2008, women and children were the worst affected. The Ziarat and Pishin districts, termed deeply conservative, had no female medical workers and hence women and female children were not allowed to be treated by the male doctors. Many of the women and girls had serious injuries, such as broken bones and were visibly in pain. Female medical staff from Quetta was unable to make it to these districts due to security reasons. (IRIN, Nov 2) [*See the chapter ‘Health’*]

Education

More than half of women and 30% of men in the country have never attended school. In Balochistan 70% of

women and 46% of men are uneducated. (D, Nov 15) The number of school-going children in FATA areas and NWFP fell due to the constant attacks on schools, especially girls' schools, by the local Taliban.

Women's education suffered immense setbacks due to the continued targeting of girls' schools and teachers in the Taliban-dominated areas, especially Swat and Dir, and places affected by conflict between the local militants and the military. Many schools were forced to shut down after attacks or bomb threats and in many places students and teachers stopped showing up at all. Talibanisation of the area resulted in attacks on women's educational facilities and NGOs working for women's rights or even employing women. The government, like last year, was unable to take any concrete steps to prevent this and provide protection to the female teachers, workers and students.



Additional hurdles to education in the face of growing Talibanisation.

An IRIN report on Swat disclosed that 103 schools had been torched in the restive region until September, 99% of them were girls' schools. The schools that had not been attacked were empty due to curfews, bombing in the region and a general air of fear. The report went on to add that an estimated 14,000 girls were out of school. "In Matta, not a single girls' school remains unaffected. Many of the boys' schools, too (there are between 20-25 high schools) have closed down indefinitely, partly due to fears the school may be blown up." (IRIN, Sep 16) [See the chapter 'Education']

Violence against women

Violence against women continued to be one of the key human rights issues in Pakistan. Given below are the statistics collected by HRCP on violence against women in 2008. Only those cases have been counted where it could be determined that the victim was a female. In many cases it was difficult to determine whether the victim was a minor or an adult, so unless the age was specified or an indicator given, the age-group was declared not available. These numbers are a fraction of the actual problem as a majority of the cases go unreported or are hushed up. Cases monitored from newspapers are often sketchy and provide little information about a victim's age, marital status and other important details. Hence, reports have to be verified and checked to avoid repetition. Reports are particularly inadequate from Balochistan and NWFP. Therefore, it is safe to assume that the actual number of cases is much higher than those stated here.

Various NGOs across the country also offered shocking statistics of violence against women. Those with special focus on specific assaults reported larger numbers of victims. Most rights organisations agreed that inadequate government policies, non-implementation of law, and failure on the part of law enforcement agencies were the main causes of the widespread violence against women.

The hold of tradition

Inhumane customs and rituals prevailed across the country and

Sexual Violence	808
Gang rape	445
Rape	350
Stripping	13
Suicide	1,339
Suicide	798
Attempted suicide	541
Killings	1,210
Honour killing	612
Murder	598
Kidnapping	228
Domestic Violence	137
Burnings	138
Acid attacks	37
Cylinder explosion	2
Pressure cooker	1
Set-on-fire	53
Stove burning	22
Others	23
Corporal Punishment	3
Death Penalty	2
Awarded	2
Hanged	0
Sectarian Violence	13
Wounded or killed	13

many region- and culture-specific incidents made headlines, both nationally and internationally. Parallel tribal legal systems such as the prohibited *Jirga* and *Panchayat* courts continued to make uncivilised decisions that mostly oppressed women. Such decisions led to the death of many men and women and marriages of minor girls to men of rival faction as compensation.

◆ Perhaps the most extreme example of violence in the name of tradition was witnessed in Balochistan, in August, when five women were shot and killed for wanting to marry of their own choice. The women, three of whom were teenagers, belonged to the Baba Kot village in the remote district of Jafferabad. The three young girls, aged between 16 and 18, had dared to defy tribal norms in wanting to marry of their own choice and reject the tribal elders' marriage commands. They were kidnapped and arrangements made to kill them. Two elder female relatives tried to intervene and they too were shot along with the younger 'offenders'. All five of them were then thrown in a ditch and covered with mud. Some NGOs claimed that at least some of the women were alive when they were buried. The decision to murder the women was made and its enforcement overseen by village elders, the head of whom was said to be the brother of a provincial minister. Senator Yasmin Shah raised the issue in parliament a month after the incident saying that no action had been taken against the perpetrators. What followed was an outrageous reaction from two Balochistan senators. Senator Israrullah Zehri defended the gruesome deed adding that it was part of "our tribal custom" and that "these are centuries-old traditions and I will continue to defend them." Acting Chairman of Senate Jan Mohammad Jamali, who was presiding over the session, said: "Yasmin Shah should go to our society and see for herself what the situation is like there and then come back to raise such questions in the house."

◆ In July, two girls aged 10 and 12 were surrendered as *vani* by a tribal *jirga* in Shikarpur. The girls Waziran and Noorjehan were given to the enemy tribe to end a longstanding feud between the Jatoi Khan and Arbab Jatoi groups. The *jirga* also supervised the two girls' *nikah*, which was arranged through a local marriage registrar. (DT, Jul 19)

◆ In an exceptional case of a woman's good fortune, the police saved the life of six-month pregnant Saira Bano Jatoi when they conducted a raid and rescued the girl from the possession of a *jirga* panel that had declared Saira and her husband Karo-Kari. The couple had married of their own choice and left their hometown for Karachi the previous year but were forced to return when their marriage sparked tribal enmity and their relatives were made to suffer. The *jirga* had declared Saira would be divorced and then killed. Saira's husband refused to divorce her and hence the couple was kept in hidden confinement. On a tip-off the police rescued the couple and cases were registered against the accused. The Sindh government rewarded the police department for their work. However the couple still feared

Shocking statistics of women killing given to NA

The Interior Ministry disclosed in the National Assembly on November 13 that during the last three years of Musharraf regime, over 4,000 women were murdered all over Pakistan, including 1,019 in the name of honour. The Interior Ministry also stated that 4,971 women were raped in the preceding three years. The official figures about violence against women confirmed the fact that the last three years of the Musharraf era witnessed the worst form of violence against women. In addition to the killing of a large number of women all over Pakistan, 4,290 women reported to police stations that they had been subjected to domestic violence in different forms.

The Interior Ministry also confirmed that 1,000 women were killed in the name of honour during 2005-07 and that the total number of women killed during 2005-07 was 3,236 – 1,075 in 2005, 1,084 in 2006 and 1,077 in 2007. Likewise, a total of 4,971 women were raped all over Pakistan – 1,713 in 2005, 1,743 in 2006 and 1,515 in 2007.

Similarly, a total of 51 cases of acid attacks on women were recorded during the preceding three years, besides 45 cases of stove burning. The Interior Ministry said violence against women had a mixed trend during the preceding three years. A total of 7,045 cases of violence against women were registered in 2005, the figure jumped to 8,065 in 2006 and in 2007 a total of 7,424 cases were reported. –**The News, November 14**

for their life. (D, Jun 15)

Murder and honour killings

A large number of women and girls were killed for various reasons in 2008 showing that not much had changed over the year. Women continued to be killed in the name of honour and a horrifying new ritual of 'eliminating fallen women' surfaced in areas affected by the increased Talibanisation. Women were beheaded and their bodies left at public places with notes attached that warned of similar consequences for anyone the moral police judged to be leading a sinful life.

According to statistics collected by HRCP, at least 1210 women were killed for various reasons, including 612 in incidents of so-called honour killing. This means that approximately more than three women were killed daily across Pakistan.

Murder

◆ In February, a 22-year-old girl was found dead in an empty plot in the posh Lahore locality of DHA. She had been raped, tortured and finally killed and her naked body had been thrown in DHA. There were cigarette burn marks all over her body including her genitals and it seemed that she had been strangled to death. It was speculated that the girl was a maid belonging to a poor family. (NE, Feb 12)

◆ In February, in Lahore, Parveen Bibi was butchered to death by her stepson over a property dispute. The victim was the mother of seven children. (NE, Feb 11)

◆ In March, in Islamabad, Yasir Shah shot dead his wife, sister-in-law and brother over a domestic dispute after setting the room of fire. The wife, Nazia, was 21 years old whereas the sister-in-law was 17. No case was registered because the police claimed they had not received a complaint from the victims' family. (DT, Mar 15)

◆ In May, a jobless man from Okara slit the throat of his wife with a razor, killing her instantly. He was angry at his wife's protests against his having been idle since they got married. The victim was the mother of six children.

◆ In June, Tahira Bibi was shot dead by her husband and in-laws who were furious at her for giving birth to a baby girl. (NE, Jun 21)

◆ In July, Muskrat Bibi of Jhang was poisoned by her brother just one day before her marriage because he wanted ownership of her property. She died in the hospital. (D, Jul 7)

Honour killing

Killing in the name of honour were witnessed across the country involving both men and women. A majority of victims however were women as men were usually exiled or forgiven or made to pay compensation in cash or in the form of hand of a female relative in marriage. In most cases women were killed on mere suspicion of having illicit relations or displaying an independent spirit that threatened the patriarchal way of life in their areas. According to an NGO, 17 women alone were killed on the pretext of Karo-kari in Sindh in the first two months of the year. Some of the incidents noted were:

◆ On January 2, the first honour killing case of the year was reported from Kahna, where 22-year-old Nasreen and her 25 year old husband were shot dead, in their own house, because her family had not agreed to their union. (DT, Jan 2)

◆ In February, 15-year-old Saima from Lahore was strangled to death by her uncle, who later surrendered himself to the police. He justified his action saying he believed that she had illicit relations with several boys from the area. (NE, Mar 1)

◆ In March, 25-year-old Nasreen was clubbed in the head by her teenaged cousin who accused her of having a "loose character" and disapproved of her roaming around the city alone. She died in hospital. (NE, Mar 2)

◆ In May, 20-year-old Rafia from Bahawalpur, who had married of her own choice appeared in a court to record her statement in a case which her father had filed stating that she had been kidnapped. When she denied that claim and said she had married of her own choice her relatives shot at her in the court. She was injured but survived the shooting. She was rushed to Bahawal Victoria Hospital where the assailants returned to finish the job and shot her

dead. (NE, May 10)

◆ In September, a 60-year-old woman was killed by her two sons, in Larkana, on the pretext of Karo-Kari. The complaint was lodged by her husband who said she was innocent. (D, Sep 10)

◆ In December, a 45-year-old woman, who remarried after the death of her first husband, and was the mother of four children, including one from the second marriage, was killed by the latter in the name of honour. Shoaib, her son from her second husband, from whom she was now estranged, was suspicious of her mother's character and often reprimanded her. In one of their fights he stabbed her to death. (DT, Dec 15)

Domestic violence

Domestic violence remained a widespread issue across Pakistan in 2008 and the victims included women belonging to all sections of society. Various studies have shown that up to 90% women in Pakistan face some degree of domestic violence in their families, from husband or in-laws and that most of them are not aware that this is an abuse of their basic rights. Women were attacked, burnt, set on fire and killed for reasons ranging from petty quarrels to matters of dowry, property, second marriage and marriage choices.

According to the statistic collected by HRCP, media reported at least 137 women were affected by domestic violence in varying degrees. A break-up is given in the chart below. These cases are of women who did not die as a result of violence at home. The number of women killed due to domestic reasons and in domestic violence was at least 185.

◆ In January, a woman was killed by her husband, in Rawalpindi, on refusal to give him a cup of tea. The defiance enraged him so much that he axed his wife to death. The police registered a complaint on behalf of the son. (RNE, Jan 3)

◆ In March, it was reported that Shumaila Bibi of Sialkot was beaten by her in-laws to the extent that she fell unconscious and was then thrown in the fields. The reason was that at her marriage six years earlier, she had brought much less dowry than the in-laws expected. She had faced daily abuse since then. (D, Mar 3)

◆ In April, 24-year-old Arifa from Lahore was brutally tortured by her husband Muhammad Iqbal who accused her of seeking a divorce and having illicit relations with her lawyers and policemen. Married for nine years, Arifa faced verbal and physical abuse from her alcoholic and drug addict husband. When she finally sought relief he threatened to kill her and their two daughters. She withdrew the case and returned to him only to be attacked and left for dead. Arifa was tied up with ropes and electric wires, had cuts all over her body and her head was bashed repeatedly with bricks. Her husband then poured liquor over her wounds until she fainted. He then told Arifa's mother that he had killed her. The family informed the police who rescued her and took her to a hospital. While she lay in a critical condition in the hospital no attempt was made to record her statement despite repeated demands of the family. Nor did the police register a case. Instead they said that they had not received any comment from the victim, who was constantly on sedatives and mentally unstable and that they wanted the two families to reconcile. (DT, Apr 16)

◆ In October, Moomal Solangi of Arab Solangi village, had her head shaved by her husband following a domestic dispute and sent her back to her parents. The woman went to the police station and filed a complaint against her husband. (D, Oct 29)

Burnings

Many women were burnt to death in domestic quarrels with their husbands and in-laws. It was seen as an easy way to get rid of wives that were coming in the way of family decisions, such as second marriages. HRCP noted at

least 138 cases of women being injured and 30 killed as a result of burnings.

◆ In February, 22-year-old Maheen, from Naushehro Feroze, was sprinkled with kerosene and set on fire by her husband, Muharram Mari, for wanting to visit her parents. She had not seen them for six months. She did not survive. (D, Feb 7)

◆ In June, 24-year-old Maria was set on fire by her husband following a domestic dispute. Her husband, with the help of his family, sprinkled petrol on her and set her on fire. She was rushed to a hospital where she succumbed to her injuries. (NE, Jun 9)

◆ Also in June, 30-year-old Mehwish was burnt to death by her husband and his two sisters over a domestic dispute. (N, Jun 27)

Acid attacks

The number of acid burn victims identified by HRCP was a minimum of 37. Acid Survivors Foundation – Pakistan (ASF) admitted 54 acid burn victims in the first four months of 2008.

Acid attacks have been a common method of attacking people because, despite legislation for stricter sale policies, corrosive acids are still easy to buy and the attack is also relatively simple. Once the acid is flung it works its way through the layers of clothes, skin and hair damaging everything on the way. It may continue disfiguring the victim's sensitive organs, like eyes, till much later and even after first aid has been provided. It literally destroys the person physically and psychologically. Most of the victims have been women, especially girls and young women, who are punished for rejecting marriage proposals or sexual advances. It has also been used as a means to put to shame girls who are deemed 'arrogant' or suspected of having illicit affairs. In this way the perpetrator renders the victim unable to live a normal life or find a marriage partner.

Many non-governmental organisations and international concerns are working in the region to identify victims and provide them urgent medical aid as well as corrective surgery and rehabilitation. However, the law enforcement agencies need to work on acid sale regulations and also prosecution for the aggressors. A resolution passed in 2003 in the Punjab Assembly, demanding that acid attacks be treated as attempted murder, is yet to be made into a law.

◆ In Karachi, in January, 22-year-old Ameena, suffered severe burn injuries from an acid attack by her husband who suspected her of infidelity. Her face was badly disfigured and both her eyes were damaged. Her own daughters were scared to look at her. She was pregnant with her third child at the time of the attack – the child the husband alleged was not his. Ameena was able to get medical attention as she made it to her mother's house, who lived next door, and she was rushed to the Civil Hospital's Burns Ward. However, it was too late to save her eyes. Ameena had been a victim of violence by her husband even prior to the acid attack. Her husband was detained but both Ameena and her lawyer feared his release on the ground of being mentally sick. At the time of the report she had filed for divorce but was worried that her husband was in possession of her NIC and *Nikahnama*. (NE, Mar 4)

◆ In May, two women in Lahore received severe burn injuries when they were attacked with acid. Samar Noman and Naghma Bibi were standing outside a school, where Samar was picking up her child, when Amir rode by with an accomplice on a motorbike and threw acid on them. Amir's proposal to marry Samar had been rejected by her parents. (NE, May 28)

◆ In December, 22-year-old Farzana, from Sohawa, was said to have died in a stove explosion but a media report suggested that she was burnt to death by her brothers for 'honour'. Her mother was aware of her sons' crime but failed to speak up against them. (Sahafat, Dec 13)

Mutilation

HRCP recorded four instances of amputation suffered by women in the course of domestic violence.

◆ According to a news report from Multan, Naseer was angry with his wife Sughran for going to the neighbour's house and suspected her of having illicit relations. The day after a quarrel he took a butcher's chopping knife and cut off her feet. The victim was the mother of five children. Later reports said Sughran received medical aid and her feet were stitched back by doctors. (Khabrain, Sep 9)

◆ In another report in November, a woman from Gujranwala was attacked by her in-laws for marrying of her own choice. Shabana's nose was cut off by her mother-in-law and four brothers-in-laws while her husband was not

home. (Khabrain, Nov 20)

Sexual harassment

In 2008, HRCP noted 808 sexual harassment cases of which 350 were rape cases, 445 gang-rape cases and 13 of stripping. At least 221 victims were minors.

Sexual harassment has grown in Pakistan and seems to have become more than merely a perverted activity. Often it is used to settle personal vendettas. Several *panchayats* and *jirgas* gave verdicts in 2008 where female relatives of the 'accused' were ordered to be raped by the 'victim's' party. Women and girls were also raped in revenge for seeking divorce, refusing marriage proposals, marrying of their own choice, defying cultural norms, and for many other efforts at independent-decision-making. Numerous cases were observed where girls were raped by their own fathers and other close family members and married women were molested by their in-laws. Women were also sexually harassed at work, a majority of whom were domestic help. Reports of girls being raped by teachers and at *madrassahs* were also received.

A shocking trend of filming rape has also emerged and in many cases it was reported that the films were used to blackmail the victim for more sexual exploitation or money or the videos were sold on the black market. Several arrests were also made in this context bringing this aspect of the crime on the radar of law enforcement agencies.

- ◆ The most highlighted case of 2008 is probably also the most symbolic. A newly married 18-year-old girl was

Girl's 'horror time' in police detention

Police officials in Faisalabad were reported to be employing various tactics to save five colleagues against whom an additional district and sessions judge had ordered a case for raping an under-trial woman on July 16.

Manzoor Ahmed moved the district and sessions court, saying that his 17-year-old daughter 'A' was implicated in the murder of her fiancé, Imran, on March 14. He said her daughter was home at the time of Imran's murder.

He said Sub-Inspector (SI) Ghulam Rasool kept his daughter in a private premise until March 29 without producing her in court. When the SI produced her before a court, the father requested the court to send her to judicial lockups. Manzoor, a labourer, said he managed to meet her daughter in jail on April 4. Manzoor said his daughter had told her that SI Rasool and constables Iqbal, Ameer Wattoo and Shehbaz had repeatedly stripped her naked and tortured her. After physical torture, a woman constable, Nargis, used to massage her, apparently to ensure that her body bore no torture marks. 'A' alleged SI Shujat Ali Malhi had raped her twice. Ghulam Rasool had also attempted to rape her a number of times and said he was ready to exonerate her if she slept with him. When she refused, the SI declared her guilty.

Ghulam Rasool also arrested an elder sister of 'A' on March 26, on the direction of Malhi and both sisters were stripped naked in front of each other. The girls' father alleged the police released his elder daughter after receiving a Rs 35,000 bribe on March 28. He said police threatened him with dire consequences if he did not keep silent. The judge summoned 'A' from the judicial lockup and after listening to her, ordered the Sargodha Road police to register a case against Malhi, Ghulam Rasool, Iqbal, Wattoo, Shehbaz and Nargis.

The Sargodha Road police registered a case under Section 376 of the Pakistan Penal Code (PPC) on July 19 against the five accused. Police officials, however, mentioned the judge as the plaintiff instead of the victim's father. Rasool was arrested while the remaining accused were at large. The police charged the accused only under Section 376 of the PPC and overlooked the charges of torturing the woman and detaining her in a private house after her arrest. The medical examination of the girl had not been conducted and police had not approached the court to seek directions for the examination. **—Dawn, July 21**

abducted at the mausoleum of the Quaid-e-Azam in Karachi, in March. She was gang-raped by the mausoleum's staff and abandoned semi-conscious at the site a day and a half later. The fact that this act was so publicly carried out and that too at the mausoleum of the founder of the nation seemed to send some jolts through the media and masses. As the public raised hue and cry the authorities were forced to take several measures to provide justice to the victim. In the aftermath of the incident, representatives of War Against Rape (WAR) were harassed and threatened at the Resident Engineer's Office, by a group of people, during an identification process of a gang-rape case registered at the Brigade Police Station in Karachi. The Resident



Joint front: Working women protest against sexual harassment.

Engineer, who has the capacity to act as a magistrate, allowed the identification process to be held under his supervision by calling the Mausoleum's employees in groups to his office and lining them up in front of the victim for identification. The WAR team was manhandled and threatened with detention and seizure of their vehicle, after an employee of the mausoleum was identified by the victim as one of the five rapists and as the one who had kidnapped the girl from inside the mausoleum and shifted her to the storage room at gun-point. Initially the mausoleum authorities also tried to cover up the affair by saying that the girl might not have been raped at the location or raped at all because she was too sedated to remember anything, that none of the staff was missing, that her medico-legal report could not be very decisive since she got married only three months back and that a similar case of harassment a few months earlier had turned out to be false. However the police arrested the identified man the next day. The other accused remained missing for a while but two more suspects were eventually rounded up. No headway was made till a few months later and so DNA testing of all 320 employees of the mausoleum was requested by the chairman of the committee set up to probe the matter. The position of the case remained unclear until mid-July and the proposals regarding compensation to the victim did not materialise. In August, the three accused were indicted on charges of kidnapping and sexually abusing the girl. They pleaded not-guilty and the case is pending.

◆ In May, a 16-year-old girl from Shikarpur reported that her father, Shamsuddin Soomro, had assaulted her. He forced her into a room in the house and locked the door before he proceeded to rape her. On the girl's cries the family woke up and broke the door to rescue her. The culprit fled the scene but was arrested on a complaint registered by the victim's mother. (D, May 7)

◆ In June, 14-year-old Mehwish was recovered from the custody of a Head Constable who had illegally detained her for 15 days and gang-raped her along with his three accomplices. She alleged that she was kept at his house and that the policeman's wife was also involved in running the house as a brothel. She was tied up and tortured for resisting the men. She was rescued on the orders of the District and Sessions Judge and handed over to her father. Mehwish had worked at the house of the policeman as a maid. The policeman had accused her of theft and taken her thumb impressions on blank papers. (RNE, Jun 7)

Stripping

At least 13 cases of stripping in public were recorded by HRCP. Women were stripped, often publicly, humiliate them.

In one case reported in December, Fazeelat from Lahore was stripped naked by her brother-in-law, Jhara. He suspected Fazeelat of having illicit relations and tortured her first and then tore her clothes off and finally threw her

out of the house naked. (J, Dec 6)

Women in police custody

Numerous cases of illegal confinement, torture and harassment at police stations were reported throughout the year. Many women and girls were held without any cases being registered against them and many domestic servants were beaten up and humiliated by police officers to extort confessions of theft and other crimes. Several women reported being raped/gang-raped in police custody. Women were also held so that medico-legal checkups could be delayed and incriminating evidence of any sexual assault lost.

In many cases, female relatives of those wanted by the police were held, in a bid to pressurise the wanted men to surrender themselves. In such cases police often acted in support of influential people. Under the law no woman, except those charged with murder or armed robbery can be held in police custody for any length of time.

Most of these cases of rights abuse in police custody were highlighted only when the victims were able to reach out to the media and voice their concerns. Such police behaviour justified women's wariness in going to police stations to report crimes for fear of being incarcerated themselves.

◆ In January, in Gujranwala, two married women and a two-year old baby girl were detained unlawfully by the police by implicating them in false cases and then keeping them in three separate jails until local magistrates stepped in and took action by registering cases against the 13 accused officers. (D, Jan 29) A similar incident was reported several months later, in October, when two women and a newborn baby were illegally held for eight days in a police station in Lahore on charges of theft and money was demanded for their release. An inquiry was demanded into the case. (DT, Oct 13)

◆ In July, in Rawalpindi, a girl reported missing by her parents was found by the police and turned over to the women's police station where she remained confined for several days because no record of her detention was maintained. She was recovered after a sessions judge intervened on the family's request. (D, Jul 19)

◆ In November, the Executive District Officer of the Health Ministry, Dr. Abdul Jalil Bachani, was abducted by dacoits in Hyderabad. The police chased the dacoits and during an encounter, one dacoit was killed while the rest escaped. The police officers identified one Haji Wakil among the dacoits. The next night, police from four districts raided Haji Khair Mohammad Khokhar village, in Tando Allah Yar, in 17 police vehicles and arrested eight women and four children. The police informed them that this would force the dacoit to surrender. The police also brought six trucks along and confiscated 30 buffalos and goats and took gold ornaments and crockery. The abducted health ministry officer is the brother of a provincial leader of the Pakistan People's Party and a former minister and therefore there was immense pressure on the provincial government to catch the offenders. The women and children were detained for 16 days and allegedly fed only one meal a day and the children fell ill with fevers and dehydration. The captives were released in December by the police because of pressure from human rights groups.

Trafficking of women

Trafficking has remained a daunting issue for Pakistan, with the country retaining the status of the point of source, transit and destination for trafficked women. The women, adults as well as minors, are trafficked for forced labour, servitude and prostitution, with the latter being the most predominant reason. These are among the 1.4 million people trafficked in the Asia and Pacific region alone at any given time. From South Asia, specifically, it is calculated that 150,000 women and children are trafficked for slavery or sexual exploitation annually and this trend is on the rise. (UN.GIFT – Human Trafficking: an Overview, 2008).

Economic impoverishment and a lack of awareness are said to be among the main reasons for women falling prey to traffickers and the situation has been aggravated by the economic crisis in Pakistan. In 2008, food prices skyrocketed and unemployment continued to increase, with layoffs and non-payment of salaries becoming common. Many families and individuals caught up in this predicament became vulnerable to trafficking.

At the beginning of the year, the federal ministry for human rights acknowledged the seriousness of trafficking of young girls to the Gulf States by organised groups. These groups posed as promoters of cultural events abroad and hired numerous girls from all over the country, especially Lahore and Karachi, and usually took them to Dubai to

perform in dramas, musical events and other such affairs. However, these women could be sold off for sexual purposes once they reached the destination. The girls were sometimes as young as 10-11-year-old. A majority of the families, who became aware of their girls' fate, chose silence to avoid shame and disgrace, which made it harder to identify and apprehend the culprits. The ministry also said they had been successful in claiming the dead body of one 17-year-old who had been missing for three years and was reportedly killed in an apartment fire. In another case, search was going on for a girl who had been taken by one such cultural group and not returned for seven months. The law and human rights minister urged the culture minister to impose stricter checks on promoters of events abroad and advised that a regulation system be developed. He also asked the ministries of interior and culture and the FIA to submit detailed reports regarding trafficking. (D, Jan 24)

Suicide by women

Suicide rates remained high in 2008, the common reasons being growing poverty, domestic problems, marriage choice and forced marriages. Young women also committed suicide due to admonishments by parents or failure in love. Several cases of suicides due to terminal illness were also observed where either the women ended their lives due to depression or because they were unable to afford treatment. In many cases, especially where poverty was the issue, women attempted/committed suicide along with their young children.

According to HRCP records, at least 798 women committed suicide and a further 541 tried to kill themselves during the year. The highest number of suicides was committed through intake of poisonous substances followed by women hanging themselves and setting themselves on fire.

◆ In April, 30-year-old Bushra from Lahore committed suicide along with her two children aged 5 and 3 by jumping in front of a train. Bushra left a suicide note citing poverty as the reason. (D, Apr 13)

◆ In July, 16-year-old Rukhsana committed suicide after she and her sister-in-law were gang-raped by 7 people in Rahim Yar Khan. The two had gone to the fields to answer the call of nature when they were assaulted. Rukhsana killed herself by jumping in front of a train. Under the pressure of the culprits, who included two landlords, the family was not allowed to have an autopsy and the reason for the suicide was filed as "a domestic dispute". (D, Jun 7)

◆ In August, 28-year-old Nasreen from Lahore decided to end her life and that of her four-year-old daughter Zoya, but the attempt was foiled. Sick of quarrelling with her mother-in-law, facing taunts and seeing her niece, who was married to her husband's brother, being beaten and admonished made her desperate. In the absence of her husband, she threatened to leave the house and when no one tried to stop her or make amends, she headed for River Ravi, threw her daughter over the bridge and tried to jump into the river herself. The rickshaw driver who had taken

Girl commits suicide over parents' detention in India

An 18-year-old girl in Karachi committed suicide in November in protest against the prolonged detention of her parents in India.

Saba, daughter of Mohammed Hussain, consumed poison on Nov 1 at her house. She was shifted to the Civil Hospital where she died.

Police told the media that the victim's parents had gone to India eight months ago to visit relatives in Jodhpur. They were detained by the Indian authorities as they had overstayed their visa by two days, they quoting the victim's family.

The victim's father, a rent-a-car dealer, had eight children, all daughters, two of them married. The girls were frustrated over the lengthy detention of their parents. The police said that the relatives of the visiting couple in India informed their family in Karachi that they were making efforts for the release of the victim's parents. "However, they could not manage to get the couple, who were arrested, released," a police official added. The girl was found unconscious at her house in the evening of November 1. "It could not be ascertained what she had consumed to kill herself," the police officer added. —*Dawn, November 5*

her there foiled her attempt with the help of others and rescued the unconscious daughter. Nasreen's husband did not file any case and said he will move out of the joint family accommodation to save his wife from the problems she faced. (DT, Aug 29)

Shelter for women

Shelter facilities for women remained sparse and inadequate in 2008. The government *Darul Aman* shelters retained their notoriety for being similar to detention centres with curfews, ill treatment and absence of a gender-sensitive environment.

In February, nine women residents of the Rawalpindi *Darul Aman* dug a hole in a wall to escape from the shelter. The courts had sent the nine women to the shelter for refuge while they fought cases of domestic violence and sought divorce out of forced marriages. (RNE, Feb 14)

Numerous reports were also made of sex trade rackets where, in one case, officers of the Lahore *Darul Aman* were accused of forcing helpless girls to have sex with some men and warning them against talking about it. A sessions court took up the case and an enquiry was ordered. (P, Feb 12)

Private shelters continued to run and provide refuge as well as rehabilitation services allowed by their resources and outreach. Nevertheless, these facilities were small-scaled, few and far between and relatively unknown to the masses which brought out the need for maximum government input and action. The women's shelters set up by the women's ministry were not enough in number and also many were not completely functional.

Recommendations

1. *Women are the worst hit in periods of economic crisis as they are the first to lose jobs. Government policies for relief to the unemployed must target women as a priority. Government departments that discriminate against women while carrying out downsizing should be taken to task by the appropriate authority. All victims of discrimination on the basis of sex during downsizing must be compensated.*

2. *Laws alone will not end violence against women. The government should make existing mechanisms for redress more effective and set up new mechanism that can ensure that female victims of violence receive justice.*

3. *All provincial governments must present a bi-annual report to the provincial legislatures regarding violence against women and the action taken by the administration in this regard. Allegations of abuse by law against women should be thoroughly investigated by senior officers and the perpetrators brought to justice.*

4. *All provincial Chief Ministers and Inspectors General of Police should make a clear declaration that official policy does not permit detention of the female members of the family of anyone suspected of crime. Any case of a police officer violating the law must be thoroughly investigated, the culprit tried and punished, besides any administration action against him as required under the law.*

Children

No child below the age of 14 years shall be engaged in any factory or mine or any other hazardous employment.
Constitution of Pakistan

Article 11(3)

The state shall protect the marriage, the family, the mother and the child.

The state shall make provisions for ... ensuring that children ... are not employed in vocations unsuited to their age ...

Article 37(e)

... Childhood is entitled to special care and assistance.

UN Convention on the Rights of the Child

Preamble

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration.

Article 3(1)



Children abandoned by parents at Edhi Centre due to poverty.

Children across Pakistan faced a multitude of problems in 2008 and were subjected to numerous risks. Being one of the most vulnerable members of society it is little wonder that the state of the country's affair had a detrimental effect on the lives and development of children. Severely inadequate and unable to meet even the most basic and essential needs, the public healthcare and education sectors left much to be desired and left many children in a more vulnerable state. Children were found working in both the domestic and industrial sectors as well as at shops, workshops and in streets.

Despite the government efforts to tackle the problem of street children a

significant number of children were seen begging around traffic lights and shopping areas. According to Pakistan's national report on child sexual abuse and exploitation 2008, nearly 70,000 street children were identified in the country's major cities.

Fuelled by the high prices of food and soaring unemployment, an alarming trend of parents being forced to abandon their children was seen. According to media reports, several families in Karachi left their children at the Edhi Centre citing their inability to support them due to poverty. UNICEF stated that Pakistan's children were suffering enormously from the food crisis and facing starvation. Almost half of Pakistan's 165 million people lived directly below or just at the poverty line. Since earlier in the year, food prices soared by more than 35%, which eroded the buying power of all families.

Many cases were also reported where extreme poverty and unemployment forced either of the parents to kill their young children or commit suicide with them. There were also numerous reports of parents having sold their children or advertising their sale to ease their situation. Amongst these parents were a former policeman selling his three children and a man selling his eight-day-old son.

Health

The child population's health deteriorated due to weak infrastructure of the health sector. Infectious diseases and illness resulting from poor water quality and sanitation was a common aggressor, killing many children that could have been saved through preventive methods. Pakistan was one of the three countries that were receiving 27% of the world's aid in healthcare yet the benefit of these projects was not reaching all sectors and localities and the public health sector remained in shambles.

The October 29 Balochistan earthquake destroyed many homes and displaced thousands of people. Without proper shelter, food and medicines many children were exposed to harsh conditions and became vulnerable to life threatening diseases. In a report by Integrated Regional Information Networks (IRIN), it was stated that women and children were the worst affected. Along with the women, minor girls were also not allowed to be treated by male



Queuing up for pediatric care.

doctors and because there was no female medical staff around many went without treatment. Many of these girls had broken bones and other serious and painful injuries. Female medical staff from Quetta was unable to make it to these districts due to security reasons. (IRIN, Nov 2)

Out of the 423,000 people displaced due to conflict and flooding in NWFP and FATA areas, children were most at risk. The IDPs had limited access to proper healthcare and medicines were not readily available to them. Unsanitary conditions, lack of safe drinking water and exposure to the elements and changing temperatures dealt the children a ruthless hand, with many succumbing to preventable diseases. The extensive

displacement amplified the threat of infectious disease epidemics, such as acute watery diarrhoea and measles.

According to the Demographic and Health Survey "47% children between 12 months and 23 months when surveyed had received all recommended vaccines – one dose of BCG, three doses each of DPT and polio, and one

dose of measles. However, there is a marked variation in its coverage in different provinces – ranging from 35% in Balochistan to 53% in Punjab. Since 1990 the coverage has reduced child sickness by only three percent and the 90% vaccination target of MDGs by 2015 seems very difficult to achieve particularly when widespread diarrhoea and pneumonia still prevail.” (D, Nov 15)

One of the millennium development goals is reduction of the child mortality rate. The existing rate for the five-year olds at 78 deaths per 1,000 births and the under-five mortality rate at 94 deaths per 1,000 births must be brought down to 40 by 2015.

Citing shocking statistics, the annual UNICEF report on the world’s children stated that in Pakistan alone more than 420,000 children under-five die every year, mostly due to preventable diseases. Everyday around 1,100 children die, out of which more than 6 out of 10 are under one month of age. (UNICEF: The State of the World’s Children Report 2008: Child Survival).

USAID reported that nearly 60% of child deaths, approximately 630 daily, are attributed to water-borne diseases. World Health Organization (WHO) identified infant and under-five mortality, communicable diseases, vaccine preventable diseases, sanitation and improved water sources and under-five weight as major health concerns. It attributed the high mortality rate to malnutrition, diarrhoea-causing diseases, acute respiratory infections and other communicable and vaccine-preventable diseases, such as measles and neonatal tetanus. The report stated that malaria killed an estimated 50,000 people from 500,000 reported malaria cases annually, adding that although malaria was “generally contained, quality control is not the same in all provinces, being notably weaker in Balochistan and the North-West Frontier Province.” Vaccine preventable diseases, such as measles, hepatitis B and neonatal tetanus have a high occurrence. WHO reported more than 41% children under five years of age were underweight. More than half of these were affected by stunting and about 9% by wasting. WHO also quoted a recent study in Sindh titled Action Against Hunger, which placed the prevalence of acute malnutrition at 22% and said stunting prevalence appeared associated with the overall level of development and was the lowest in Punjab and highest in Balochistan.

Nationwide immunization campaigns were launched and provincial governments tried to meet the targets set to meet children’s health needs. It was reported that 11.65 million children, out of the target of 35 million children in Punjab, had been vaccinated against measles by the first quarter of the year. In Muzaffargarh district, more than one million children were vaccinated, which formed 96% of the target.

However there were still widespread reports of infectious diseases spreading amongst children, with one children’s hospital in Lahore reporting a 15% increase in measles patients. Negligence at the hand of hospitals was another major issue, which resulted in poor or incorrect treatment. Resistance to polio vaccines continued and government teams were turned away by households in several parts of the country. Cases of polio were reported from across the country, creating alarm at its renewed spread. [See the chapter ‘Health’]

Education

A report quoting the ‘Schools, Colleges Census Report’, revealed that the education system had failed terribly in Sindh as only 3.917 million children out of a total 11.743 million children were enrolled in schools. This meant that about 67% of the total child population were not going to school. Only 37% of the total male child population and 29% of the female child population was enrolled in schools.

In NWFP, about 2.8 million children, out of the total 7.2 million children in the province, were reportedly out of school. The reason stated by the Education Department was the lack of resources.

Girls’ schools in conflict regions, especially in Swat and Dir, continued to suffer



When education is a luxury.

as they became victims of the Taliban's offensive. The schools were either burnt down or bombed and the few left standing were shut down or abandoned after threats of attack. Students and staff both were afraid of going to school and being killed. Several boys' schools were also attacked in a bid to target the education and development system in general.

Schools in the conflict-hit region also suffered due to the government operation against the militants. Many schools were destroyed in the heavy attacks or were used as bases for the army. The unharmed schools did not work at full capacity, as people were fearful of leaving their homes.

According to official statistics, the number of schools destroyed over a year in Swat was recorded at 148, and more than 180 schools were said to have been closed for fear of attacks. Approximately 90,000 students were affected by Taliban attacks on schools. (DT, Dec 13)

According to an IRIN report, "300,000 children of Swat are aged between three and nine. Catering to this age-bracket there are 842 boys' and 490 girls' government-run primary schools. Out of the 300,000 children only 163,645 boys and 67,606 girls are enrolled at either private or public schools, according to official figures. Even before the destruction of schools began, about 50,000 were unable to get an education due to the scarcity of places." (Sep 16) [See the chapters 'Education' and 'Women']

Child labour

Although the government was still relying on the last comprehensive survey on child labour that was conducted in 1996, which placed the number of children labourers at 3.3 million, estimates by other organisations put the



Young workforce.

number at 11 million. The government kept claiming that a comprehensive survey on the extent of child labour in Pakistan would be conducted soon but no headway was made in this regard during 2008. Lack of proper statistics meant the problem could not be addressed properly and the severity of the issue remained diluted at best.

At least in one province, Punjab, a government directive to ban inspection of industrial units has made it difficult to detect child labour or to take measures for eliminating the practice.

Also, the failure to implement the National Plan of Action for the

Elimination of Child Labour, which was introduced in 2001, meant that child labour and their exploitation continued unchecked. Growing poverty and rising food and commodity prices meant that more children were taken out of school and were pushed into labour.

A large number of children were still trapped in bonded labour and many reports cited examples of countless brick kilns where minors worked alongside their families. Many times these families were held in illegal detention and in some cases the court had to step in to secure their release.

Child protection

According to the Federal Minister for Social Welfare and Special Education a Child Protection Bill was ready and the Child Protection Policy had been drafted for submission to the cabinet. After approval of the policy the bill would be tabled. The policy features review of 78 laws relating to children.

However, lack of information and implementation of existent laws meant that children remained at a high risk,

Child militias

It was reported in Urdu and English newspapers that children were being recruited into armed militias across Pakistan. The terrorist activities took on a new and dangerous face when it used young boys to carry out suicide attacks in 2007 and 2008. Many more were allegedly being trained for such attacks. After the assassination of Benazir Bhutto it was found out that an 18-year old boy, captured as a suspect, had confessed and said that he was the next attacker in line if the December 27th attack failed. It was also believed that several young boys abducted in Swat had been picked up for the same reason – training to become terrorists. These children are either brainwashed or forced to carry out different activities. This new tactic was apparently used as children are much less likely to be checked or suspected of carrying out such deeds.

with hundreds of them listed as victims of physical, psychological, verbal and sexual abuse. Instances of these could be found not only in the working fields but also in homes, schools, madrassahs, hospitals and other places that are supposed to provide a secure environment. Perpetrators of sexual abuse ranged from strangers to close family members, even the children’s own fathers. Corporal punishment was still widely practised and several stories of death by beating were reported.

The information compiled by HRCP found large-scale abuse of child rights. (*See table*) These numbers reflect a percentage of the actual situation since in most cases the abuse is never reported to the police. If they are reported, the age of the child is often concealed or misquoted, as a result of which the information is incomplete in media reports too. These numbers are only of cases in which it could be determined that the victim was a minor – the actual numbers are expected to be much higher.

Type of Abuse	Number
Rape, gang rape (females)	221
Death/injured in sectarian clashes	6
Honour killing	52
Murder	62
Kidnapping	71
Domestic violence	9
Burnings	24
Corporal punishment	20

Corporal punishment

In a report quoted by Dawn, a qualitative research revealed that corporal punishment was still widely practised in government schools. The chastisement included not only physical punishment but also verbal, psychological, sexual and gender-based abuse. It was also observed that children from poorer backgrounds or marginalised groups faced greater discrimination. (D, Jun 1)

◆ In May, it was reported that a 7-year-old blind boy was tortured to death by his madrassah teacher for not learning his lessons. The unfortunate victim was a student at a madrassah in Vehari. The boy was hung upside down from a ceiling fan until he fainted and then left in the room till he died. He did not receive any medical attention. (DT, May 30)

◆ In June, the police recovered a 12-year-old child from a madrassah in Arifwala. The boy had been tied down with iron shackles and tortured by his own father and stepmother so that he would stay at the seminary and study. The boy was rescued on the pleas of his mother. (DT, Jun 9)

◆ In July, an 11-year-old orphaned housemaid was recovered by the police from the house of her employers. Surraiya had been sent to work at the house four years earlier after the death of her father. She was found locked up in a room and it was discovered that she had been beaten with sticks and locked up in the room without food for several days. The neighbours also reported that the girl was often punished severely and made to work very hard. Surraiya said that her working day started at 5 in the morning and ended at 2 at night. (Khabrain, Jul 11)

Sexual exploitation of children

An alarmingly large number of children were reported to have been sodomised, raped and gang-raped. According

Revealed: child labour used to make NHS instruments

Guardian UK, December 8

British hospitals are buying surgical instruments produced in dangerous working conditions in Pakistan using child workers as young as eight, Britain's National Health Service has admitted. In some workshops, products such as scalpels, clamps and scissors to be used in NHS operations are made by workers paid as little as 170 rupees (£1.40) a day. Injuries to workers are common because of a lack of safety gear, but buyers at NHS trusts - who spend £20bn each year on procurement - did not know about the problem because of the complex supply chains that bring the products to Europe. To try to address the problem, the NHS is today issuing draft guidelines on ethical purchasing. According to NHS Purchasing and Supply Agency, the guidelines stem from a realisation that some instruments they buy are made in parts of Pakistan where sub-standard working conditions and child labour are common. They admit they do not know the size of the problem. Even if the guidelines are adopted, they will be a voluntary code - no NHS trust will be obliged to follow them.

The Pakistani companies that export the products to Europe argue that poor working conditions are the fault of buyers such as the NHS driving down prices. The guidelines were prompted by Mahmood Bhutta, a surgeon and clinical research fellow at Oxford University who has investigated the industry in Sialkot, the city where the vast majority of Pakistan's surgical instrument makers are based. Here, large companies typically sub-contract much of the early work on their products to small freelance workshops. These frequently subject workers to appalling sweatshop conditions.

"I have walked down a street and just in this one street there must have been 10 children working on surgical instruments. Some were certainly, I would guess, around eight or nine," Bhutta said. "It is estimated that over a quarter of children enter the industry to pay off family debts owed to the employer."

One estimate from the International Labour Organisation puts the number of children working in surgical instrument manufacture in Sialkot at 5,800. It is not known what proportion of surgical instruments bought by the NHS is produced under sweatshop conditions.

Shakeel Ahmed, 13, who earns around £1.40 a day making surgical instruments, said injuries in the workshops are common. He described an injury to a fellow worker who was using a polisher. "The stone blade broke suddenly and it hit his head and it started to bleed. Other workers caught him and carried him to hospital," he said. Ahmed left school aged eight to begin working in the industry.

David Wathy, head of sustainable development with NHS purchasing agency said: "We recognise some of the surgical instruments used in the NHS are primarily manufactured in Sialkot and if they are not manufactured in Sialkot they may be manufactured in other countries with similar challenges." But he added that a simple kneejerk reaction to stop buying from Pakistan would be counter-productive.

Bhutta said solving the problem would not happen overnight. "We want to work with the industry not against industry. We don't want to sit here and point fingers and blame somebody else."

Sheraz Safdir, of Sialkot's Surgical Instruments Manufacturers Association, said the 5,800 figure was overestimated. "No more children are coming into this field," he said, though he admitted some very small sub-contractors do use children. "Overall, 95% of the industry is clean." He suggested NGOs were deliberately exaggerating the problem. "The trouble with these people is that if there is no child labour in the surgical industry, how are they going to get their funds from abroad? What are they going to work on?"

to HRCP statistics at least 221 minor girls were sexually assaulted.

The Ministry of Social Welfare and Special Education and the National Commission for Child Welfare and Development released Pakistan's national report on child sexual abuse and exploitation 2008. In the report it was mentioned that of the 70,000 recorded street children 76% were sexually active and sought shelter and food in exchange for sex. Street children had long been identified as extremely vulnerable to sexual abuse.

◆ In June, 11-year-old Aleem Irfan was grazing his goats when two people sodomised him. He was left unconscious in the fields and upon being found was shifted to a hospital. He died one week later at the hospital. (D, Jun 1)

◆ In December, a 15-year-old boy from Faisalabad was killed after sexual abuse. The boy, Mohammad Ali, a worker in a factory, was sodomised by fellow workers, who subsequently inserted a pipe from an air tank into his body and pumped him with air until his body exploded. The family was initially told that the boy had been caught in a machine. However, a case was registered against the perpetrators after the facts emerged.

Street children

Pakistan's national report on child sexual abuse and exploitation 2008 stated that nearly 70,000 children lived and worked on the streets of the major cities. Organisations working with street children said there were at least 5,000 street children in Lahore and at least 10,000 in Karachi. SPARC put the data as such: Karachi-25,000; Lahore-7,000; Rawalpindi-3,000; Faisalabad-10,000; Peshawar-5,000; and Quetta-2,500.

The Child Protection Cell (CPC) of the Punjab Government said they had identified approximately 5,000 such children in the city of Rawalpindi alone.

These children had been forced on the streets or ran away due to various social and economic privations, including violence, sexual and physical abuse and neglect. Research cited in the report added that an alarming 92% children were solvent abusers and around 30% were multiple drug users.

Increasing poverty and the state's inability to provide for basic necessities such as food and shelter have put unbearable pressure on poor family units and many people were either abandoning their children, or the children themselves ran away to escape the suffering that follows extreme hardship. Many of the children believe that they will be able to find employment and independence and a better life if they run away to metropolitan areas. However, they get sucked into the street culture, drugs and sexual exploitation. Many of these children are school dropouts and therefore not only are they unable to avail many opportunities, they are also oblivious to the many health and other risks that they are susceptible to.



Scavenging to survive.

Juvenile justice

It was reported that around 64 children and 163 juvenile prisoners, aged 8-18, were imprisoned with adults in the Adiala Jail, Rawalpindi, because they had to be kept with their convicted mothers. These children were not being provided the basic necessities such as proper diet, clean clothing, books, toys etc and did not even have a separate playground. This meant that they were spending a large part of their time with convicted felons and were not being

AGHS Child Rights Unit - Annual Report on Children in Punjab Prisons 2007 Summary

The Child Rights Unit of HRCP's sister organisation, AGHS Legal Aid Cell, released its Annual Report on Children in Punjab Prisons 2007 this year. The information was collected from 29 prisons all over Punjab. The report states, "the statistics don't represent the exact figure of child population in prison but are an accurate reflection of the trends that are identified through the figures used in the report. These trends highlight the treatment of children in the criminal justice process and the extent to which standards applicable in the area of juvenile justice are observed."

According to the report, the total number of children found in prisons in 2007 was 8,098, of which 6 were females. This is the number of female regarding whom information was received. Female children are kept in women's wards, so in the case of a majority of these children data was not made available. 2,460 of the 8,098 children had been admitted in the year 2007. The youngest child was eight-year-old, detained in Sahiwal Central Jail for the offence of murder. The youngest child admitted in the year 2007 was also eight-year-old and he was detained at the Bahawalnagar District Jail also for the offence of murder.

The report also released a comparative analysis with its previous editions and recorded a sharp decline in the number of imprisoned children in the age bracket of 7-11 years forming only 0.66% of the total imprisoned children's population. It said that this could be attributed to the enactment of JJSO in 2000. For the age bracket 12-15 years, there was a decline of almost 10% from 1999 to 2002 but the numbers began to rise again after 2002 and by 2007 this age bracket formed 32.7% of the total population.

A majority of the children booked in 2007 had been charged with offences against property (theft). These were a total of 567 children. It was observed that over the years, most of the offenders were charged with theft and offences against the human body, followed by sexual, drug-related and arms offences.

Regarding conditions of stay, the longest period of pre-trial detention involved a 17-year-old child, who had been detained for a total of three years at the Multan Central Jail. No exact data was available for the child prisoners on the duration of stay in police custody but relying on AGHS Child Rights Unit (CRU) prison visits in 2007 it ascertained that children were kept in police custody for longer periods than the 24 hours that was the legal limit, with 15 children, out of the 26 questioned, claiming that they had been held for more than 10 days. Moreover, it was observed that the children had also suffered custodial torture. In a survey, 25 out of 26 children said that they had not been produced before the court within the required timeframe.

Convicted

AGHS only received data from the Faisalabad Borstal, only one of the two Borstal institutes in Punjab, where convicted children are held.

The total number of children recorded at the borstal was 619, of which 61 had been admitted in 2007. The youngest child present there was 12-year-old, convicted for the offence of sodomy and had been sentenced in 2005 to 14 years with a fine of Rs. 50,000 or an additional 6 months in prison in case he failed to pay the fine. The youngest child admitted in 2007 was only 14-year-old and had been sentenced to 25 years rigorous punishment, with a fine of Rs. 20,000 for the offence of murder under the Anti-Terrorism Act 1997.

In 2007, the highest number of convictions had been for the offence against the human body (murder), followed by sexual, drug related, against property and arms offences. The longest sentence being served was of 84 years rigorous imprisonment for the offence of murder and the shortest sentence was for a period of 3 months for the offence of theft. Both had been sentenced before 2007.

The longest sentence announced in 2007 was for a period of 28 years rigorous imprisonment

plus Rs. 65,000 fine or 13 months for the offence of murder and the shortest sentence was for a period of 7 days for the offence of breaching the Price Control and Prevention of Profiteering and Hoarding Act, 1977.

Proper information was not available for female prisoners since most of the female juveniles were detained in the Multan Women Jail, which failed to implement the restriction of segregating adult and child prisoners. The report said that, in this regard, JJSO had been unable to provide sufficient protection to female juveniles. The accessible data showed a total of six female prisoners were detained, the youngest being 14-year-old. Four of the convicts had been present before 2007, all of whom were convicted on the charges of murder. The two admitted in 2007 were charged with the offences of kidnapping and dacoity.

The report also stated that due to the efforts of AGHS CRU, out of 82 children identified for legal intervention and relief, 46 children were released in 2007 and 36 cases were still pending action by the end of 2007.

able to develop their own mental and physical abilities or get a chance at having a normal childhood. (DT, Mar 31)

Juvenile prisoners were also found engaged in work in Kohat Jail in NWFP. This was only detected after the Minister for Prisons paid a surprise visit to the jail and discovered that the young inmates were being made to do labour. He also learned that two of the prisoners had HIV/AIDS and directed the prison authorities to immediately contact the provincial secretary of health to deal with the boys' health and prevent the spread of the disease.

The poorly understood and inadequately implemented Juvenile Justice System Ordinance of 2000 remained a core issue in debates on providing true justice to the children of Pakistan. The state of children in prisons can be discerned from the synopsis of the AGHS Child Rights Unit Report. (*See box*)

Kidnappings and trafficking

Children were kidnapped for ransom, sexual assault, exacting revenge and other reasons. Children were also kidnapped to be sold or trafficked for forced labour and sexual exploitation within the country and abroad. Many young children were abducted and abandoned after they were raped/gang-raped. It is reported that stolen babies were also sold to childless couples for handsome amounts of money.

At the end of 2007 cases started coming in of newborn babies being abducted from hospitals and these reports continued well into 2008. Several reports were received of newborns being abducted from both government and private hospitals in Karachi, Faisalabad, Rawalpindi, Hyderabad and Lahore. Various gangs were found to be involved in kidnapping the babies.

Various cases of kidnappings for ransom were recorded all over the country. Even when children were returned or rescued most of the perpetrators went scot-free and were not apprehended. [*See the chapter 'Law and order'*]

A very serious trend of abducting minority girls was also seen on the rise. In Sindh many Hindu girls were reportedly abducted and forcibly converted to Islam and married off to Muslim men. These girls were not allowed to return home or ever keep in contact with their parents and families. This trend was growing across the country and also affecting religious minority communities other than Hindus. No proper legislation was in the field to address this serious issue and legal action against such cases had largely been unsuccessful.

In another case, assessing the situation in the northern part of the country, police officials in Swat expressed apprehension that boys were being kidnapped by militants to be trained for suicide attacks.

In February, four-year-old Binyamin's body was found in a graveyard in a village of Gujranwala. The abductors had demanded Rs. 5 million as ransom and the father of the boy had been able to give only Rs. 600,000. When the demand was not met, the abductors cut off contact and a week later the body of the child was found. (D, Feb 11)

HRCP recorded the abduction of 71 minor girls in 2008. Out of these, 57 were abducted for sexual assault.

Recommendations

1. *Pakistan must fulfil its commitments under the Convention on the Rights of the Child and ensure the safety*

and well-being of its children.

- 2. Corporal punishment must be effectively banned as it is one of the main reasons for children running away from homes and schools.*
- 3. The Juvenile Justice Ordinance must be strictly enforced.*
- 4. Law enforcing agencies should prevent the recruitment of children by jihadi organisations.*

Labour

The state shall ensure the elimination of all forms of exploitation and the gradual fulfilment of the fundamental principle, from each according to his ability, to each according to his work.

Constitution of Pakistan

Article 3

Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form. All forms of forced labour and traffic in human beings are prohibited. No child below the age of 14 years shall be engaged in any factory or mine or any other hazardous employment.

Article 11(1-3)

Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.

Article 17(1)

The state shall make provision for securing just and humane conditions of work ...

Article 37(c)

The state shall secure the well-being of the people, irrespective of sex, caste, creed and race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants; provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure; provide for all persons, employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means; provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment; reduce disparity in the income and earnings of individuals ...

Article 38(a) to (e)

No one shall be held in slavery or servitude.

Universal Declaration of Human Rights

Article 4

Everyone, as a member of society, has a right to social security

Article 22

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

Article 23(1-4)

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

Article 24

Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Article 25(1)

State parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

UN Convention on the Rights of the Child

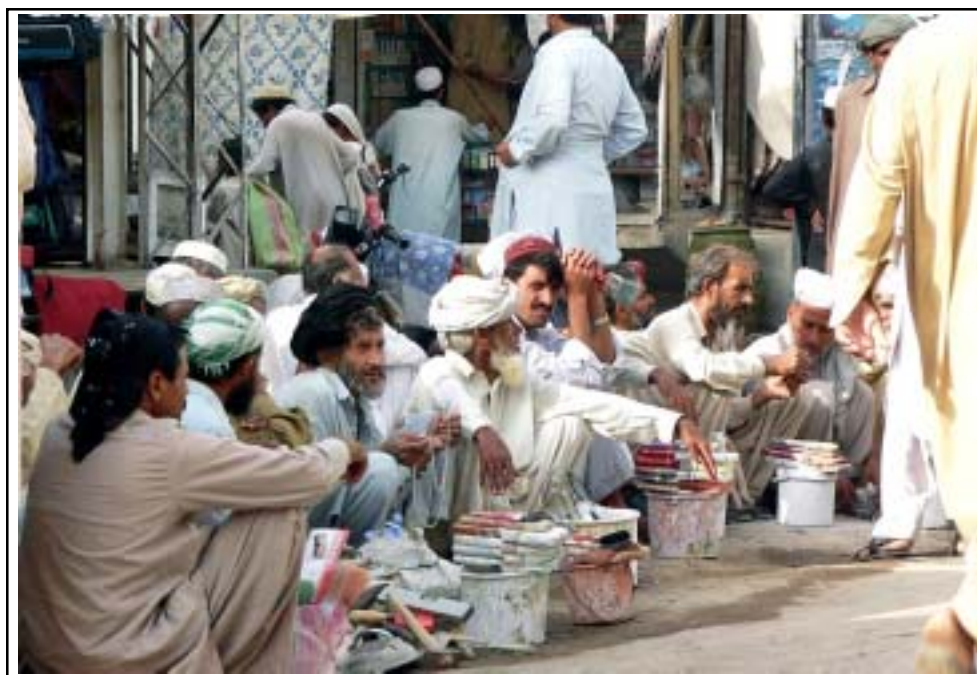
Article 32(1)

If 2008 was one of the worst years for Pakistan's economy, it was undoubtedly one of the hardest for the country's workfolk.

As noted by the Economic Survey of Pakistan (2007-2008), the labour force in the country remained "vulnerable to the ups and downs in the economy". In the second half of the year, the situation became especially more acute, with economic output declining further to three percent — or even below that — from its previous level of five percent and more in the preceding years. Starting with the rioting, arson and looting, especially in Karachi and Sindh, after the assassination of Benazir Bhutto and exacerbated by an ever-worsening energy crisis as well as deterioration in the country's macro-economic indicators, the buffeting that Pakistan's economy received in 2008 resulted in

massive layoffs, huge inflation and a drying up of new jobs.

But it could have been a little better, particularly in terms of working conditions for those already gainfully and formally employed, only if the government had abided by its promises to restore labour unions and enact an industrial relations law that protected the rights of the workers as much as it served the interested of the capital and the industry. Prime Minister Yousaf Raza Gilani, in his inaugural speech in the last week of March had



Many will return home without being hired.

promised that the workers would regain their right to choose their representatives for collective bargaining with their employers and the draconian Industrial Relations Ordinance 2002 would be replaced with a more worker-friendly law. Both, however, turned out to be false promises: With the exception of a few government-run industrial and commercial concerns like the Pakistan International Airlines, Civil Aviation Authority and the Pakistan Steel Mills, workers could not restore their unions in the remainder of the formal sector of the economy; nor did they have an industrial relations law at the end of the day that they found pleasing and protective of their rights.

In non-formal sectors, especially in agriculture and brick-making where bonded labour is rife, there was a spurt of fresh and disturbing revelations of massive human rights abuses. Perhaps, an exponential rise in the cases of *haris* and brick-kiln workers becoming known owed to the fact that in a newly-democratising polity the *haris* and kiln workers could expect to have themselves heard better than they managed during the previous years. But increase in the number of known cases of enslaved *haris* and bonded labourers, whatever their reasons may be, could not result in the government taking a serious note of the situation and institute legal and administrative reforms to stamp out these practices for good.

Labour market

Unemployment declined from 8.3% in 2001/02 to 6.5% in 2006/07 due to economic growth over the period while real wages also increased resulting in some reduction in poverty. However, real wages declined sharply since 2006/07 because of unremitting double-digit inflation for close to two and half years pushing almost 10 million households below the poverty line.

However, the benefits of economic development during the previous 5 to 6 years largely accrued to the richer, educated and more skilled sections of society because the bulk of this growth was witnessed in the relatively skill-intensive sectors of finance, telecommunications, IT and oil and gas, and in the capital intensive



The queues of the poor at charity feeding centres grew longer.

industries of cement, motor vehicles and motorcycles, in which those with limited education and skills, the majority of the labour force, and the old, infirm and the indigent, could not participate meaningfully.

In the absence of much-awaited safeguards and reforms, workers in Pakistan in 2008 remained “confronted with various challenges, including: unemployment, underemployment, poor working conditions, predominance of informal economy, low literacy, poor level of skills, and mismatch between the demand and supply of educated and trained manpower,” said the Economic Survey of Pakistan.

It added: “According to the *Labor Force Survey (LFS) 2006-07*, total labor force stood at 50.3 million out of which 47.7 million is employed.” Out of all those employed, only “20 percent are females”, their small number highlighting “the serious issue of gender gap prevalent in the labour market”. The economic situation has worsened after these statistics were put together in 2006-07, the year when Pakistan registered the highest economic growth rate of six percent. It is, therefore, a safe bet to assume that the number of people employed in the country has not

increased much during the last two years even if the population of the country and the employable workforce both must have increased. As a result, “the unemployment rate (that was) declining” until 2007-08, has certainly risen.

This contention is strengthened by the fact that the two labour intensive sectors of the economy – large-scale manufacturing and agriculture – have been either stagnant or, worse still, registering negative growth in the first half of the fiscal year 2008-09. “...sugarcane and maize [yields] fell short of the target and depicted negative growth of 18.5 percent and 7.5 percent in 2008-09,” according to the latest economic data released by the government. Though, two other major crops “cotton and rice have registered positive growth of 7.3 percent and 13.5 percent, respectively”, the overall growth in the agriculture sector has barely budged from what it was a year ago.

Large-scale manufacturing fared even worse. It “registered a negative growth of 5.6 percent in July-November 2008 as against reasonable growth of 6.9 percent in the comparable period of last year,” the official data added.

This sorry and worsening state of the economy is, however, only one half of the problems being faced by the workers. The other half consists of glaring legal and administrative gaps in enforcing the wages and working conditions as given by the constitution and the law of the land. Though the violation of laws on wages and working conditions are more prevalent, glaring and even painfully obvious in agriculture and other non-formal sectors of employment, throughout the year government employees and industrial workers in the formal sectors have continued taking to the streets for just that: improvement in their wages and working conditions. Their continued protests that dominated newspaper headlines and television images, however, should be an apt reminder of the situation in the formal sectors that seems to be worsening instead of getting better. The fact that agriculture and non-formal sectors remain by far the largest employers in the country presents a clear case for massive structural reforms for ensuring that workers in these sectors get rightful wages and decent working conditions.

According to the latest economic survey, 43.6 percent of all workers in Pakistan are still employed in agriculture. Out of the remaining 56.4 percent workers, only 28 percent are working in the formal sector. Other statistics present an even worrying scenario: The proportion of people working in the informal sectors has in fact increased between 1999-00 and 2006-07, from being a two-third of the non-agricultural workforce more than 15 years ago to its 72.0 percent or so now. The conclusion is obvious: The workers have not at all benefited from the economic growth that the country had during the last 15 years or so in terms of better wages and improved working conditions. On the contrary, more workers now suffer from low wages and inhuman working conditions than they did in 1999-00 even though Pakistan’s gross domestic product has registered an increase of almost 150 percent during all these years.

A significant proportion of increase in the number of those employed in the non-formal sectors comes from increase in the number of those working as family help, most of them unpaid or at best paid in kind and not in cash. “The unpaid family helpers form quite a significant portion (of the workforce and stood at) 12.98 million in 2006-07,” said the Economic Survey, and it might have risen even further by the end of 2008. “This segment of employed work force has registered an increase of 5.84 percentage points of employed work force since 1999-00,” the Survey showed and added that this is the single “largest shift in employment status” in any sector of the economy during the last 15 years or so.

The effects of such a development are hard to miss. While the number of female workers and their proportion in the workforce has increased over the last many years, their working conditions have only remained extremely cruel and exploitative. “Women are less likely to benefit from new opportunities for wage employment... In each of the employment status category except for unpaid family helpers, the female share is quite low as compared to males. Their share in unpaid family helpers is rising even in absolute terms. In 1999-00, the female share in the unpaid family helpers was 32.79 percent while in 2006-07 it has risen to 45.46 percent,” the Economic Survey pointed out.

These findings are corroborated by other sources too. A report carried by *Dawn* newspaper on January 25 quoted the International Labour Organization (ILO) as saying that vulnerable employment, generally associated with illiteracy, fell in Pakistan by 2.5 percent in 2008. But though the vulnerability decreased by 5 percent for male workers it increased by 6.5 percent for female workers due to an increase in the number of women working as domestic help. According to an ILO report female participation in Pakistan’s labour market had increased from 13.7 percent in 2000 to 18.9 in 2006 but increase in the presence of female workers has hardly resulted in an increased economic independence for them. (NE, Mar 13)

Unemployment

According to the economic survey: “Unemployment is defined as all persons ten years of age and above who ...

are: a) without work (that is, they are neither in paid or self employment nor employed as unpaid family helpers), b) currently available for work...and c) seeking work". The number of people falling in this category stood at about 2.68 million at the end of the fiscal year 2006-07 but will surely rise to more than 3.5 million by the end of 2008-09, mainly because of adverse economic condition that the country is suffering from.

But an even more disturbing and potentially disruptive aspect of unemployment is how the proportion of youth risks increasingly joining the unemployed, if the economy continues to remain in the woods as it does now. According to 2006-07 statistics, "the share of youth in working age population is 28.69 percent and in the labour force it is 28.09 percent". These statistics also reveal that the rate of youth's participation in labour force, that has been on the rise over the last many years, "declined by 1.7 percentage points in 2006-07 as compared with 2005-06". This could decline further if skilled and educated



The low-paid employees' wailing often went unheard.

young people do not get the jobs they look for. The likelihood of them not getting the right jobs increases enormously in an economy expected to progress at a rate at par with its rate for population growth. In a politically and socially troubled society, a young population disgruntled with its economic prospects is such a recipe for disaster that its significance can never be overemphasized.

Lay-offs

That a faltering economy always starts pinching the most vulnerable before it hits anyone else is shown how much blood the Pakistani economy drew at the workplace in 2008. Apart from workers losing jobs because there was a dearth of energy to run mills, factories, plants and machines, they also faced cuts in job opportunities that the government or the nationalized sectors of the economy could offer. Here is a brief snapshot of how and why this happened, where and in which sectors:

- ◆ On January 5, around 100 members of All Pakistan Textile Mills Association decided to close their mills and lay off their workers due to the shortage of gas and electricity. A month later, a senior official of the association claimed that 500,000 workers lost their jobs because of energy shortages.
- ◆ About 100 people working for Tawana Pakistan Project lost their jobs after the government suddenly wound it up, citing flaws in its design and implementation.
- ◆ Tens of thousands of workers were reported to have lost their jobs as a result of the riots that followed Benazir Bhutto's death in Karachi and other areas in Sindh. Hundreds of businesses were looted, destroyed and put to fire during the riots.
- ◆ On January 12, a labour leader in Multan was reported to have said that as many as three million daily-wage workers had lost their livelihood due to the business and commercial severely hit by excessive load-shedding and shortage of gas. He said another 42,000 workers lost regular jobs for the same reason.
- ◆ On February 8, daily *Dawn* reported that the Pakistan Telecommunication Company was all set to fire

30,000 of its workers under a 'voluntary separation scheme'.

◆ On July 10, *The News* reported that the closure of some big apparel makers had left about 50,000 highly skilled workers without a job. The apparel makers accused the government of forcing them to close down their factories as a result of the abolition of the Research and Development rebate they were getting from the government earlier.

◆ On July 12, *Daily Times* reported that power-loom and sizing units across Faisalabad were closed down to protest against the rising electricity and gas prices. Local mill owners and workers told the paper that 2,600 power-looms and sizing units had already shut down due to high energy prices, rendering thousands of workers jobless.

◆ On July 30, the federal government wound up the operations of the National Commission for Human Development (NCHD), rendering thousands of its employees in 117 districts jobless, at least 8,000 of them in Punjab and close to 12,000 in the Frontier.

◆ On August 12, *The News* reported that economic troubles faced by the automobile industry had rendered 150,000 workers jobless with the industry operating only at 40 percent of its capacity.

◆ On October 10, *The News* reported that 42,000 people lost their jobs in the banking sector between 1998 and 2008, mainly because of the privatisation of the nationalized banks.

◆ On December 2, the management of the Rehman Cotton Mills sacked 500 workers citing shortage of work and rising production cost as the reasons.

Working conditions

Short of losing a job, the next worst thing to happen to a worker is the fear of physical harm that his/her employer can cause, or the dread that he/she will not get paid for his/her labour's worth. In the year that was, these two apprehensions continued stalking the workers in Pakistan very regularly. But even when they had secure jobs, were protected against the atrocities of their employers and had been assured by laws and their enforcers that they would never be underpaid, only a fraction of them could boast that they had all the facilities they should have, like pensions, healthcare, housing, collective bargaining and safe, secure and friendly work atmosphere. All the rest had to put up with working conditions that cannot get worse than what they are now. Here are some worst examples:

◆ On January 1, three people assaulted and tortured two farm workers for refusing to work for them in Nankana Sahib District in Punjab.

◆ On January 9, a landlord in a village in Sheikhpura district, along with some armed accomplices, ran through the house of a farm labourer, torturing his children, including girls, and looting and destroying household valuables. The labourer is reported to have only asked the landlord to pay his wages. The police said the landlord was trying to occupy the labourer's house.

◆ On January 26, a factory in Haripur fired 20 workers for demanding an increase in their salaries.

◆ On February 13, a factory owner in Lahore beat up two security guards with a club, inflicting bleeding wounds on them, for demanding their salaries.

◆ On February 9, daily *Dawn* reported from Peshawar that more than 70 percent workers in the mining sector of the North West Frontier Province were facing serious and deadly diseases due to poor hygiene in the mines, non-availability of personal safety equipment and odd working hours were cited as reasons for these illnesses.

◆ On March 16, a farm labourer and his young daughter reached the office of a newspaper in Lahore and claimed that landowners of a village in Sahianwala area of Faisalabad were using their entire family as bonded labourers. The landowners also raped a young girl of the family who was also sold by them for only Rs 4,000. The labourer told the newspaper that his son-in-law and four of his children aged between 12 and five were still in the landowners' custody who would beat up the family every now and then and would not pay them their wages regularly. They were later freed on the intervention of a television channel.

◆ On June 6, brick kiln workers protested in Hyderabad against what they called the atrocities of the kiln owners who treated the workers as slaves and were not providing them even drinking water.

◆ On June 15, a *panchayat* of a trader association in Sahiwal allowed a saw owner to confiscate the house of his worker, worth Rs 300,000, to settle a dispute between the two on a loan of Rs 30,500 that the saw owner had

given to the worker's nephew.

◆ On June 25, one worker was burnt alive and more than a dozen were hurt after the management of a power-loom factory owned by a member of the provincial assembly fired at workers protesting against undue cuts in their wages.

◆ On August 6, a landlord in Tatlay Aali town in Punjab had the fingers of a farm labourer chopped after the latter had refused to harvest the landlord's wheat crop.

◆ On August 10, six people, including three workers were injured in Faisalabad in a clash that ensued after a power-loom owner fired in the air to disperse power-loom workers who had gathered on a road. The factory owner also used a gang armed with clubs to beat up workers.

◆ On September 12, an influential landlord in a village near Kasur subjected a farmer to severe torture, confining him for the whole night in a cage meant for keeping dogs. The landlord and his men shaved off all facial hair of the farmer including eyebrows.

◆ On September 29, a factory owner shot dead a worker in Lahore for demanding his wages before the Eid.

◆ On September 30, a newspaper in Lahore reported that an influential landlord in Khuddian Khas area in Kasur district subjected a farm labourer to severe torture after tying him to a tree and then throwing him into a canal. The police refused to register a case.

◆ On November 9, police rescued a 25-year-old labourer Shamsheer Masih who was tied to a 57-foot long chain and forced to work on the farm of a landlord in Sheikhpura. The police arrested the landlord who had kept Shamsheer in his illegal custody for two months, because he had failed to pay back a loan of Rs 40,000. Two days later, the Lahore High Court took a suo motu note of the confinement and told the police to take all necessary action against those involved in it. On November 12, a bailiff of the Lahore High Court raided a farmhouse in Narang Mandi and recovered a



Many were tortured for demanding their wages.

young man chained to a tree by a local landlord. The court was told that the landlord would force the chained young man, his brother and father to do forced labour for him.

◆ On November 29, a court was told that a brick kiln owner in Sangla Hill in Nankana Sahib district had subjected a worker and his family to severe torture, and kept them hostage for 15 hours. The worker had refused to work as a bonded labourer for the kiln owner. On the same day, a widow in Nankana Sahib complained that a brick kiln owner had abducted her young son on gun point because he had refused to work as a bonded labourer.

◆ On December 4, workers at Dost Steel Mill in Sarai Mughal complained that their employer used force to send 43 of them packing without clearing their dues.

Danger at work

Having employers who are human enough to allow their employees the dignity and self-esteem that is their

human right is only one part of a worker-friendly atmosphere at work – and a small one at that. The bigger part consists of establishing workplaces that are safe and secure and not prone to accidents. Many workers in 2008 lost their lives while on duty thereby highlighting the extreme importance of safety at work. The following list is not exhaustive yet it tells very clearly that workers are exposed to fatal or near fatal danger while they are at work across many industries/businesses in almost all regions and provinces in Pakistan.

- ◆ On January 9, three miners lost their lives in Muslim Bagh area in Balochistan after suffering suffocation while working inside a mine.

- ◆ On January 11, a mill worker was burnt to death and three others were injured in an explosion at the furnace of a steel mill in Lahore's Badami Bagh area.

- ◆ On January 30, one miner was killed and his son was injured as a mine collapsed on them near Harnai, Balochistan.

- ◆ On January 30, *The News* reported from Lahore that thousands of kiln workers suffered from severe diseases some of them caused by their poor working conditions. But they could not afford treatment and were not provided any treatment under the government's social security scheme that did not extend to kiln workers.

- ◆ On February 3, two workers fell into a sewerage ditch and could be rescued only after hours of efforts.

- ◆ On February 3, a worker was killed at an Islamabad steel mill after getting trapped in a hydraulic rolling machine.

- ◆ On February 6, a worker lost his life and another one was seriously hurt when a gas cylinder burst at a steel mill in Gujranwala.

- ◆ On February 19, two labourers were killed in Islamabad when an under-construction shed fell on them at a soft drink factory.

- ◆ On March 16, a worker at the Shiekh Zayed Hospital died after he was hit by the door of an instrument sterilizer that broke down due to high pressure.

- ◆ On March 17, four workers were seriously injured when the galvanized iron sheet on the roof of the factory they were working in collapsed, causing a boiler to explode. Eyewitnesses told a newspaper that the building of the factory was in a poor shape but its owner never bothered about maintaining it.

- ◆ On March 24, two workers were burnt alive and four others sustained serious burns when an oil lubrication factory caught fire after its pressure pipe exploded in Sheikhpura.

- ◆ On March 27, a worker died in Lahore's Baghbanpura locality after he fell from the stairs of a factory he was working at.

- ◆ On April 5, *The News* reported the death of two fishermen in deep sea waters near the Balochistan coast after the cylinders in a boat they were sailing exploded.

- ◆ On April 27, four workers died and two lost their consciousness due to the leakage of a poisonous gas from a well they were digging in Hasan Abdal.

- ◆ On April 30, five workers were injured when the roof a house they were building in Lahore's Old Anarkali area collapsed.

- ◆ On May 2, a worker in Karachi was burnt alive in a fire that broke out at the office of an immigration consultancy firm.

- ◆ On May 25, five workers – a father and his son among them – were buried in a well they were digging in Vehari. Only three of them could be rescued.

- ◆ On May 29, a 35-year-old worker was burnt alive in Gujranwala and five of his colleagues were seriously injured when the furnace of a steel mill they were working at burst. The same day, a worker died after he slipped and fell from the under-construction roof of a building in Lahore's Shadbagh area.

- ◆ On May 31, more than 40 workers, a number of them women, at a SITE garment factory fell unconscious while working. The reason for their condition could not be ascertained. The workers complained of poor working conditions in the factory and the government officials said air pollution and congestion could be the causes of the

workers' loss of consciousness.

- ◆ On July 1, the Lahore police registered a case against four doctors and the owners/managers of a brick kiln in Pakpattan district for fraudulently removing the kidneys of five brick kiln workers.
- ◆ On July 18, two workers were electrocuted to death while working at an under-construction building in Lahore.
- ◆ On July 20, a worker was killed and nine others were injured when a crane operating at a power plant in Mianwali fell 90 feet deep.
- ◆ On July 25, four workers died when a sand dune they were working on, collapsed on them in Attock.
- ◆ On July 28, 13 workers fainted in Lahore when the textile factory they were working at caught fire due to an electric short-circuit at the Sunder Industrial Estate on Raiwind Road.
- ◆ On September 20, a worker was buried alive and four of his colleagues were injured when a thick layer of earth fell over them while they were digging for constructing the basement for a building.
- ◆ On October 17, a bonded labourer was killed in Bucheki town in Punjab when the brick kiln owner he was working for subjected him to severe torture on a money dispute involving Rs 60,000.
- ◆ On October 27, a factory worker in Sheikhpura died when a heavy piece of iron hit him while he was on duty. The same day another worker was buried alive in Bahawalpur and two of his colleagues sustained multiple injuries while they were digging the earth for a sewerage pipeline.
- ◆ In the first week of December, one railway worker died and another was injured while they were working at a steel workshop in Lahore.

Laws and lacunae

The situation that emerges out of what is given above is desperate, even if it is not entirely lost. That it needs some urgent and comprehensive measures to get right cannot be overstressed. But the state and the society continue looking the other way while the situation keeps worsening under their noses. Even when they deign doing something, their actions hardly match their words and their real intent is never revealed through their rhetoric. This is how the new government treated workers in 2008.

After announcing the lifting of a ban on trade unions in his inaugural address, Prime Minister Yousaf Raza Gilani told a delegation of the Pakistan Workers Confederation on April 2 in Lahore that his government would consult them on all issues related to them and would give them representation on the National Employment Commission. Similarly, on May 1, the International Labour Day, the government announced a 12-point relief package for the workers. It included a raise in the basic minimum wage to Rs 6,000, and minimum pension to Rs 2,000. The government said it would amend all labour laws in the light of the ILO conventions that Pakistan had already ratified. Besides promising 8000 houses to the workers, the government also decided to repeal the Industrial Relations Ordinance 2002 – a law hated by workers as a serious infringement of their rights.

Implementing some of these measures — especially improving the industrial relations law and ensuring the implementation of ILO conventions — had indeed become urgent because of a huge pile of undecided cases in the country's labour courts. For instance, on March 1, daily *Dawn* reported that more than 600 cases of labour laws violation were filed before the labour court in Haripur against the owners of industrial concerns located in Hattar Industrial Estate. The officials found 20 of these industrialists violating Minimum Wages Act; more than 60 workers were found to be receiving less than Rs 4,500 the then minimum monthly wage and at least one factory had hired workers for as low as Rs 1,500 per month. On May 6, daily *Dawn* reported that some 1700 cases were pending in the labour courts in Punjab alone.

But even before the government could take any step to come good on its promises, the workers were dismayed to find that there was actually a huge gap between what the government said and what it was planning to deliver. Especially when it came to replacing the Industrial Relations Ordinance 2002, the government could hardly disguise some of the anti-worker clauses of the law it proposed to bring instead. The new law, the Industrial Relations Act 2008, failed to please the workers who started campaigning against it even when the act was at the drafting stage. Some of the highlights of their campaign follow:

- ◆ On October 10, the National Conference on Industrial Relations, a combined forum for business and labour,

asked the prime minister to convene a tripartite conference – comprising workers, employers and the government — on the Industrial Relations Bill. The national conference was convened by the Pakistan Workers Federation.

- ◆ On November 6, daily *Dawn* reported from Karachi that workers had rejected the draft Industrial Relations Bill for not including their recommendations in it. They said the bill was regressive in nature and did not take into account the ILO conventions already ratified by Pakistan.

- ◆ On November 10, a national conference held under the auspices of the Workers-Employers Bilateral Council of Pakistan rejected the Industrial Relations Bill (passed by the Senate but still pending with the National Assembly).

- ◆ On November 13, workers in Lahore protested against the law because they thought, among other things, it would take away the powers to appoint the chairman and the members of the National Industrial Relations Commission and labour courts from the Chief Justice and give it to the provincial and federal governments. According to them, the 2002 ordinance also violated the internationally recognized right of the workers to have collective bargaining by allowing individual workers to negotiate their wages and other working conditions with the employers. They also found fault with the law for ignoring the contract employees in the industrial and commercial sectors.

- ◆ On November 19, the National Assembly passed the act repealing the Industrial Relations Ordinance 2002 that had been termed by the labour leaders and activists as a black law. The Pakistan Muslim League (Nawaz) boycotted the session.

- ◆ On November 25, Pakistan Workers Federation and its affiliated unions rejected the new act, urging the government to remove its anti-labour provisions. Also the same day, activists of Pakistan Workers Federation protested in Islamabad against the act, calling it an attempt to deprive labourers of their basic rights. They asked the parliament to amend the act in the light of Article 17-A of the Constitution and ILO Conventions 87 and 98.

- ◆ On December 1, a national labour conference convened by the Labour Education Foundation asked the government to repeal/review the act mainly because it left daily wagers – 70 percent of the workforce – out of its ambit.

The act, however, was not the only problem area. On April 11, the National Labour Federation, a workers' body, asked the government to convene the tripartite conference consisting of workers, employers and the government to sort out labour-related issues. On May 15, trade unionists and human rights activists repeated the demand and asked the government to convene a tripartite conference for the formulation of a just labour policy that secured workers' rights. They said the conference – comprising genuine representatives of the workers, the government and employers — could discuss labour issues and formulate the labour policy.

Perhaps the most damning statement on the official failure to come up with effective labour laws and their across the board implementation came from an ILO representative. On October 8, daily *Dawn* quoted him as telling a workers' meeting in Lahore that Pakistan was lacking in enforcing his organization's core convention on workers' wages and their working conditions.

Yet the government did take a few small steps, though in a situation requiring immediate and wide-ranging measures their significant was either lost or was too insufficient to make a real difference. For instance, on June 12, the government amended the Social Security Ordinance to increase the scope and application of social security schemes and provision of subsistence allowance as well as an increased coverage under the Workers Welfare Fund and the Employees Old Age Benefit. And on August 27, daily *Dawn* reported from Lahore that the Punjab government had decided to restore labour inspections to gauge working conditions in industries – in order to comply with the requirements of the International Labour Organization (ILO). The provincial minister for labour on October 20 said these inspections would be done jointly by the government, chambers of commerce and industry and the workers' unions. Equally significantly, workers of the Civil Aviation Association cast their votes to elect their unions after a hiatus of 10 years on August 5.

Protests

It is but natural for the workers to continue raising their voices when their grievances are so huge and remedies so meagre. Throughout 2008, they kept taking to the streets and roads across the length and breadth of Pakistan to make the authorities at least know what they needed even when they knew that most of their protests were just that – sporadic, disjointed protests that seldom got things moving in this country. Here are some of the workers' protests

covered by the media in 2008:

◆ On January 23, the National Bank of Pakistan employees started a movement against the forcible retirement of people from the bank.

◆ On February 4, about 35 lower grade employees protested in Naushero Feroz against non-payment of their salaries for two months.

◆ On March 5, police in Larkana arrested two leaders of the rice mill workers for demanding an increase in their salaries. They were released only after all the rice mill workers in the area threatened protest demonstrations.

◆ On March 10, workers of a tehsil municipal administration in Rawalpindi had to stage a hunger strike for the acceptance of their demands, including payment of pensions to retired employees, giving jobs to the kith and kin of former employees and payment of Eid bonus.

◆ On March 15, hundreds of shoe-factory workers protested in Toba Tek Singh against their employers for not raising their salaries.

◆ On March 28, hundreds of power-loom workers in Kamalia town of Toba Tek Singh district staged a protest demonstration over the alleged torture on a worker by his employer.

◆ On March 29, workers of the Pakistan Telecommunication Company observed



Low-paid employees often protested against the increase in the cost of living.

a pen-down strike across the country against their employers for not regularizing the services of 11,000 employees.

◆ On April 16, scores of sacked employees of Mirpur Khas Sugar Mill protested against large-scale arbitrary dismissal of workers by the mill administration.

◆ On April 21, about 700 workers of a textile mill in Muzaffargarh blocked a road to protest non-payment of their wages.

◆ On May 1, workers across Pakistan protested rise in inflation and demanded the abolition of IRO 2002, implementation of labour laws on those working as farm labourers, domestic help and daily wagers.

◆ On May 16, the Bonded Labour Freedom Front protested in front of the Lahore Press Club for the enforcement of Bonded Labour Act 1992, for the provision of social security cover for bonded labourers and an increase in the brick-making charges. They repeated the protest on May 30 reiterating their demands. On September 17, the front took out a rally in Lahore for the implementation of a 1988 verdict of the Supreme Court on the elimination of bonded labour. On September 25, it took out a protest in Lahore expressing resentment against the government failure to end forced labour.

◆ On May 23, All Pakistan Trade Union Federation, an umbrella group of workers from different sectors, protested in Lahore against inflation, unemployment and factory closures.

◆ On May 26, the workers of Hazara Phosphate Fertilizers Limited protested in Haripur against delay in the confirmation of contract employees. Also, the same day workers of the Water and Power Development Authority (WAPDA) protested in Lahore against rising inflation and demanded a substantial raise in their salaries and allowances.

◆ On June 1, a large number of brick kiln workers protested in Hyderabad against the alleged kidnapping and

sale of 60 labourers. The protesters alleged that a local kiln owner had sold the labourers working for him to another kiln owner in Multan for retrieving the money he had advanced to the labourers.

- ◆ On June 1, a large number of employees of Sindh's family planning department observed a strike and took out a procession against the non-confirmation of the contract employees. The same day Civil Aviation Authority's workers protested in Lahore also seeking the confirmation of the daily wagers.

- ◆ On June 3, around 80 peasants, including women and children, who had been released from the illegal custody of Abdul Rehman Mari, main accused in the famous Mannu Bheel case, protested in Mirpur Khas. They were agitated by the harassment and physical violence inflicted on them by Mari's men. On July 15, Jhole police recovered 58 haris chained in a private jail owned by the landlord, who was booked for the crime under different laws. The haris told the police that they had been working as bonded labourers for seven years. The freed *haris* included 25 children and 16 women. The private jail was being operated by Mari's nephew Ghulam Ali.

- ◆ On June 4, working women held a big protest in Lahore against rising inflation in the country.

- ◆ On June 5, workers in Larkana stopped the management of the Shahdad Kot Textile Mill from shifting the mill machinery to somewhere else before clearing their dues. Also the same day workers of shoe factories and power-looms in Toba Tek Singh protested to press the government for resuming wedding grants for workers to help them marry off their daughters.

- ◆ On June 15, the Agriculture Field Staff Employees Association protested in Lahore asking the government to provide them a service structure that allowed them promotions without any conditions.

- ◆ On July 4, workers of WAPDA protested in Quetta demanding protection at work, improvement in law and order and checks to the rising inflation. On the same day, hundreds of employees of NCHD protested in Multan against their removal from jobs.

- ◆ On July 7, municipal workers observed strike and warned of shutting down government-run tube-wells supplying water to citizens if their withheld salaries were not paid immediately.

- ◆ On July 13, Labour Qaumi Movement, an organization of the industrial workers, protested in Lahore against the burning to death of a worker within the premises of a power-loom factory owned by a member of the provincial assembly.

- ◆ On July 14, the sacked employees of the Frontier Sugar Mill protested in front of the residence of the mill owner against their sacking.

- ◆ On July 14, hundreds of sacked/expelled employees of the MCB Bank staged a sit-in at the bank headquarters against wholesale sackings and the disbanding of their unions. The protesters paralysed the bank's operation for many hours.

- ◆ On July 15, at least 12 employees of the Pakistan Telecommunication Company were hurt when the Rangers deployed at the company's headquarters in Islamabad baton-charged and tear-gassed workers protesting against the newly introduced unified pay-scales.

- ◆ On July 16, clerks across Pakistan observed a pen-down strike demanding increase in their salaries and allowances in line with the rise in prices.

- ◆ July 23 can easily be termed as the day of 'protest' in Peshawar when clerks, drivers and school teachers all protested against the infringement of their rights and the government's failure to increase their salaries and other benefits in line with increase in the prices of daily-use and kitchen items. The clerks observed a pen-down strike as well as a token hunger strike for increase in their salaries and other benefits; drivers of the provincial government's works and services department observed a token hunger strike against the sacking of 23 of their colleagues; and ad hoc subject specialists and candidates for school teachers protested their dismissal.

- ◆ On July 31, a large number of workers in Faisalabad protested against the police for failing to arrest the member of the Punjab Assembly allegedly involved in burning a worker to death during a workers' protest over non-payment of salaries.

- ◆ On August 2, an employee of the Kandiaro market committee in Sindh started a long march to protest the non-payment of his salary for the last 34 months.

- ◆ On August 4, clerks at the office of district coordination office in Thatta observed a pen-down strike to

protest alleged harassment and abuse of their senior colleague by a local activist of the party in power.

- ◆ On August 5, sacked employees of the NCHD protested in Batkhela town of the Frontier province and threatened to stage a sit-in if their jobs were not given back. Two days later the commission's sacked employees demonstrated in Peshawar for the same demand.

- ◆ On August 6, the Pakistan Workers Federation observed a protest day across Pakistan against the government failure to stem inflation.

- ◆ On August 12, about 500 government employees protested in Multan against inflation, demanding a corresponding raise in their salaries.

- ◆ On August 16, a large number of labourers working in tailoring shops took out a rally in Khairpur, Sindh, to protest against their meagre wages.

- ◆ On August 31, several hundred sanitary workers protested in Karachi against the government's plan to hand over the removal of solid waste from the city to a foreign firm.

- ◆ On August 25, a large number of people belonging to Bheel community protested in Mithi against the excesses of a local landlord. They said the landlord had had their houses demolished, taking away their household items and forcing them to leave their village.

- ◆ On September 7, a hari family protested in Hyderabad after escaping from the private jail of a landlord in Tando Muhammad Khan area. The 20-strong protesters said they had been working for the landlord for 20 years almost without wages and without the freedom of movement.

- ◆ On September 12, workers in Jacobabad protested against the government decision to hand over Rs 30.5 million meant for the wages and pension of retired employees of the road transport department to a union leader without making lists of those eligible for receiving money and without coming up with a detailed procedure for the distribution of money. They staged another protest demonstration on October 4.

- ◆ On September 13, six bonded labourers, who had run away from the illegal confinement of a landlord, led a protest rally demanding protection for and release of their colleagues still in the custody of the landlord in Umerkot taluka.

- ◆ On September 19, sacked workers of a cotton ginning factory in Mirpur Khas protested against their retrenchment.

- ◆ On September 21, workers of Qadirpur gas field in Sindh protested against the privatisation of the fields and vowed to resist by any means possible. They observed a tool-down strike for an hour following it up with a protest demonstration on October 6. On November 10, oil and gas sector workers blocked the Indus Highway near Dera Ghazi Khan to back the protests against the privatisation of Qadirpur gas field. The same day workers of a gasfield in Khanewal also blocked roads to show solidarity with the workers protesting against privatisation. (The plan to privatise the gas field was dropped.)

- ◆ On September 22, the workers of the Hyderabad Development Authority protested against non-payment of their salaries for three months.

- ◆ On September 24, a human rights organization protested in Lahore for the regularization of the services of sanitary workers employed in Punjab's Solid Waste Management Department.

- ◆ On September 26, daily *Dawn* reported from Muzaffarabad that the employees of the local municipal corporation were on a protest strike for two consecutive days for increase in their wages and for their treatment on a par with other government employees.

- ◆ On September 29, about 500 workers of a textile mill in Swabi, in the Frontier, protested against non-payment of their salaries.

- ◆ On October 10, a large number of daily wage workers of the Sindh irrigation department protested in Dadu against non-payment of their wages.

- ◆ On October 10, a large number of brick kiln workers got together to protest in Islamabad from different districts in Punjab including Sialkot, Sargodha, Chakwal, Mandi Bahauddin, Gujranwala and Multan. They protested against the inhuman terms and conditions of work and asked the government to bail them out of their misery.

- ◆ On October 12, the sacked workers of the Frontier Sugar Mills blocked the road between Takht Bhai and

Malakand to protest the closure of the mill. Also the same day, former employees of the United Bank Limited sacked in 1997 protested in Hyderabad against delay in their reinstatement despite promises made to them by the government.

- ◆ On October 14, clerks in Mirpur Khas observed a strike and staged a protest demonstration for the acceptance of their demands including withdrawal of cases against some of them.

- ◆ On October 28, All Pakistan Federation of Trade Unions protested in Lahore against anti-worker policies of the government including a raise in power tariff and increase in oil prices.

- ◆ On October 30, workers of WAPDA demonstrated in Lahore for increase in their wages and allowances commensurate with the increase in the cost of living.

- ◆ On November 18, clerks observed a pen-down strike and staged protests across Punjab for up-gradation of their jobs and regularization of their colleagues working on contract. They repeated the strike and protests one week later on November 25. On November 27, the activists of the Pakistan Muslim League (Nawaz) clashed with the clerks protesting for better wages and improved working conditions. The party activists were a part of the lawyers' Thursday rally when they fell upon the clerks who had also taken out their protest demonstration at the same time and the same venue. On December 11, the clerks in Lahore staged a sit-in and observed a token hunger strike to protest against the Punjab government's anti-worker policies including the arrest of the employees of the Communication and Works Department on the orders of the chief minister. On December 15, the clerks blocked The Mall in Lahore for hours for the same demands. They again took to protesting on December 24 in front of the civil secretariat in Lahore for increased wages and better fringe benefits.

- ◆ On November 22, police in Kot Radha Kishan town in Punjab registered a case against 45 workers for damaging the textile mill they worked at and pelting stones at the police. The workers said they were agitated because the mill administration was delaying the payment of their wages and other dues.

- ◆ On December 15, about 20 peasants, including women who had escaped from the alleged captivity of a landlord in Sanghar district, protested in Hyderabad. They asked the authorities to provide them protection and ensure that they were given a fair share in the agriculture produce they had grown while they were working for the landlord.

- ◆ On December 22, the sacked employees of the Utility Stores Corporation demonstrated in Peshawar demanding their reinstatement in jobs.

- ◆ On December 30, brick kiln workers in Toba Tek Singh protested and warned of staging a sit-in against the failure of their employers to pay basic minimum wages fixed by the government.

Bonded labour

One of the severest challenges that the employers, workers and the government faced in improving the working conditions for labourers and securing their rights was the abolition of bonded labour especially in brick kilns and on agricultural farms. Like most years in the past, 2008 hardly saw any serious effort on the part of any major stakeholders to end the menace of bonded labour. Workers continued suffering as they laid bricks or tilled land and those benefiting from the labour of their hands seemed to have learnt not to respect their rights – at least not yet.

In some instances, in fact, their exploitation achieved new and unprecedented highs. For instance, the peasants who were smuggled into Iran in 2007. On February 26, two of them managed to escape to Pakistan. Protesting outside the press club in Hyderabad, they revealed 36 more Pakistanis were still working in Iran on farms under inhuman working conditions and without wages. They alleged that Saeed Makrani, Gul Muhammad Makrani and Ameer Bux had offered them jobs in Iran, later smuggled them by road there and made them work as slaves.

Some sections of the state and the society, however, have taken up the cause of bonded labourers aggressively. As a result of the untiring efforts of these people, the media and the local and international communities continue getting updates on the plight of bonded labourers. Also, even when there are no socio-economic and legal/constitutional reforms on their way to put a permanent end to bonded labour, these state and non-state actors are doing their best for the release and rehabilitation of bonded labourers whenever and wherever they are spotted. The large number of cases in 2008 when enslaved, confined workers could be freed from their employers reveals on the one hand the high level of success that these actors are enjoying and on the other hand the utter failure of the government to come

up with institutional arrangements to root out bonded labour once for all.

Brick kiln workers

◆ On January 8, court bailiff and police were attacked in a village near Gujranwala when they raided a brick kiln for the recovery of 9 people held in custody there as bonded labourers for nine months. Those in custody included children and all of them were tortured and kept in chains at night.

◆ On February 4, the Lahore High Court's bailiff recovered three women and two men from the custody of a brick kiln owner in Hafizabad district. On February 20, the Lahore High Court's bailiff recovered 12 people, including four children, from the illegal custody of a brick kiln owner in Gujrat.



Children caught in the evils of bonded and child labour sought relief in education.

◆ On March 29, a brick kiln worker, Aziza Mai, told media at the Lahore press club that she and her family were harassed and subjected to torture by the men working for a brick kiln owner in Lahore's Batapur area. She said the kiln owner was filing fake cases against them and the police were not listening to them.

◆ On April 4, District and Sessions Judge in Umerkot ordered raids on five brick kilns in Kunri and managed the release of 116 bonded labourers including women and children.

◆ On April 14, the Lahore High Court ordered the release of 32 labourers from the custody of a brick kiln owner near Chichawatni town.

◆ On May 9, the Islamabad High Court's bailiff recovered five young workers from a brick kiln in Mandi Bahauddin.

◆ On May 20, the district and sessions judge in Kasur ordered a raid on a brick kiln at a nearby village and recovered 18 men and women and two young children from the custody of the kiln owner.

◆ On June 4, a judge in Hyderabad had 53 brick kiln workers freed through a police raid in Tando Jam area.

◆ On June 23, a court in Hyderabad freed 49 brick kiln workers, including 23 children and nine women, from the illegal custody of their employer in Tando Jam area.

◆ On July 3, a Lahore High Court bailiff recovered 37 workers from a brick kiln in Kot Radha Kishan area. The court also ordered the kiln owner to produce and release another six workers who could not be recovered during the raid conducted on the court's orders.

◆ On July 5, the Lahore High Court ordered that the six young children of a woman petitioner be recovered from a brick kiln in Mandi Bahauddin.

◆ On July 9, the Lahore High Court freed seven bonded labourers after their recovery from a brick kiln in Gujrat.

◆ On July 26, authorities recovered six people including two women from a brick kiln in Sheikhpura's Bhikhi area. The released workers claimed that they were also subjected to torture and the brick kiln owner had deprived

them of their household items.

◆ On August 8, police raided a brick kiln on the orders of a court in Umerkot and recovered 56 workers, including 26 children and 16 women.

◆ On August 27, a top official of the Punjab government announced that the provincial authorities were launching a Rs 150 million project to eliminate bonded labour from the brick kilns in Lahore and Kasur districts. The project was to include provision of education, micro-finance, social services and legal protection to those most likely to become bonded labourers. The project was launched on September 19. It will benefit bonded labourers working on about 400 brick kilns in the two districts and its likely beneficiaries include 7000-8000 children.

◆ On September 15, legal aid service unit of Punjab's labour department joined hands with Bonded Labour Liberation Front and freed 51 brick kiln workers, including 9 women and 23 children, from the illegal confinement of a kiln owner in Kasur. The action came on the orders of the Lahore High Court.

◆ On September 15, a court in Islamabad ordered brick kiln owners to set free 14 workers from their illegal custody.

◆ On September 24, in Lahore a judge recovered a young man kept in illegal custody inside a factory as a bonded labourer.

◆ On September 19, Khipro police acting on the orders of a court raided a brick kiln and recovered 24 bonded labourers working there.

◆ On September 25, on the orders of the Lahore High Court the bailiff recovered and released 16 people, including five children, from a brick kiln in Manga Mandi.

◆ On September 30, a court in Umerkot had 25 bonded labourers freed from a brick kiln where they were being kept in illegal confinement.

◆ On November 5, a court in Hyderabad ordered the release of 40 brick kiln workers who were produced before it. The court was told that they were being kept in illegal confinement.

◆ On November 8, a court in Hyderabad ordered the release of 83 brick kiln workers, including 20 women and 37 children. They were working as bonded labourers at different brick kilns in and around Hyderabad.

◆ On November 19, two courts in Hyderabad ordered the release of 115 brick kiln workers. They were working as bonded labourers at different brick kilns in the district.

◆ On December 20, a widow in Hafizabad district told the police that an influential brick-kiln owner had kidnapped her son and might have killed him because she had been unable to establish any contact with him.

◆ On December 20, police in Badin district recovered 25 bonded labourers, including 11 children and eight women, from a brick kiln near Tando Ghulam Ali.

◆ On December 28, police in Hyderabad, acting on the orders of a court, raided a brick kiln near Tando Muhammad Khan and recovered 23 bonded labourers from there.

Haris, farm workers

◆ On February 6, authorities in Mirpur Khas freed nine members of a family including five women from the illegal confinement on the orders of Umerkot District and Sessions Judge. The family was detained by a landlord in Niaz Kapri village.

◆ On March 31, 33 peasants freed from illegal confinement in Ghani Maher village of Mirpur Khas district demanded the release of another 10 people still in confinement.

◆ On May 10, police in Sanghar recovered 82 peasants, including women and children, from the private jail of a landlord near Jhol area.

◆ On May 15, Jhuddo police in Mirpur Khas district recovered 14 bonded labourers, including 11 children and three women, from the custody of a landlord.

◆ On May 31, Umerkot Sessions Judge recovered 53 farm workers, including 12 women and 21 children, from the private jail of an MNA.

◆ On June 26, a landlord in Badin kidnapped the entire family of a farmer from the Golachi village, leading to

the sudden death of the head of the family, 80-year-old Dharmoo Kohli.

- ◆ On June 19, a court in Mirpur Khas ordered the release of 27 farm workers from the private jail of a local landlord in Mitho Rajar village.

- ◆ On July 7, police in Sanghar recovered 21 bonded labourers including women and children from the illegal custody of a landlord where they had been kept for 12 years.

- ◆ On July 10, Jhole police in Sanghar district recovered 53 *haris* who were working as bonded labourers.

- ◆ On July 16, a court in Hyderabad set free 32 peasants in Matiari. They were being kept in illegal confinement by a local landlord.

- ◆ On July 28, police recovered three *haris* from the private jail of a landlord in Dera Murad Jamali in Balochistan. The landlord managed to escape arrest. Reports said he would enchain the *haris* at night.

- ◆ On August 29, a Lahore High Court bailiff recovered seven members of a family from the illegal confinement of their relatives who had sold them to a landlord for Rs 150,000. The incident took place in Tatlay Aali area. They were kept in chains to stop them from running away.

- ◆ On September 5, a court in Umerkot freed 50 members of 18 families who were working as bonded labourers at a brick kiln.

- ◆ On May 27, peasants led by Mannu Bheel protested in Hyderabad against the likely release of a co-accused in the case involving the disappearance of nine members of Bheel's family in 1998.

- ◆ On August 11, the Lahore High Court set free nine members of a family recovered from the custody of a landlord in Manga Mandi area.

- ◆ On August 27, a court in Mirpur Khas had 48 bonded labourers recovered from a brick kiln and freed in Pithoro where they were being kept in illegal confinement. The freed workers included 15 women and 22 children.

- ◆ On September 11, a court in Mirpur Khas recovered and freed 16 bonded labourers from a brick kiln on Mirwah road.

- ◆ On October 14, Jam Nawaz Ali police in Mirpur Khas district recovered 25 bonded labourers of a Bheel family. The recovery was made from the farmland of a landlord in Sanghar district. Police said they were looking for another 119 labourers working on the same farm. Two days later the freed labourers and human rights activists got together and protested for the recovery and release and of 152 more workers who they said were still held by the



Women were an important part of the rural workforce.

landlord. A similar protest was held on October 25 where the activists castigated the police for its inaction. On October 22, the police booked the landlord, his son and their henchmen, for kidnapping 119 bonded labourers and subjecting them to torture.

◆ On October 13, a court in Umerkot ordered the release of 20 bonded labourers from a farm in Umerkot taluka where they were being kept in illegal confinement by an influential landlord.

◆ On November 12, a court in Umerkot set free 12 peasants who were earlier recovered from the illegal confinement of a local landlord.

◆ On December 20, Jhole police, acting on the orders of a court in Sanghar, raided village Abdul Rashid Mari and recovered 25 people, including five women and seven children from the private jail of a local landlord.

Recommendations

1. *Poverty is increasing and if massive unrest is to be avoided the entire poverty-alleviation effort should be streamlined.*

2. *Massive structural reforms need to be introduced in agriculture and non-formal sectors to ensure that workers get rightful wages and decent working conditions.*

3. *Special efforts are needed to mitigate the plight of women workers caused by their lack of independence, low wages and condemnation of a great many of them to unpaid or partly paid labour.*

4. *Many condemned to work as bonded labour, on brick kilns and farms, suffer the worst form of exploitation. It is necessary to ensure that the mechanisms for the enforcement of the Bonded Labour System (Abolition) Act are streamlined and energetically implemented. At the same time the weaknesses of the law as revealed during the 16 years of its operation should be expeditiously removed.*

VI - Social and economic rights



Education

The state shall remove illiteracy and provide free and compulsory secondary education within minimum possible period; make technical and professional education generally available and higher education equally accessible to all on the basis of merit...

Constitution of Pakistan

Article 37(b and c)

Everyone has the right to education. Education shall be free at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Universal Declaration of Human Rights

Article 26(1)

Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Article 27

Although Pakistan has been taking many initiatives to improve the state of education but, as in previous years, the country continued to register a slow pace of progress in education when compared with the developing countries in the region. A lot needs to be done to catch up with South Asian neighbours and meet the targets set by the country at the Millennium Summit in the form of Millennium Development Goals (MDGs) and at the Dakar World Education Forum in the form of Education For All (EFA) framework of action in 2000.

According to the sixth edition of EFA Global Monitoring Report for 2009 by UNESCO, released in November large disparities between provinces, urban and rural areas and rich and poor households remained at the heart of the country's slow progress in basic education. Moreover, Pakistan had the dubious distinction of having one of the highest numbers of out-of-school children in the world. The report further portrayed a dismal picture of education, projecting the country to have approximately 3.7 million out-of-school children in 2015.

According to the report, not only has Pakistan missed the gender parity goal set for 2005 and continues to trail behind, it also maintains the lowest scores in South Asia in primary net enrolment and in the net enrolment of girls. Latest UNESCO figures confirm Pakistan's net enrolment ratio at 73 percent for boys and 57 percent for girls. On the other hand, the literacy gender gap has also widened since 1972 from 19 percent to 25 percent. At 120, Pakistan remained at the bottom in the EFA Development Index ranking (a less than 0.80 score) with the lowest allocations to education as a percentage of the GNP in terms of the public expenditure on education.

Several reports have also confirmed that despite a number of policy and education reforms in these regions the standard and delivery of education has suffered in areas of NWFP, Azad Jammu and Kashmir and FATA over the last

few years. In the NWFP and FATA, girls' education was especially targeted by religious militants. Schools were bombed and burnt with threats to students and teachers attempting to find alternative venues to hold classes. With an ongoing low-grade war, education in FATA remained at best sporadic. The impact of the devastating earthquake whose victims included thousands of schoolchildren and school buildings in AJK was still visible. Overall, 2008 remained a gloomy year for education as educational institutions, teachers and students continued to face various problems due to shortage of funds, political turmoil, civil unrest and the energy crisis.

Policies and priorities

Low budgetary allocations and poorly planned policies continued to plague the country's education sector and hampered the streamlining of education. According to the World Bank, Islamabad's expenditure on public sector education was only 2.3 percent of the GDP, which to a great extent was less than the South Asian average of 3.6 percent and the low-income States average of 3.4 percent. International organizations and aid agencies including the UNESCO continued to push Pakistan for larger allocations to the education sector.

The federal government was allocated an amount of Rs 24.6 billion for the education sector in the 2008-2009 compared to Rs 24.2 billion allocated in the fiscal year 2007-2008, increasing by only 1.65 percent. (NE, Jun 12) A large segment of people belonging to the education sector, including educationists, professors, teachers, lecturers and intellectuals, expressed their concern over the very small allocation made for the education sector during the next fiscal year.

Even though over Rs 60 billion was allocated for education in 2008-09, according to both local and international assessments, coordination was often lacking among bodies responsible for the effective implementation of education



Demanding rebuilding of schools in areas hit by the October 2005 earthquake.

projects, plans or schemes. These bodies included the Ministries of Education, Labour, Social Welfare and Special Education and Science and Technology along with the National Technical and Vocational Education Commission. Thus, many initiatives remained experiments on a small scale.

The low utilization of education budget was deplored by many local and international organizations. According to an analysis conducted under the Budget Watch Programme of Centre for Peace and Development Initiatives (CPDI), a local NGO, the Education Division of the federal government was only

able to utilize 35 percent of the total original allocation in the first 9 months of the current financial year 2007-08. (N, May 5)

There were also several reports of education funds remaining unutilised by the end of the year. Missing budget lines, delays in disbursement, poor spending capacities at the federal, provincial and district levels and lack of transparency served to aggravate the education crisis. In addition to the problem of low public spending, local governments often lacked the capacity to fully utilize allocated resources.

According to reports in September, the World Bank continued to bemoan the misuse of education funds through its programmes in the Punjab. The Bank accused the former government of Punjab of misusing its financial aid by

spending it on personal political projection (through publicity campaigns) instead of improvements in the education sector.

The government has promised to introduce a new National Education Policy by early 2009 to bring uniformity in the education system across the country. It felt the previous policy failed to achieve the desired results, particularly in the rate of access to education, and the quality and equity of educational opportunities. Sources have suggested that necessary amendments will be made to the draft policy prepared during the tenure of the previous government. In the proposed policy, the government had plans to introduce uniform syllabus for all public and private schools. The new academic year would also start concurrently all over the country. Reports in October confirmed that the Ministry of Education had finalized the revised National Education Policy and was awaiting approval. (NE, Oct 21)

In an unexpected development, early in 2008 the Sindh Education Department announced the commencement of the academic year from April instead of August, despite the fact that the August-start schedule was finalised the previous year after much deliberation. (D, Jan 31) This caused great inconvenience for many stakeholders as teaching days were reduced and provision of textbooks was delayed.

There were also concerns over the shutting down of the National Commission for Human Development (NCHD). There were fears that around 400,000 children enrolled in feeder schools opened by the Commission could find their institutions closed down as the Commission was wound up. (D, Aug 6) Sources also confirmed that contracts of 22,445 NCHD employees had been terminated after the government decided to curtail the commission's funding by 50 percent. Approximately 1.7 million children were enrolled in schools through Universal Primary Education Programme of the NCHD and 3,500 community schools were established under this Programme while hundreds of thousands of teachers were employed in public schools to ensure the provision of standard education. There were also around 67,000 adult literacy centres established in 114 districts with about 1.6 million illiterate women enrolled in these centres. Several protests continued throughout the year in response to the government's decision to cut NCHDs funding. (D, Jul 3)

Approximately 400 schools were damaged in the earthquake that hit Balochistan in October 2008. Almost 85 percent of schools and more than 31,000 students in these areas were affected. The Education Department was forced to officially close all schools for the remaining part of the academic year, as the overall school attendance rate had dropped to less than 5 percent. In order to immediately resume educational and recreational activities for children, UNICEF and other partners stepped in to help set up temporary learning Centres with minimal infrastructure. (NE, Dec 27)

UNESCO's report, while identifying Pakistan as a particularly worrying case of education failures, noted that its education sector suffered from weak governance and high inequality in finance and provision of basic education. Reviewing its highly publicized public-private programmes within the education sector, the report noted that such initiatives had neither been properly funded nor organizationally streamlined. Responsibility for running public-private partnerships rested not with the Ministry of Education but with the semi-autonomous education foundation that relied on its ability to raise external funds. These attempted partnerships remained heavily donor-dependent, thus constantly putting their sustainability into question. (NE, Dec 26)

Primary and secondary schools

The Economic Survey for 2007-08 released in June, revealed the staggering figure of 12,737 non-functional public sector educational institutions. This was of a total of 231,289 institutions, with Sindh having the largest share, almost 58 percent (7,387). (D, Jun 10) Of these non-functioning institutions, 11,589 were public schools while 1,148 were other educational institutions. According to official statistics, about 37.8 percent schools in the public sector were without boundary walls, 32.3 percent without drinking water, 56.4 percent without electricity, 40.5 percent without latrines and 6.8 percent without any physical structure.

In January 2008, the authorities in Peshawar declared 163 buildings of public sector schools dangerous in FATA, where thousands of children could potentially be at risk. The Directorate of Education, FATA, had conducted a survey of the public sector buildings in the seven tribal agencies and six Frontier Regions and declared structures of these school buildings unsafe. The survey, conducted in collaboration with a foreign donor agency in 2007, said that 126 primary, 20 middle and 17 high school buildings were dangerous, while more than 500 public sector school buildings required major repair work. The report also said that of 4,575 primary schools in the public sector in FATA,

1,777 schools were without basic facilities, including drinking water, toilets, and electricity and boundary walls.

Reports from Nawabshah district in Sindh during April revealed that more than 700 schools were lying non-functional with an acute shortage of teaching and non-teaching staff. Newspaper sources stated that about 700 primary schools had been non-functional in various parts of the district for many years, with about 2,800 vacant



Taliban convergence in a 'captured' FATA school.

posts of teaching and non-teaching staff. Even though Sindh and district governments had conducted a number of surveys over the years and teams were constituted to suggest ways and means for reopening such schools, their efforts remained unsuccessful.

Reports in February confirmed that most of the 3,752 primary, secondary and lower secondary schools being run by the City Government Karachi were in extremely poor condition despite the fact that millions of rupees had been allocated in the budget for their maintenance. (D,

Feb 5) The schools surveyed by the PPI showed that the authorities concerned did nothing to improve the condition of these schools.

Reports from the Karachi in March disclosed that of the total of 57,000 government schools across the province, over 8,000 were 'ghost schools', and in some cases feudal landowners were using them as their 'Autaq's'. (D, Mar 11) Similar reports were also received from Dadu in April that confirmed the use of school buildings in remote areas as guesthouses by local landlords. (D, Apr 25) Sources in the education department said that despite efforts by a number of NGOs and the district government the number of closed schools in remote areas had increased. The number of closed schools under the previous government stood at 375, which increased, to 400 under the caretaker set-up and it was believed to have reached 500 (out of 1,985) under the present government.

A media report from Sukkur in May stated that at least 7,500 schools were lying closed in Sindh, buildings of some schools were in a shambles with animals instead of students occupying the buildings. Some schools were being used as cattle farms and others as police stations. (D, May 18)

In the Punjab, the situation was not very different. From reports received during December, around 63,000 schools out of a total of 64,000 schools across the Punjab lacked computer labs and instructors despite the Punjab government's claim regarding provision of computer education at government schools.

Reports from Kasur confirmed that in an incident in November, at least 20 students, including girls of a private primary school, sustained serious injuries when the wall of an adjoining triple-storey house collapsed. (D, Nov 29)

According to one news report in August, the Punjab government had ordered electric supply to 110 high schools lacking the facility. All district governments were given deadlines to arrange for electricity connection. Up to 75 boys' and 35 girls' schools in 23 districts of Punjab had no electricity facility. Rawalpindi headed the list with 15 schools, while Mianwali, Okara, Sheikhpura and Toba Tek Singh were the only districts having one school each without power connections. (D, Aug 17)

Children out of classrooms

According to reports by UNESCO, released in November, around 10 percent of the poor households (in one

study) took children out of school to put them to work because of poverty. Ill health, unemployment and natural disasters remained a recurring theme in the lives of the poor, often leading to children being taken out of school.

In October, a World Bank report expressed the fear that high food and fuel prices could affect education of the poor children, by creating pressure on the parents to pull their children out of schools. The report titled 'Rising food and fuel prices:' further said that schooling imposed explicit and implicit costs on households such as fees, transportation and uniforms. Such households may no longer be able to afford education.

According to statistics from the UN, the dropout rate in Pakistan was 50 percent higher than other countries in the world and corporal punishment remained one of the major causes. UNICEF and other child rights organizations were consistently calling upon the government to end corporal punishment and introduce necessary legal provisions to forbid it. (NE, May 15)

Notwithstanding the claims by the government, the enrolment of children in schools had not increased. Nearly 6.5 million children in the age group of five to nine years remained out of the school. Even official figures (often suspected of overstating enrolment figures) confirmed that only 59 percent children in Pakistan were enrolled in primary schools. According to official figures, the boys on an average spend 3.8 years and the girls 1.3 years in school, instead of the conventional five-year period. There are phenomenally high dropout rates.

According to figures reported in the paper in November, over 2.6 million children of school-going age were out of school in NWFP. Despite the huge expenditure on education in the province, public sector educational institutions lagged far behind the performance of private educational institutions. Only one out of every two children continued education from primary to secondary due to lack of facilities. In addition, only one out of four children of the relevant age group wishing to study to upper secondary level were able to continue.

Reports of torching and bombing of schools and the precarious security situation in the Swat valley forced thousands of girl students to abandon education in 2008. (NE, Jul 13) Terrorist attacks rendered 131 girl schools non-functional, and prevented around 17,200 girls from going to schools. During more than one year of violence in the valley, suspected militants used the destruction of girls' schools as an effective tool to bring the government to its knees, while reversing the process of education in the Swat valley. Schools were also occupied by the military and



Building-blocks of a nation.

used as bases.

There were 566 girls' schools in Swat, including four government girls' higher secondary schools, 22 girls' high schools, 51 girls' middle schools and 489 primary schools. Out of these, 131 girls' schools had been closed, putting an end to the education of 17,200 girl students. The dropout rate, particularly among girl students, had been constantly rising. Female literacy rate stood at 22.89 percent and that of males at 52.79 percent, with an overall literacy rate of 37 percent. (NE, Jul 13)

Private sector schooling

Proliferation of private schools and tuition/coaching centres indicated the public's response to government failure to provide quality education. The government continued to pass on the responsibility of education to the private sector. According to UNESCO's figures, compared to other countries of the region, private basic education enrolment in Pakistan was the highest. There has been an exponential growth in private sector education in Pakistan in recent years. Current private expenditure on education stood at Rs 36 billion. (NE, Aug 30)

At the primary level, the public sector enrolment was dominant with 86 percent primary schools, as compared to 14 percent in the private sector. At the middle level, only 37 percent enrolment was in the public sector as compared to 63 percent in the private sector. At the vocational or polytechnic level, the share of private sector enrolment was higher (70 percent) than in the public sector. Almost all the religious madrassahs (97 percent) were in the private sector. According to the latest figures available (Pakistan Education Statistics 2007) out of a total number of 231,289 educational institutions, 164,579 were in the public sector while 81,103 in the private sector.

In some cases, the performance of private schools remained better than public schools. However, the role of

public sector was more dominant in promoting education than the private sector. The share of public schools was also higher in rural areas. According to different reports and assessments, there was a need for enhancing the role of the private sector by providing incentives and introducing innovative schemes like education vouchers to encourage healthy competition between public and private sectors to help improve both the quantity and quality of education.

However, private sector regulation and monitoring remained weak. Apart from the mushroom growth of unregistered private schools, the trend of establishing schools in the residential areas continued unchecked, causing innumerable problems to the residents of local areas where these schools were



Girls education faced growing curbs from non-state actors.

functioning.

According to one report from Karachi in August there were as many as 7,000 unregistered private schools operating in the city. (D, Aug 18) Most of these schools were established on a purely commercial basis without fulfilling the standard requirements of running a school. According to official sources, apart from these unregistered schools, there were around 9,000 private schools in Karachi duly registered with the relevant authorities. Early in

2008, the Mardan Board of Intermediate and Secondary School Education (BISE) reportedly declared 21 schools illegal, asking the parents to transfer their children to registered institutions. (D, Jan 7)

Reports poured in throughout the year from all across the country confirming that private sector schools were charging excessive fees while paying low salaries to teachers. (D, Nov 3) Many quarters called for remedying the situation through a properly regulated mechanism. Legally, private schools could increase tuition fee by up to five percent of the previous fee schedule. However in numerous cases, the annual fee increase ranged between 20 and 50 percent and yet the relevant authorities did not take note of such actions.

Absence of any regulations regarding textbooks recommended by private schools made it difficult for parents to afford these textbooks. Most of the elite schools recommend expensive textbooks published abroad. It was suggested that the prices of foreign textbooks could be lowered, provided the government evolved a regulatory mechanism or copyrights were given to local publishers for local printing. (NE, Sep 28)

Textbooks and curriculum

The timely availability of textbooks remained a problem during 2008 as in previous years. Despite claims made by the Sindh Textbook Board, as many as 43 books on various subjects used at different levels were unavailable, creating difficulties for students at the commencement of the academic year in August in Karachi. (D, Aug 1)

According to reports from Mardan in September, the NWFP Textbook Board failed to provide books for many of the compulsory and optional subjects for 3,25,000 boys and girls students in the district. The distribution of free textbooks in 940 boys and 680 girls' government schools in the district for the year 2008-09 was problematic given that the local education department faced an acute shortage of textbooks. (NE, Sep 22)

Teachers and students raised objections to the low quality of textbooks being distributed by the government in government schools. To address this, the Punjab Textbook Board (PTB) banned the use of recycled paper in preparation of textbooks in order to ensure the provision of quality books to the students of government and private schools of the province. The PTB also formed an advisory committee comprising representatives of publishers, mill owners and the Board to monitor the entire process of textbooks printing for the coming academic session. (NE, Sep 22)

A much talked about new curriculum, to be implemented from the 2008 academic year as claimed by the former government, could not be implemented as the curriculum of 34 subjects out of 60 had yet to be prepared. (N, May 3) Students and teachers continued to demand changes in the curriculum throughout the year.

Teachers and administrative matters

Lack of teaching staff persisted as before. In one report from Rawalpindi in July, colleges for both boys and girls were hard hit by a shortage of teaching staff. More than half of the sanctioned posts in Rawalpindi district's 33 educational institutions had been vacant for many years. (D, Jul 22) Available information further suggested that physical education had been virtually abolished in the district, since no instructor was available.

From figures reported in March from Rawalpindi as many as 2,500 posts of teachers in primary and middle schools in the district were vacant while 140 out of 266 high schools were without a headmaster. (D, Mar 31)

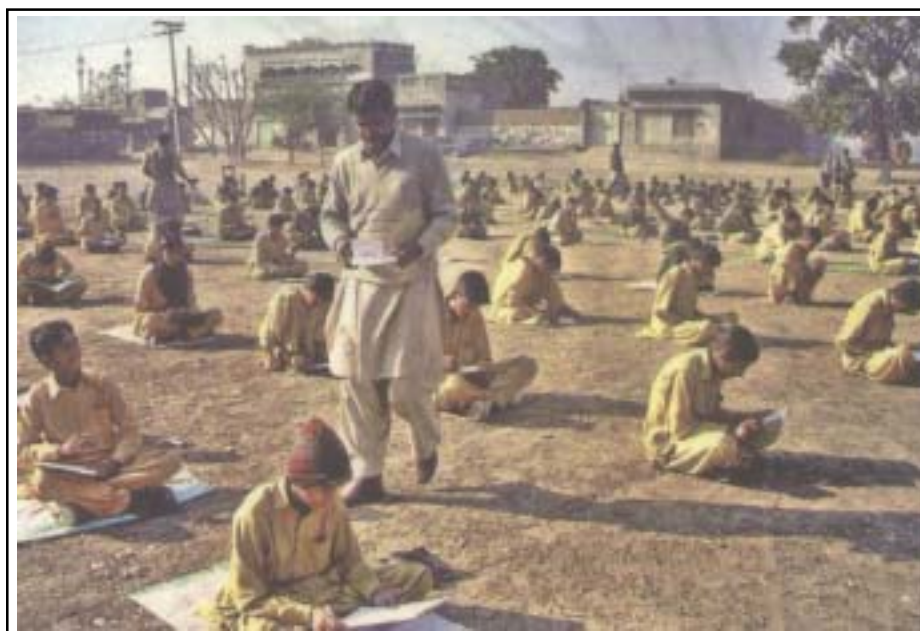
There were further reports from Karachi during March that recruitment of teachers had stalled. At a time when a number of schools in Sindh were either closed for want of teachers or facing an acute shortage of teachers, the year-long exercise undertaken by the provincial education department to fill 8,000 vacant posts of primary and junior schools teachers failed to yield positive results. (D, Mar 13)

Teachers also voiced concern over withholding of promotions. According to reports from Rawalpindi, teachers expressed concern over the decision of Punjab education department to withhold promotion of 150 teachers to the next grade as teachers threatened to launch protests if their colleagues were not promoted. (D, Jul 26)

Students across the country took their exams while facing constant power outages in the examination centres and many students complained of poor visibility.

The Higher Secondary Certificate (HSC) part-I Science (pre-medical and pre-engineering), General Science (Computer) and Home Economics annual examinations for 2008 began in Karachi amid complaints of frequent power failures and absence of police contingents from various examination centres. (D, May 13) The Secondary School Certificate (Class IX and X) Science and General Groups examinations (both for regular and private candidates)

began in April during power failures at various centres, accompanied by unchecked use of unfair means. Many candidates suffered because of the absence of fans in classrooms, and the broken desks provided to them at the examination centres in different government schools. Complaints of non-availability of drinking water were also



Open-air school.

received from some examination centres. A total of 400 examination centres were set up at both private and government schools, but complaints of absence of fans in classrooms and broken desks were mostly received from government schools. (D, Apr 15)

There were further reports of problems faced by students during their examinations. In one incident reported from Islamabad during the April exams, many students were stopped from wearing head scarves/dupattas in examination halls. The students demanded that examination rules needed to be clarified on

this issue to avoid future problems. In another unrelated event, the future of 983 students of diploma in commerce (D.Com) was at stake, as the packet containing their answers-sheets had gone missing during its transportation from Lahore to Vehari by the Punjab Board of Technical Education (PBTE).

Higher education

At least a 15 percent increase had been registered in the enrolment of students in postgraduate education in both public and private sector universities. This indicated a figure of 4 percent (up from 2.8 percent in 2002) of the population was now receiving higher education at Masters, M Phil and PhD levels. (N, Feb 26)

The previous government had injected billions of rupees to enhance the quality of higher education in the country. However, the present government made a significant cut in Higher Education Commission (HEC) developmental projects and did not release recurring funds, which halted many ongoing projects. This included scholarship schemes and the establishment of foreign universities in the country.

The reduction in funds for the HEC and public sector universities by the government, in the wake of global financial crisis, remained one of the most pressing academic debates in 2008. Owing to cuts in funding, the commission had to withhold various scholarships for students who were due to proceed abroad to study at foreign universities.

According to sources in the HEC, the government only released 20 percent of its development grants during the year. A further cut of Rs 3.2 billion was made which added to the problems of the universities. (NE, Dec 24)

Reports at the end of the year suggested that the Education Ministry was planning to take over the administrative control of the HEC. Necessary amendments to the HEC Ordinance, 2002, which placed the Commission under the prime minister's administrative control, were also reportedly underway.

The quality of education being imparted in colleges remained dismal. According to reports from Karachi in September, the number of colleges in both public and private sectors whose results in the intermediate science annual examination remained below 10 percent had risen to 89 indicating an overall decline in education. (D, Sep 5) Of these 89 colleges, the results of 47 colleges remained zero percent.

According to reports, vocational training schools being run by the City District Government Karachi had failed to provide the required level of technical education to students. The allocation of the inadequate sum of Rs 25.5 million

for these schools also reflected the government's apathy towards technical education. The schools faced many problems including dilapidated buildings, lack of furniture, technical laboratories and other basic facilities. (D, Oct 9)

Educational ethics

In April, in Karachi, a number of students found cheating in examination were reportedly not registered by the invigilators and vigilance teams because of alleged pressures exerted on them by activists of certain political groups. Several cases of cheating were detected during the secondary school exams of both regular and private candidates. In most cases, the candidates took unauthorised items, such as mobile phones, into examination halls using them for cheating and also for calling up political activists when caught by invigilators.

In another case reported in December, the Punjab Education Department started action against principals of 464 colleges for their alleged involvement in the misuse of funds and poor graduation results in 2008. A special team was formed for this action after the department received complaints against several principals. Appointment of principals on political grounds was a major reason for poor results. These principals had also appointed junior teachers as vice principals resulting in pass figures dropping to 24.67 percent from 26.68 percent in 2007.

The number of cases pertaining to the use of unfair means detected during the ongoing Higher Secondary Certificate (part I and II) science, general science and commerce groups' annual examinations 2008, was 2,350 as reported in papers during June. Of the total cases so far registered by the vigilance teams of the Board of Intermediate Education, Karachi against the candidates using unfair means in exams, only 50 were girls and the remaining 2,300 were boys.

Increasing plagiarism in academic institutions has discouraged genuine research activity and damaged the potential of students. According to HEC policy, introduced in October 2007,



Protesting against shortening of academic year.

if someone from a university was discovered plagiarizing research material, the university could theoretically lose funding from the HEC. The HEC produced a booklet on plagiarism in its efforts to eradicate the problem. Such instances in the University of Karachi (KU) proved that no action had been taken against the alleged plagiarism rampant in the university. (NE, Aug 30)

The reluctance of the Government College University (GCU) administration to take up a case of plagiarism called for immediate attention of the chancellor. The chancellor had earlier taken strict action against similar cases of the PU the previous year. The said teacher offered his resignation which was accepted by the syndicate, following which he was repatriated to his parent department i.e. the education department. (NE, Feb 25)

Early in 2008, five-faculty members of the Punjab University's Centre for Higher Energy Physics (CHEP) were forcibly retired by the Chancellor while almost a month earlier PU Department of Psychology and Applied Psychology chairperson was suspended from service over allegations of plagiarism.

The HEC had yet to provide universities with computer software to detect plagiarism. The HEC had announced about a year ago that it would provide such software to all affiliated universities. Among the 122 universities affiliated to the HEC across Pakistan, only nine universities had been provided the software. HEC officials confirmed 29 cases had been reported and the accused had been punished in 13 cases, while 14 cases were still being investigated. (DT,

Feb 11)

Schooling at madrassahs

The debate on madrassah education continued. Efforts continued throughout the year to change the perception that madrassahs were incubators for extremism. The Pakistani madrassah has come to be viewed with deep suspicion in the international arena. According to reports earlier in 2008 from Islamabad, the process of bringing madrassahs into the mainstream education system – the most important part of the madrassah reforms plan – had been put on hold for the next government. According to the results of one poll funded by the US Institute of Peace (USIP) released in January, 64 percent of Pakistanis wanted madrassah reforms by the government. (DT, Jan 8)

However, there were reports in May which indicated that the government was considering closing down a seemingly dormant madrassah reforms project that the previous government had pledged would modernize religious schools. Of the total Rs 5.76 billion funds that the project began with, only Rs 223 million had been spent in five years. (DT, May 23)

According to the Ministry's figures, 14,656 madrassahs had been registered, leaving only between 1,000 and 1,500 unregistered institutions all over the country. The issue of incorporating federal education board's syllabus into the madrassah course had not yet been settled. Several authorities also felt that madrassah education needed to be updated as the curriculum of madrassahs had become redundant.



Alternative education.

An investigation by The News (a local newspaper) revealed that more than 8,000 religious seminaries enrolling 1.7 million students were affiliated with *Waqaful Madaris Al Arabia*.. (NE, Jun 14)

Hundreds of thousands of children studying in Punjab's madrassahs remained vulnerable to corporal punishment, which may result in long-term adverse psychological effects on the children, as well as led to their abandoning education altogether. There were around 5,000 madrassahs in the province affiliated with the *Waqaful Madaris* (association of madrassahs). However, the

Waqaful Madaris general secretary said the organisation could not intervene in madrassahs' internal affairs. (DT, May 6)

In an incident reported during May, 30 madrassah students were arrested for child militancy in Swat. Security forces were investigating around 24 madrassahs students from Swat, while first information reports (FIRs) were registered with the police against six others for being involved in child militancy during the military operation in Swat. According to the Society for the Protection of the Rights of the Child (SPARC) about 25 to 40 madrassah students (from seven to fifteen years of age) of Kabal *Tehsil* were used as child militants by some rebel clerics. (DT, May 15) According to a Washington Times report, media reports had tied former madrassah students to terrorist attacks in the US and Europe and to militant groups operating in Afghanistan.

According to the National Education Consensus figures revealed in July, madrassahs in Pakistan were spending

more money than primary schools under government control. There were 12,153 madrassahs in the country, excluding mosque schools where only the Holy Quran was taught. Of these, the government supported only 331; 6634 had their own buildings. Only 961 were in rented premises. 3,988 were totally independent and 239 were working without buildings. The expenditure of the 916,823 primary schools was Rs 2,572 million whereas the expenditure of 11,799 madrassahs was Rs 2,723 million excluding the 331 madrassahs, which the government supported. The government had taken some measures against the madrassahs involved in militancy and sectarianism but despite huge funding and the Madrassahs Registration Ordinance, 2002, authorities could not register or monitor all seminaries in the country. (NE, Jul 26)

Gender discrimination

The girl child's access to education as compared to boys' continues to be a serious problem in Pakistan. There is no denying the fact that the country has not been able to ensure gender equality despite a number of repeated measures. Meagre

budgetary allocations, non-conducive social environment, restricted movement of girls, shortage of female teachers in schools, and curricula promoting gender biases remained some of the factors identified as major hindrances by the stakeholders.

Furthermore, a Gender Parity Index of 0.7 as confirmed by UNESCO showed that approximately only two million girls were likely



One of the around 200 schools blown up in Swat.

to receive eight years of education. Gender disparities were also higher in rural areas as compared to urban areas at all levels. With the level of disparity rising at each level there were twice as many boys as girls in rural secondary schools. In FATA, less than half of the enrolment in primary education was female.

Taliban militants in the former tourist region of Swat banned girls from school in December, claiming female education was contrary to Islam. (N, Dec 28) The announcement was a further blow to a system in which female enrolment had already plunged due to the ongoing violence. Three years ago, more than 120,000 girls attended schools and colleges in the said region, which had a population of 1.8 million. Now only about 40,000 were enrolled.

Disabled students

In August, HRCP renewed its demand to the government to ensure the implementation of the admission quota for disabled students to educational institutions. The commission drew attention of the Punjab governor and the chief minister to the fact that while a number of colleges and universities in the province had implemented the quota as per government policy, quite a few had not. HRCP demanded that the Punjab Education Department issue a public notice outlining the extent to which the quota for special students was being implemented in educational institutions in the province.

Additionally, HRCP requested the government to enforce the decision made in 2006 to waive fees for disabled students to afford them opportunities to access education, thus fulfilling its basic responsibility of providing education for all.

In September, HRCP appreciated and welcomed the creation of two seats for disabled students at the University

of Engineering and Technology, Taxila from session 2008.

Recommendations

1. *As has been explained in numerous previous reports, the State response to the crisis in the education sector has been one of extreme negligence. The immensity of the problem can only be tackled by all stakeholders, in all sections of society. A state of emergency viz education needs to be declared, with urgent consultations between all provincial governments, local communities and educationists.*
2. *The projected figure of 3.7 million out of school children is unacceptable. While much higher funding is strongly recommended (currently at 2.3% of GDP) greater capacity-building and co-ordination remain key issues for which effective implementation is required.*
3. *Disparities in gender, rural/urban initiatives should have greater priorities in all sectors i.e. physical and human resource allocation, teacher training, availability of textbooks, etc.*
4. *Non-functional and ghost schools need to be identified. All related corrupt practices such as, siphoning of funds have to be challenged. A review of earlier initiatives and actions in this regard is essential in order to move forward.*
5. *Monitoring of school enrollment with updated figures and using updated methodologies is required, with quarterly national reviews made available to the public.*
6. *Regulatory practices with regards to private schools need to be realistic, practical with ongoing modifications made through consultations and monitoring.*
7. *Problems of textbooks, including content, costs and availability remains a concern. Provincial textbooks boards being lethargic, a new inclusive methodology should be worked out, using computerised communication with all stakeholders.*
8. *Curriculum at various levels while being revised, lag behind schedules and implementation. Urgent action on a 'war-footing' has to be undertaken.*
9. *Incentive for teachers and educational administrators at all levels is an urgent need. While HEC has taken steps for university teachers to be better paid, teachers at all other levels continue to suffer extreme financial hardships. Lack of training, promotion and additional facilities continue to plague the teaching profession.*
10. *A reappraisal of HEC funding needs to be undertaken, with support for better outcomes.*
11. *Madrassahs being a contentious issue; law making for curriculum, registration, and regulation by the state is urgent. The necessary mechanism for implementation of laws is recommended for attention of lawmakers.*
12. *Media and technology can be important catalysts for Pakistan's educational emergency. Media can be an effective platform and technology can provide the tools. It is strongly recommended that new partnerships may be forged between the Federal Government Ministry of Education, Provincial and Local Governments, private sector, donor agencies, educationists and the citizenry. Technology and media can play a pivotal role if 'built into' all planning.*

Health

The state shall secure the well-being of the people, irrespective of sex, caste, creed and race ... provide basic necessities of life, such as ... medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment.

...

Constitution of Pakistan

Article 38(a and d)

Everyone has the right to a standard of living adequate for the health and well being of himself and of his family, including ... medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Universal Declaration of Human Rights

Article 25(1)

State of nation's health

Health expenditure as a percentage of GDP was 0.57% in fiscal 2007-08 according to the Economic Survey of Pakistan released in June 2008. This does not present a satisfactory picture as the percentage of GDP spent on health remained stagnant at almost 0.6 percent from 2001-02 to 2007-08.

The Health Ministry of Pakistan had set specific goals for 2008 because of the unsatisfactory performance of the health sector in 2007, but it was unsuccessful in achieving them. The state was unable to permanently eradicate polio from the country, unsatisfactory performance of the National Aids Programme took Pakistan from being described as a 'low prevalence country' to a 'concentrated epidemic country' for HIV/AIDS, delayed performance and inappropriate steps marred the effort to overcome the bird flu outbreak and performance in mother-child care, hepatitis control and TB control programmes remained below the mark. Cases of dengue also spread rapidly.

Existing services

According to the Economic Survey of Pakistan 2007-2008 there is one doctor available for every 1,225 persons, one dentist for every 19, 121 persons, one nurse for every 2,501 persons and one lady health visitor (LHV) for every 16,845 persons.

There are a total of 945 hospitals, 4,755 dispensaries, 5,349 BHUs, 903 Maternity & Child Health Centres and 290 TB Centres in Pakistan as of date. Finally, the figure for population per hospital bed was 1,517. These figures show only a minimal increase over the statistics for previous years.

Public sector care

Throughout the year there were reports that facilities at state-owned hospitals were poor. A common complaint

was that doctors were not present at their posts. The main reason was that doctors were holding jobs at both private and public hospitals. Service at private hospitals was preferred because of the higher monetary incentives available there. There were also many reports of the non-availability of basic medicines, such as anti-rabies medication at public hospitals.

Basic Health Units

A majority of BHUs were being run by medical technicians or dispensers instead of qualified doctors. The Punjab Health Sector Reforms Programme was far from achieving its targets as only 456 doctors were recruited for 1,077 vacant spots in Rural Health Centres and Basic Health Units. (DT, May 1) Despite the allocation of funds many Basic Health Units were not upgraded. Further, the planned installation of necessary equipment such as ultrasound and X-ray machines, generators, dental units, ambulances and computers did not take place.

Public hospitals

The grim condition of public hospitals was highlighted by reports of the lack of basic drugs in NWFP where people were forced to go to private hospitals for medication. (RNE, Feb 2) There were also reports of unhygienic conditions in major city hospitals where several people died of an infection from a bacterium called acinetobacter contracted from unclean ventilation equipment. The lack of standards in infection control and adequate sunlight in hospitals were cited as causes for the spread of the harmful bacteria. (D, Jan 8)

Patients at public hospitals also suffered due to the lack of ambulances. At the referral of public hospital staff, families of patients were forced to hire private ambulances at higher rates. The charges for a public ambulance was 4 rupees per kilometre, while private ambulances cost approximately 30 Rupees per km in addition to the toll tax and oxygen cylinders which was borne by the patients' families. (DT, Jan 29) This caused unnecessary hardship to lower income members of society.

In 2008, too, no female doctors were available in FATA hospitals, which was a crucial problem for women in the area as many of them refused or were prevented from seeing a male doctor. Maternal morbidity remained high though the rate declined to 276 deaths per 10,000 live births, compared to 533 deaths in 1990. It needs to be slashed to 140 by 2015 to reach the target set by UN Millennium Development Goals. (D, Nov 15)

Many government health facilities, hospitals and health offices were set ablaze and looted in Sindh during the disturbances that erupted following the assassination of Benazir Bhutto. Sindh is still seeking funds to repair the



Public sector hospitals were in a shabby condition and lacked facilities.

buildings.

Doctors

Doctors serving at government hospitals were not paid on time and as a result they did not provide quality service to their patients, rarely stayed at the hospitals and preferred to work at private hospitals/clinics. In NWFP, general duty medical officers have not been promoted in 20 years and this continues to be the trend. A proper service structure is lacking for doctors in public hospitals where doctors are often hired on contract rather than on a full time basis. This causes job insecurity in the medical profession. (D, Mar 1) Politics also played a role in demoralising doctors. The President of the Social Security Doctors Association and a Senior Surgeon were suspended for challenging the policies of the Commissioner Social Security.

Baby kidnappings

There were several reports of the kidnapping of newborn babies from public hospitals around the country. (N, Jan 2) This was due to the lack of visitor guidelines in the nursery units of public hospitals. Appropriate steps were not taken to curb this trend as the government seemed content only with making guidelines for autonomous hospitals and not for public facilities. The autonomous hospitals have however, implemented these guidelines, which include an increase in security and the use of CCTV cameras.



Doctors protest for their rights.

Private sector care

Private hospitals and clinics/drug inspection

Private clinics were a 'forbidden zone' for the drug inspector in Punjab, as the owners of private clinics would not allow their premises to be inspected. There were reports that medicines were stored in plastic bottles and unsealed tablets were being sold to patients. The government attempted a crackdown on 'quacks' or fake doctors but the lack of cooperation by private establishments hindered the process. (N, Mar 8)

There were also reports of ill treatment of patients at private hospitals where doctors were not available on waiting. (RNE, Jan 1)

Critical care

Pakistan continues to lag behind in the provision of critical care medicine which could be provided by private hospitals. This includes the treatment of asthma attacks, severe infections, complicated deliveries, road traffic accidents and many other conditions that can cause the death of otherwise healthy persons within a few hours. Due to poor career prospects and a lack of training opportunities physicians are deterred from dedicating themselves fully to critical care medicine.

Private hospitals

Due to a lack of proper law on overcharging at private hospitals where fees are usually excessive, many patients resorted to self-medication. There were reports that patients who went to government or semi-government hospitals for advice were sent to meet the same doctor at their private clinic in the evening, where the charge was much higher, at approximately Rs. 1,000. (D, Jan 9)

Disease and Prevention

Tuberculosis

Around 62,000 people die of TB every year in Pakistan, 10,000 of them in NWFP alone. 2008 saw an increase in TB cases in Chitral where reports were that religious seminaries were the cause for this increase as living accommodation for students at the seminaries was inadequate. (N, Jan 5) On the positive side, 2008 was the year in which Pakistan

was seen as taking effective steps towards achieving the Millennium Development Goal of a 70% case detection rate. (RNE, Mar 25)

Hepatitis C

Despite the PM's National Programme for Prevention and Control of Hepatitis C, 2008 saw non-availability of Hepatitis C drugs in several hospitals, especially in Sindh. The number of deaths by Hepatitis C was reported as high even in private hospitals. The re-use of syringes by quacks and the selling of unscreened blood by blood banks were blamed as part of the reason for the spread of Hepatitis C. (D, Mar 8)

Polio

Polio eradication is a distant goal in Pakistan. Over the past two years polio was considered on the verge of eradication, but in 2008 no less than 96 polio cases were reported. (D, Oct 10) The figure is especially worrying since in 2007 only 25 cases of polio were reported and 2006 saw 40 cases. Punjab was free of polio in 2007 but by October of 2008 a total of 22 cases had been reported there. Many cases were reported from Sindh, including Karachi.

The increase in the number of polio cases was attributed to the current political situation in the Northern Areas. A curfew in Swat caused the third phase of a polio immunisation drive to be suspended, depriving 39,000 children of the polio drops. (D, Oct 12) Further, there were several reported cases of a misconception held by the people of Balochistan that the polio vaccine was a plot by the West to cause infertility in Muslim children. (D, Jun 25)

A study by the Polio Eradication Initiative (PEI) of the total number of polios cases reported in 2008, found that 38 children had escaped immunisation teams and 10 had not received their supplementary doses.

Diabetes

6.2 million people suffer from diabetes in Pakistan according to a World Diabetes Federation report and the number could rise by nearly 100% in 2025 to 11.2 million. This ranks Pakistan at 7th highest in the world for the prevalence of diabetes, where approximately 15% of the population suffers from the disease. (N, 13 Nov) The lack of exercise and sporting facilities is a major reason for the increase of the disease. Diabetes is also an expensive disease costing each diabetic patient approximately 8,000 to 10,000 rupees per month for suitable medication making matters difficult for people in low income brackets. Apart from inheritance in some cases, diabetes in Pakistan has been attributed to bad eating habits (fast food, soft drinks), lack of exercise, and stress caused by Pakistan's current economic and security situation. The disappearance of footpaths and playgrounds to make way for residential and commercial buildings is also cited.

Asthma

According to the Pakistan Chest Society, 5% of Pakistanis suffered from asthma in 2008. Due to a lack of awareness and scarcity of doctors it is difficult to estimate the number of deaths due to this disease. However, 90% of asthma patients in Pakistan were unable to lead a normal life due to a lack of medication and awareness about how best to deal with the disease. (D, May 7) Increasing pollution in cities aggravated the problem.

Bird flu

The Bird flu, Avian Influenza H5N1 virus was detected in Karachi in February of 2008. The virus spread to Islamabad where a case was reported in June resulting in the culling of tens of thousands of chickens. It is said the virus caused this damage because the provincial authorities lacked the diagnostic facilities required to measure Bio-Safety Levels III to detect the virus. In March the government approved a 5.5 million dollar budget for the prevention and control of the virus. (N, Feb 2) There was a lack of coordination between Punjab's health department and livestock and dairy development departments (RNE, Jan 10) but the government claimed that the virus had been contained.

Dengue fever

Pakistan reported 287 cases of dengue fever, including four deaths in 2008 (ProMed, August 26). The reasons for the increase in dengue fever cases were rapid population growth, unplanned urbanisation, deficiencies in water supply and solid waste management, inadequate budgets for dengue control, traditional water storage practices,

inadequate health education and poor garbage collection which created more places for mosquito breeding. There is no vaccine for dengue fever and lack of awareness of preventative measures was a major cause of the spread of the virus.

Contaminated and unhygienic water caused many deaths by gastroenteritis and it was said that 69 children died of rotavirus diarrhoea daily in Pakistan. (N, Sep 16)

Breast cancer

According to the Pink Ribbon Campaign, Pakistan has the highest rate of breast cancer incidence in Asia. Out of 83,000 cases reported 43,000 died. (BR, Feb 5) Breast cancer is one the easily preventable forms of cancer and the high mortality rate is attributed to a low awareness of the facilities for early detection and treatment of breast cancer. Lack of knowledge of the disease was also found amongst university-going girls. (DT, Jan 16)

Measles

Lahore saw a 15% increase over the preceding year in measles especially amongst infant and school-going children. (N, Mar 7)

Glaucoma and blindness

Glaucoma accounted for blindness in 100,000 people in Pakistan. A lack of awareness about glaucoma and diversion of resources towards cataract treatment contributed to increase in blindness. (N, Mar 7).

Drug abuse

The National Drug Abuse Assessment said there were approximately 68,000 drug abusers in Pakistan. (RNE, Apr 14). They included 484,000 heroine addicts and 125,000 injectable drugs users (Economic Survey of Pakistan). And according to the UN Office of Drugs and Crimes an estimated 6 million out of 162 million Pakistani citizens are abusers and the rate is estimated to increase by 7%. In 2008 there were 23,436 seizures of narcotics - opium, heroine, hashish, cocaine and poppy straw - in the country.



Doing drugs : An increasingly common sight.

HIV/AIDS

According to a UNAIDS report HIV/AIDS cases were on a rise in Pakistan, Sindh accounting for 50% of the HIV/AIDS patients. Due to a disagreement between UNICEF and a hospital in Karachi the cancellation of funding for a Prevention of Parents to Child Transmission (PPTCT) centre aimed towards screening and counselling women with HIV/AIDS was a tragic development. (D, Mar 5)

A high prevalence of HIV was found amongst drugs addicts who injected drugs. WHO says the transmission rate is 10% and in a UNAIDS survey in Lahore, 64% of the drug abusers said they did not use sterile injections. According to a national aid group, HIV infections among 100 drug users in Punjab rose from 2 – 50 over the past two years. According to the World Population Fund 85,000 people in age bracket 20-44 are infected with HIV/AIDS in Pakistan. (RNE, Jul 11)

Organ trade/transplants

Despite a ban in 2007 under the Human Organs and Tissues Transplant Ordinance 2007, the illegal organ trade continued in 2008. The Federal Investigation Agency (FIA) was called in to investigate the issue further by the government as several cases of the kidney trade racket were discovered over the year. (D, Feb 27) It was found that

middle men convinced poor people to sell their organs for various amounts of money and the major beneficiaries were the middlemen and the surgeons that received large amounts of money from wealthy people suffering from kidney problems specially foreigners. (DT, Feb 11) The average amount of money involved ranged between 200,000



Scarred by trade in human organs.

– 400,000 rupees for a single organ. A debate was started by a senior kidney specialist in Australia about the possibility of making kidney donation by Australians legal in Australia so that victims of the illegal trade in countries like Pakistan and India were protected. No significant result was achieved.

An amendment in the law was attempted by three members of National Assembly, which provided for loopholes in the law. But professional organisations intervened. A writ has also

been filed in the Federal Shariat Court against the Ordinance. After several hearings at Karachi, Lahore and Islamabad the final hearing is to be held in Islamabad. The decision of Shariat Court is still awaited.

Mental health

According to the WHO the budget for mental health in Pakistan remained abysmally low. Less than 1% of the total health budget was spent in this area due to the failure of policy makers to understand the gravity of the problem in Pakistan. Low literacy and a lack of awareness about diseases like depression and a strong belief in supernatural causes of events in one's life also contributed to lack of understanding of mental health issues. WHO found Pakistan one of the 25% of countries in the world that spent a very small portion of its budget on mental health. (D, Oct 10)

There was a dearth of professionals dealing with mental health in Pakistan – one psychiatrist for approximately 100,000 people. 67% of Pakistan's population residing in rural areas received mental healthcare, if at all, from general physicians. This was harmful as medical education in Pakistan lacks basic training in psychiatry at the undergraduate level. (N, Mar 8) Lack of mental healthcare facilities leads to people seeking help from so-called pirs and quacks, who often endanger the lives of those brought to them for healing.

The Mental Health Ordinance, 2001 is still not being implemented. After repeated reminders to the government, the Pakistan Association for Mental Health has moved the court. The Sindh High Court has issued orders to the federal government to take urgent action for implementation and report within two months, by February 2008, but no action has been taken.

Medicines – pharmaceuticals

The Drug Rules of 2007 barred chemists from selling a high number of essential drugs, causing the chemists to go on strike several times over the year. However, as the rules were not updated those dealing in suspicious drugs and illegal trade could avoid harsh penalties. The definition of spurious drugs in the rules is 'a drug in which none of the active ingredients mentioned on the label are present'.. This means that if even 1% of each active ingredient is present the drug may be considered sub standard (for which penalty is less severe) but not spurious. (N, Jan 3).

In some major cities various life-saving drugs that are cost effective were not available in the market such as

ventolin, thyroxine and angised. The manufacturers preferred to focus on producing expensive medicines. (N, Jun 28)

In October, the Pakistan Pharmaceutical and Manufacturers Association threatened to close their shops unless their demand for a 30% increase in their prices was allowed. The need for an increase in prices, they claimed, was due to a rise in diesel, petrol and other inputs. The government was reluctant to allow this as purchasing medications would have become difficult for low income people. (D, Oct 23)



Health care for the poor.

The government also insisted that pharmacies had qualified pharmacists at the counters to sell medicines, and due attention was paid to hygiene and storage facilities at the pharmacies.

Recommendations

- 1. The budgetary allocation for health must be raised substantially to establish a reasonably effective health cover.*
- 2. The rush on medical care facilities in cities can be managed to a considerable extent by streamlining the functioning of Basic Health Units and Rural Health Centres.*
- 3. Increased attention should be paid to the training of dispensers and paramedical helpers. This will also help curb quackery.*
- 4. The current system of mental health efforts by the government is absolutely chaotic. The infrastructure needs to change according to modern methods of treatment. Instead of mental hospitals there should be active assessment and emergency treatment centres in every district with attached accommodation for patients staying for long. In this way the meagre allocation can be better utilised.*

Housing

The state shall secure the well-being of the people, irrespective of sex, caste, creed and race, by raising their standard of living.

Constitution of Pakistan

Article 38(a)

Everyone has the right to a standard of living adequate for the health and wellbeing of himself and his family, including ... housing ...

Universal Declaration of Human Rights

Article 25(1)

A combination of dislocations caused by security concerns and military operations in FATA and Swat, massive population shift from rural to urban areas, increase in population and in the number of nuclear families amid a severe housing shortfall, highlighted the need to urgently plug the growing gap between the available and required housing stock in the major urban centres.

Increasing utilisation by private owners of prime agriculture land for small- and medium-sized residential projects had as much to do with the lack of housing units – especially for growing numbers moving from the rural to urban areas in search of employment and essential services — as it did with the growing problems associated with the agriculture sector. Most of such private housing schemes on land previously used for agriculture on the periphery of major cities lacked government approval, planning and basic amenities. Lack of a clear government policy on the housing needs seemed to make huge cities even bigger instead of providing facilities and ensuring employment in small towns and cities to obviate the need to relocate to cities.

Land and housing remained expensive necessities and beyond the reach of most income groups which have little credit worthiness.

Decaying structures and poor quality of construction continued to take a heavy toll on human lives during the year.

The government elected in the February 18 general election announced a major initiative to plug the housing shortage by building one million housing units annually. However, the project managers' credibility took a hit in December amid allegations of procedure being bypassed in the signing of memorandums of understanding (MoUs).

Mega housing project

Speaking in the National Assembly after taking a vote of confidence, Prime Minister Yousuf Raza Gilani said in March that one million housing units would be constructed in the country every year under the Prime Minister's

“Housing for All” programme. The prime minister also announced the launch of 5-marla housing schemes in rural areas for the poor and 80-square meter houses and flats in the cities for the general public. He said all retiring government employees would get flats or houses and that the provinces had also been directed to launch similar initiatives for their employees.

The housing ministry was asked to identify government land across the country so that construction work could be initiated. Reportedly 37,000 houses were to be built in Islamabad for low-paid federal government employees.

Priorities on paper

In June, the federal finance minister said in the budget speech that making “significant additions to low-cost housing to lessen the rising gap in housing stock, especially for the low income groups” was among the government’s key objectives for the 2008-09 fiscal year.

The housing minister said the housing units would be constructed in a public-private partnership for the poor, needy and low-paid government employees and general public.

There were calls for the government to clearly spell out the roles and responsibilities of all stakeholders in view of public-private partnership in the housing sector being a new concept in the country.

In September, the housing authority signed an MoU with a Pakistani construction company to jointly build 30,000 houses/flats in Lahore and Faisalabad in the first phase.

International interest

The housing authority said companies from Canada, USA Germany, Spain, Malaysia, China, Iran and Egypt showed interest in Pakiatan’s housing sector and signed agreements for the construction of houses and flats in various cities under the prime minister’s housing scheme.

Media reports in December suggested part of the mega housing programme could be awarded to a UK-based company in violation of rules. The Pakistan Housing Authority’s (PHA) secretary and managing director reportedly acknowledged allegations of ‘undue haste’ in signing an MoU with the company. The managing director said the project “has the potential to become a financial scam and create huge embarrassment for the government”. However, the federal housing minister accused both officials of creating hurdles in the project’s implementation and vowed to move court.

Announcements

Many projects were announced and MoUs signed to meet the shortage of the housing stock.

In March, the caretaker PM asked the Ministry of Housing to come up with proposals for high-rise apartment complexes to resolve the housing shortage in Islamabad.

In June, the Sindh chief minister said his government was finalising a plan under which 100,000 houses would be built and given to the destitute in Sindh.

The Ministry of Housing and Works planned to build 50,000 housing units along Islamabad-Lahore Motorway for low-income residents of the federal capital and its suburbs, the housing minister said in November.

In September, the prime minister formed a committee to make recommendations for providing affordable housing to the middle and lower-middle class through mortgage financing or instalments as well as provide housing to government employees on or before retirement.

However, banking credit remained inaccessible to people lacking stable employment in the formal sector, valuable



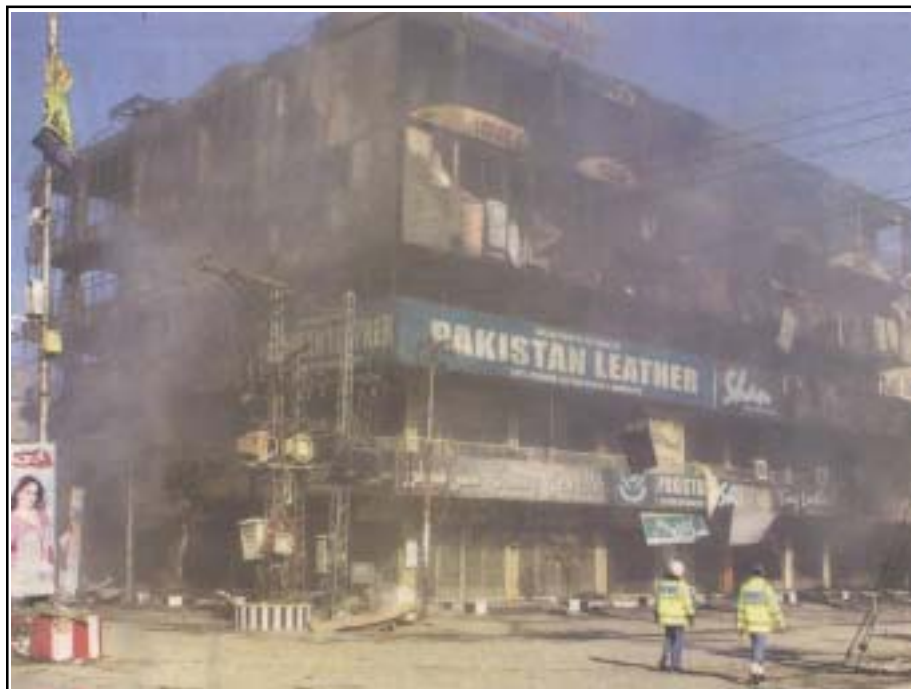
Many found space to sleep only on pavements.

assets or an understanding of the banking system – essentially the lower and lower middle-income groups.

Quality of construction

As in previous years, collapse of buildings across the country, mainly during the rainy season, testified to the poor quality of construction or maintenance.

At least 209 people were killed and 315 injured during 2008 in the collapse of 131 buildings countrywide. The casualties occurred mainly due to roofs — and occasionally walls — collapsing.



Poor maintenance caused accidents and reduction in housing capacity.

The problem was clearly not confined to old buildings. Twelve people were killed when a recently-built six-storey building collapsed in Sukkur in December, killing 12 people. In July, a three-storey building constructed a year ago collapsed in Karachi, killing 10 people.

Lack of precautions during construction led to the death of at least 10 labourers and injuries to another 16 during the year, according to media reports.

During the year, death of four children and injuries to 11 others at three government schools where walls or roofs collapsed, spoke volumes for the level of priority the government attached to safety at school by ensuring maintenance.

The principal of one of the affected schools, in Jacobabad, where seven students were injured when a portion of their classroom roof collapsed, said his complaints to the education authorities on the dilapidated condition of the school building had not elicited any response. (Dawn, Sep 27)

The dilapidated condition and poor quality of school buildings had already been exposed in October 2005 when a massive earthquake caused almost all schools in the quake-hit zone to collapse.

The figures of collapsed buildings did not include well over 20,000 houses destroyed in natural disasters during the year. While the eventual collapse of the structures was caused by floods or an earthquake, poor construction contributed considerably.

Around 7,600 houses were completely or partially destroyed in the October 29 earthquake in Balochistan and over 12,000 houses in floods in NWFP. Hill torrents also caused devastation in around 150 villages in Punjab province's Dera Ghazi Khan district, where the houses were mostly made of mud. [See the chapter 'Refugees']

As in previous years, the monsoon rains were preceded in major urban centres by notices to the people to vacate dilapidated buildings to escape harm and to pave way for their demolition.

The Lahore administration ordered evacuation of 500 dangerous buildings in the city in July and ordered owners to demolish and rebuild them. Also in July, 209 buildings in Lahore were declared dangerous and residents were asked to vacate them within three days or criminal cases would be lodged against them.

The Lahore Development Authority (LDA) banned digging for construction during the monsoon season for fear of neighbouring structures collapsing.

According to media reports, there were 2,700 dilapidated buildings in Lahore at risk of imminent collapse.

(Nawa-e-Waqt, July 7) Poor families were living in the dilapidated structures as rent was low. At least 100 buildings were issued such notices in Rawalpindi in July.

However, the campaign to demolish dilapidated buildings seemed to die down with the end of the rainy season.

Commercial use of residential areas

Commercial use of residential property was endemic and largely unchecked. Such use was more in the spotlight in Islamabad and the provincial capitals.

In September, the authorities in Lahore planned to seal more than 2,000 illegal commercial buildings including marriage halls, shopping plazas, private offices and educational institutions in the residential areas declared illegal during previous two fiscal years.

During the preceding two years, the authorities had imposed a complete ban on commercialisation of residential property in Lahore.

Commercial use of residential property continued in Islamabad despite hefty fines and official warnings, mainly because of paucity of properties to meet the city's commercial needs.

In March, following a terrorist attack on an Italian restaurant in Islamabad's residential area, the authorities announced they were going to seal all restaurants and private guesthouses in residential areas. Owners of 30 restaurants and guesthouses were ordered to close their outlets within a week.

Officials estimated 80 private guesthouses and over 40 restaurants were being run in residential buildings in Islamabad.

Towering violations

In January, the Supreme Court (SC) resumed hearing of a case against illegal construction of multi-storey buildings. The SC had temporarily banned such construction in Lahore in 2007, before Musharraf sacked the superior court judges in November 2007.

At that time, the court's concerns included construction in violation of building byelaws and insufficient roads, water, electricity, sewerage and parking facilities, and possibility of rescue in case of emergencies.

The court reprimanded the Lahore Development Authority (LDA) for delaying action against high-rise buildings erected in contravention of rules.

A commission appointed by the court said that it had examined 417 buildings in Lahore and found many of them had been built in violation of building byelaws. The buildings' owners expressed their willingness to pay penalties for violating the law and requested that their structures should not be razed. The court expressed disappointment that the only progress in the case had been issuing of show-cause notices to the violators.

At a subsequent hearing, the court asked building authorities to examine if there were cases that could be settled by imposing penalties on the owners of multi-storey buildings.

In August, the SC stopped LDA from demolishing 10 high-rise buildings constructed after a 2007 ban by the court. It also barred construction of 45 multi-storey buildings.

However, little action was taken against similar illegalities in the construction of multi-storey buildings in other main cities of the country.

Land concessions

In October 2007, the SC had started hearing the case of allotment at subsidised rates of farmhouses in Chak Shahzad, at the outskirts of Islamabad, to 499 people on 2,500 acres of land. These plots were allocated at subsidised rates for growing vegetables and poultry, to meet the demands of Rawalpindi and Islamabad. Most were reportedly being used for residential purposes. The owners included senior military officers and bureaucrats, who were accused of violating the terms and conditions of the land allotment and building residences, marriage halls, golf courses and swimming pools there.

In February 2008, the SC reconstituted by Musharraf dismissed the case against farm owners, including then president Pervez Musharraf, former prime minister Shaukat Aziz and many other members of the powerful elite,

clearing them of misusing farm lands for their residence. The attorney general said that while dismissing the case, the SC bench had observed that the issue did not warrant any intervention by the court as there were other institutions to take note of the issue of appreciation in land value. (The News, Feb 7)

Environment

In June, the new Punjab government scrapped the New Murree Development Scheme, meant to develop a hill resort, and dissolved the authority set up to carry out the project.

The provincial government decided to end the project because of its potential to cause irreparable damage to the natural environment of Murree as it entailed massive construction activity on over 25 percent of the forest land falling under the project.

The government of the outgoing chief minister, Pervaiz Elahi, had decided to launch the project for the development of the hill resort in 2003. The resort was to have five-star hotels, a golf course, shopping malls and residential villas. 4,000 acres of forest land was earmarked for the project.

Environment protection groups and NGOs had raised serious concerns, prompting the Supreme Court to take suo motu notice in 2005, and suspend work until an environmental impact assessment was approved.

World Wide Fund (WWF) Pakistan hailed the scrapping of the project. It said such projects that threaten the already fragile ecosystem should not be initiated. WWF demanded that the land should be returned to the Forest Department and declared a forest reserve.

In November, the Supreme Court dismissed a case against the acquisition of land by the Punjab government for a private-sector development scheme in the picturesque village of Salkhaiteer — located at the foot of Murree Hills some 15km from Rawal Dam.

The SC observed that factual controversies were involved in the matter that could be determined by a competent forum.

Earlier in October, the Supreme Court had heard that the rules framed by the previous Punjab government authorising the acquisition of land were exclusively meant to benefit a private estate developer. The villagers' lawyer had argued that the project was being developed without conducting an environmental impact assessment. The villagers alleged that the land had been acquired in violation of the law as such acquisition could only be for public purpose and welfare.

Before the proclamation of emergency and subsequent removal of the apex court judges in November 2007, a five-member bench headed by Chief Justice Iftikhar Mohammad Chaudhry had stayed the acquisition of land.

Afterthoughts

The Environmental Protection Agency (EPA) in November ordered an immediate halt to construction work on Islamabad's Zero Point Interchange until the project's impact on environment could be assessed. The order came after hundreds of trees had been chopped off and dust pollution caused during the construction work. [*See the chapter 'Environment'*]

The Environment Ministry backed the EPA decision and said the authorities would not be allowed to resume work until an environmental impact assessment report had been submitted to the EPA. The prime minister had inaugurated the project in September.

The suspension of work was unusual as large infrastructure projects are approved by high-powered government committees and it is rare for any government department to question them. In recent years, road construction and underpass projects have been undertaken, almost without exception, without proper environmental impact assessment.

Waste disposal in housing schemes remained a problematic area. The chairman of the Punjab Chief Minister's Taskforce on Environment said in November that regulations concerning waste disposal were being flouted in new industrial, commercial and housing schemes. He blamed the practice for liquid waste seeping through to the sub-soil and polluting the underground water.

Lack of facilities to dispose of waste and sewage in squatter settlements also added to pollution.

Scams

Land scams and fake housing projects continued to be reported. In March, the National Accountability Bureau

(NAB) arrested a person involved in a housing society scam for allegedly defrauding people of Rs 150 million.

In July, the NAB chief urged citizens to beware of fake housing societies and invest their money in plots in housing projects only after proper verification.

In April, the Capital Development Authority (CDA) in Islamabad cancelled the layout plan of a housing scheme for the slow pace of development work and issued final notices to the owners of three other schemes for early start of development work to prevent cancellation of their layout plans.

Delay

The CDA resolved in March a 40-year-old dispute with people of two villages whose land was notified for acquisition in 1968. The CDA also accepted the right of adults of families and widows for the purpose of compensation and allotment of alternative plots.

The Punjab Housing and Town Planning Agency in April allotted 10 marlas of land to a complainant after 19 years of haggle on the ombudsman's order.

The complainant had applied for allotment of a plot from the quota reserved for industrial workers. He had also paid the earnest money. However, he was subsequently informed that the scrutiny committee had cancelled his allotment because his file could not be located. (Dawn, Apr 16)

Out of turn

In May, media reports highlighted a scam in which the previous housing minister Safwanullah issued over 3,000 eligibility certificates for federal government's properties and accommodations in Karachi, estimated to be worth Rs 450 billion, without the federal government's approval.

According to reports, among the 3,281 occupants of these government properties, only 413 were government employees. Most of these properties had been reportedly sold by the recipients of the illegal certificates.

Also in May, Prime Minister Yousuf Raza Gilani cancelled with immediate effect the 3,281 eligibility certificates issued by the outgoing housing minister. The prime minister also ordered the immediate eviction of those illegally occupying those government properties and houses.

In the same month, the incumbent housing minister confirmed media reports that a file containing record of the transactions had been stolen. The official order of inquiry into the file's theft reportedly read: "the master file was submitted to the minister for housing, Safwanullah, and since then it was missing". (The News, May 5)

Protesting against eviction notices served on them in January, residents of Islamabad's G-6 Quarters said if they were evicted, then so should residents of quarters in Karachi, who had been given ownership rights by the minister.

Finding a house was difficult for all government employees amid an aggravating housing shortage, but some were luckier than others.

In September, the federal housing minister informed the Senate that the government had allotted 208 flats to government employees out of turn since coming to power following the February 2008 elections. They included an employee with less than two months of experience. Many others had worked for only five months and had been allotted accommodation. This while around 75,000 government employees were awaiting their turn to get a flat after years of service.

Graveyards

It was difficult to find space to bury the dead in existing graveyards in most cities and moves for arranging land for new graveyards were alarmingly slow. Illegal commercialisation and encroachment on and around graveyards also aggravated the situation.

Newly-developed housing societies frequently refused to allow outsiders to bury their dead in their graveyards. Under development rules all housing schemes are bound to reserve a percentage of land for graveyards. But the allocation was often less than the required percentage.

Most graveyards were beset with poor maintenance, security threats and encroachment. Graveyard managers charged thousands of rupees for land for burial on the pretext of shortage of space. Gravediggers' usual labour

charges hovered around the minimum wage.

Chipping away

Encroachment on cemetery land was a widespread concern throughout Pakistan. Lahore could be a major example. The Lahore administration decided in January to build a fence around what was left of the Miani Sahib graveyard, one of the biggest in Punjab, at an estimated cost of Rs 7.5 million to improve security and save the land from encroachment.

In late July, the Lahore High Court (LHC) asked the Lahore administration to submit a report within two months after removing encroachments from all graveyards of Lahore. In late November, the LHC sought a detailed report on new encroachments in all graveyards of the city. Encroachments continued unabated throughout the process.

Katchi abadis

Large-scale regularisation of slum/ squatter settlements was made in Punjab in the run up to the February 18 general elections. Dwellers of 169 houses in Multan were given ownership rights in late January.

Regularised slums lacked infrastructure, including roads, sewerage and water supply.

The Sindh chief minister said in March that the provincial government would also make laws to award ownership rights to all slums, or *katchi abadis*, which had been in place since 1990. In November, the Sindh government announced measures to regularise 932 *katchi abadis* in the province.

Media reports suggested over 4,200 huts and *katchi abadi* houses were razed on account of illegal occupation of land.

Incidents of nomads' huts being gutted in fires in squatter settlements were reported from



A house in an Islamabad slum.

Rawalpindi and Lahore. Over 200 huts were destroyed.

Recommendations

1. *Instead of toying with city-based housing plans for selected segments of society the government must adopt a long-term housing development strategy for the whole country.*

2. *Plans for regularisation of katchi abadis seem to have lost their momentum. All provinces should join hands to expedite uniform justice to slum-dwellers across the country.*

3. *Favouritism in the allotment of living quarters to state employees needs to be checked with a firm hand. The possibility of notifying to the public all such allotments along with the allottees' entitlement may be explored.*

4. *Local government institutions must be held responsible for supervising proper maintenance of housing units. They should be required by law to train their staff for these tasks.*

Environment

All human beings have the fundamental right to an environment adequate for their health and well-being.

States shall conserve and use the environment and natural resources for the benefit of present and future generations.

States shall establish adequate environmental protection standards and monitor changes in and publish relevant data on environmental quality and resource use.

Proposed Legal Principles for Environmental Protection and Sustainable Development

Article 1, 2, 4

According to a former Mayor of Lahore, Yasub Ali Dogar, Lahorites are sitting on an environmental time bomb and most of the people in Pakistan are unaware of the fast approaching crisis. In an article written for DAWN he went on to identify the environmental issues in Lahore as: “*unchecked urbanization, over-population, tap water*

mixed with sewage water, raw industrial domestic effluents going straight into river Ravi without any cleansing process; depleting ground water without adequate recharge of ground aquifers; unacceptable levels of air and water pollution; traffic congestion, zinc, lead, phosphates, pesticides coming into vegetation.” He added that the same is true for Karachi, Hyderabad, Sukkur, Peshawar, Quetta, Faisalabad, Gujranwala, Rawalpindi and Multan.

Pledges of billions of rupees, schemes for planting thousands of trees and orders for urgent action were a regular feature in newspapers. In fact many of the projects were lying idle, were delayed by red tape, lack of funds or were too ambitious



Pumping poison into a polluted environment.

to be carried out. Legal obstacles, stay orders and corruption within the related departments in both the government and private sector spelt failure for environmental policies and projects needed to address the fast rising threats to Pakistan's ecosystem.

Felling of trees and environmental degradation due to road expansions, development schemes, housing societies and takeover of green land contributed to the declining health levels in the country. Most of these things were witnessed in government schemes.

Punjab, Sindh and NWFP all had harrowing reports of environmental disasters in most of their main cities. Information was available through both official and non-official sources. Statistics and reports on Balochistan were not so widely available.

Citing World Bank statistics, the Sindh Minister for Environment and Alternative Energy stated that pollution was costing Pakistan 6% of its gross domestic product and about 25,000 people were dying every year due to it. (D, Dec 1)

Around 300 cases filed with the Lahore Environmental Tribunal in the last six years were still not decided. In 2008, a total of 21 cases were filed. Officials at the tribunal said that the pending cases were filed incomplete or did not meet compliance standards needed for investigation and prosecution. However the tribunal did pass verdicts against some violators and stated that it had fined 15 people and shut down 35 projects that were in violation of the Pakistan Environment Protection Act 1997. (DT, Jun 28)

It was distressing to observe that most of the 27 or so non-governmental organisations working for environmental conservation only existed on paper and were found pilfering funds provided by donor agencies and the government. These ghost NGOs had embezzled more than Rs. 20 million between 1999 and 2006. Only three organisations amongst those listed used the funds properly. (D, Jul 5)

Air pollution

Air pollution levels far exceeding the World Health Organisation (WHO) guidelines was a prominent factor in the degradation of the environment in 2008. Extensive industrial growth and emissions from rapidly increasing number of vehicles aggravated the problem. Another new factor was the increased usage of generators, to fill in for frequent electricity outages, which contributed significantly to both air and noise pollution.

It was reported that air pollution levels recorded in Lahore were the highest ever in the city's entire history. The level of air pollution had increased by 15% and was attributed to vehicular traffic. In several seriously congested areas it had increased by 20%. (NE, Jun 4) The Punjab Government approached the Lahore High Court for an extension in the already crossed deadline of December 31, 2007 for banning all smoke-emitting vehicles and two-stroke rickshaws, which allegedly accounted for 60-70% of the city's air pollution. It said that due to political turmoil and economic instability, the government had been unable to fulfil the task. However, till the end of 2007, environment monitoring teams had checked 25,959 vehicles for fitness and declared 3,008 of them un-fit. In an updated report in late July the figure had reached 3,786 cars.

At the beginning of the year, it was reported that the City District Government Lahore (CDGL) was unable to follow up on the action requested against 750 marble cutters in the city by the Environmental Protection Agency. The unchecked marble cutters posed a great threat to the environment and to the people through polluting air and water and could cause lung cancer, tuberculosis and other respiratory diseases. (DT, Jan 13) Similarly, more than 1000 steel units in Lahore alone contributed to both air and noise pollution. Approximately 300 steel mills in Lahore were reported to have increasingly burnt tyres as fuel to overcome gas shortage. The level of air pollution was at least three times higher than international standards. More dangerously, the presence of these mills close to residential areas meant that some two million people were exposed to the pollutants. According to a medical expert cited in the news report, inhalation of the two gases, carbon monoxide and carbon dioxide, caused listlessness, depression, dementia, emotional disturbances, headaches, vertigo, and flu-like effects, whereas excessive exposure could lead to significant toxicity of the central nervous system and heart. (D, Oct 30)

Solid waste

The dangerous results of inability to dispose of solid waste appropriately are clear, as this can result in pollution

Karachi a pollution hotspot

A United Nations environment report named 13 megacities, including Karachi, as being 'atmospheric brown clouds' (ABC) 'hotspots'. The other 12 are: Bangkok, Beijing, Cairo, Dhaka, Kolkata, Lagos, Mumbai, New Delhi, Seoul, Shanghai, Shenzhen and Tehran. Soot levels in these cities comprise 10 per cent of the total mass of all man-made particles. The UNEP report says a three-kilometre-thick "brown cloud" of man-made pollution, which stretches from the Arabian Peninsula to China to the western Pacific Ocean, is making Asian cities darker, speeding up the melting of Himalayan glaciers and impacting human health. The brown cloud, resulting from the burning of fossil fuels and biomass, has resulted in the formation of particles such as black carbon and soot which absorb sunlight and heat the air, experts write in the study released on Thursday in Beijing. The clouds also "mask" the actual warming impact of climate change by anywhere between 20 and 80 per cent because they include sulphates and other chemicals which reflect sunlight and cool the surface.

The lowering of temperature by the brown cloud is leading to sharp shifts in weather patterns, causing significant drying in northern China while increasing the risk of flooding in the Asian nation's south. Monsoon precipitation over India and Southeast Asia has dropped by up to 7 per cent since the 1950s, with the summer monsoon both weakening and shrinking. The health and food security of about three billion people in Asia are threatened by the brown cloud which impacts air quality and agriculture.

The solar heating of the atmosphere by the brown cloud is "suggested to be as important as greenhouse gas warming in accounting for the anomalously large warming trend observed in the elevated regions" such as the Himalayan-Tibetan region, the study says, leading to the retreat of glaciers. Further, the clouds contain toxic aerosols, carcinogens and other harmful particles, which could result in more people suffering from respiratory disease and cardiovascular problems. While the effects of the clouds on food production and farmers' livelihood could be immense, more research must be done to determine their precise role, it acknowledges, adding that the possible impact could include elevated levels of ground-level ozone, which could result in massive crop losses of up to 40 per cent in Asia. - **UN report - Dawn, November 15**

on the land as well as in the air and in the water.

News reports revealed that Islamabad generated 600 to 700 tons solid waste every day. All this waste was burnt in the open in the absence of any landfill or incinerator. Lahore produced more than 6,000 tonnes of solid waste every day. Of the total waste, more than 30 % was left lying on roads for various reasons, which reports said included lack of training of staff; absence of staff from their duties; and the poor condition of CDGL's garbage containers. The environment protection agency also announced a 5-year plan to deal with solid waste disposal in NWFP. The project, in its entirety, would cost Rs. 2,000 million but initially Rs. 600 million were released. The aim was disposal of 80% of solid waste in Peshawar, Mingora and DI Khan. This project also aimed at utilising the waste for the production of electricity at a later stage.

In January, negotiations between the Karachi government and a private Chinese firm, that were supposed to have been finalised earlier, were still underway for handing over solid waste management of the city to the company for 20 years. The \$250 million "privatisation" of the solid waste management was being planned for better organisation, development and a healthier environment. The proposed package sought to upgrade the existing landfill sites, build eight garbage transfer stations (GTS) and other landfill sites across the city and also to ensure improvements in the environmental conditions around the garbage transfer stations. Plans were also drafted for recycling the waste material as well as generating electricity from it in future. However, by April the transfer had not been successful and had been put off again for two months. The delay was allegedly caused by the restoration of trade unions and also



Living off the waste.

because of unfinished work and preparations.

In September, it was reported that the Chinese firm had been told by the city government not to start work on collection and disposal of garbage because it had not met all the conditions mentioned in the agreement. While the city government blamed the Chinese firm for falling behind the schedule, amongst many other things, the firm blamed the city government and bureaucratic delays for not allowing it to process work orders soon. (D, Sep 10)

Various hospitals across the country, and specifically around 40 in Punjab, were not in compliance with proper waste management and were openly defying rules while discarding hospital waste, often toxic. Crackdowns on numerous hospitals and factories were carried throughout 2008 across the country. They were instructed by the environment ministry to incinerate the waste before properly disposing it, otherwise the risk of spreading tuberculosis and hepatitis C was very high, among other hazards. In one instance, the Environment Department of the City District Government Lahore (CDGL) sealed a recycling factory for using highly dangerous hospital waste as raw material. Sale of highly toxic hospital waste, especially used syringes, blood bags and other material has become a very critical issue. CDGL's ED had already launched several crackdowns on buyers and sellers. Waste was being collected from some of Lahore's main hospitals with the help of their employees.

Polythene bags

In a move to discourage the use of black polythene bags, banned otherwise in many countries including India, Bangladesh and Bhutan, conditions were set regarding the weight of the bag, making it heavy and hence more expensive. In Karachi 30 micron bags were allowed, which is not considered harmful, whereas other cities allowed 15 micron, which is harmful. The Lahore High Court went on to ban the black plastic bags in Punjab because of their severe threat to the environment and human health. According to a news report 0.3 million people would be rendered jobless by banning this product. (N, Sep 24) The LHC gave six months deadline to implement the ban and halt plastic bag production but the EPA claimed that an official verdict had not been released from the court so they did not start any crackdown till two weeks after the judgment. It was observed that black plastic bags were still being sold at the beginning of December. Export of the bags was allowed by a divisional bench of the LHC.

Dangerous waters

The issue of safe fresh water decreasing as existing bodies of water become polluted was very serious as it denied the right to clean water.

Industrial units constantly discharged untreated toxic sewage and chemical waste into water bodies, such as

ponds, canals and rivers, which was extremely dangerous and detrimental to the ecosystem and the health of the people in close proximity. Waste from factories such as distillery plants frequently poisoned the canals, and caused sickness and even death to many people as a result. (DT, Mar 13) It was estimated that 1 in 3 Pakistanis drank water that would not be deemed safe by global regulations.

Waste disposal in housing schemes remained a problem also as regulations concerning waste disposal were flouted in new industrial, commercial and housing schemes. This caused liquid waste to seep through to the sub-soil and pollute the underground water.

According to a Sindh University research, cited by Dawn, underground water of Tando Allah Yar town and five villages within the distance of a few kilometres was tested and it was revealed that the water bodies at three of the villages were highly contaminated with arsenic. The report also quoted WHO as saying: “long-term exposure to arsenic via drinking water causes cancer of skin, lungs, urinary bladder and kidney, as well as other skin changes such as pigmentation and thickening (hyperkeratosis)”. Out of 62 water samples, 58 crossed the maximum permissible limit in water for human consumption set by WHO, which is 10ppb, and indicated levels within 50-300ppb (parts per billion). Cases of people affected by the arsenic levels were reported with both adults and children displaying darkening of hands and feet and black spots all over the body, signs of arsenic poisoning. Arsenic was also found in the villagers’ urine samples. (D, Apr 15)

In Multan, despite official orders and release of Rs. 250 million to shift tanneries from residential areas, the City District Government of Multan (CDGM) was unable to get it done. Out of the 25 tanneries that were supposed to have been shifted by the end of 2007 only six were shifted by the end of the first month of 2008. The obstacle stated was none other than lack of commitment of the city government to the project. The tanneries had polluted underground water and irrigation sources and had produced contaminated dust that caused respiratory diseases among the residents (D, Jan 24)

In Karachi, toxic discharge from a fertiliser plant into a pond for watering cattle killed 20 animals. This was confirmed by a Sindh Environment Pollution Agency report that added that the waste had included a high concentration of ammonia, at least 1400% higher than the permissible limit. Even after the animal deaths had been reported, the dumping into the stream continued, carrying the toxic waste directly to the sea. According to the report similar incidents had taken place in the past too. The 104 other factories and units in the area were also dumping their discharges into creeks, which had become highly polluted. Effluents, accidental oil spills and the release of hot waters from the industrial units, power stations and Steel Mills had adversely affected the biodiversity of the area and the level of pollution had increased over the years. (D, Jan 28)

There were numerous other reports throughout the year of poisonous waters being dumped into the country’s water bodies. Thousands of litres of hazardous untreated effluents from sugar mills were dumped into the Shahalam River in Peshawar, causing a vast area to suffer from land, water and air pollution. Poisonous water from Manchhar Lake in Hyderabad was also released because the full-to-the-top lake could cause flooding. The lake contained saline

Farewell New Murree

The Punjab government has scrapped the controversial New Murree Development Scheme and dissolved the authority set up to manage it. The nightmare in which thousands of trees would be felled, the eco-system damaged and habitats destroyed amidst the alpine forests close to Murree, in order to set up a new resort there, has been dispelled. The decision has been welcomed by the WWF and other bodies. Despite a Supreme Court order against the building of New Murree, the threat remained that the project could be revived.

The move to cancel the project is a part of an ongoing review of such schemes initiated under the previous PML-Q government in Punjab. Chief Minister Shahbaz Sharif, a few days ago, also announced the abandoning of an almost equally contentious plan to set up an IMAX cinema complex at a Lahore park. Instead, a new park and library are to be set up there. It may be noted the Karachi-based ‘Shehri’ organization had gone to court on behalf of residents of the area against the IMAX project on the grounds that it violated the development plan for Lahore and was environmentally objectionable. The court had stayed the project. – **The News, 22 June**

water and effluents coming from Punjab, Balochistan and upper parts of Sindh. In Karachi, it was reported in October, that due to the malfunctioning of a treatment plant, about 340 million gallons of untreated sewage were temporarily dumped directly into the Arabian Sea. This seriously harmed the marine life and wreaked damage on the entire ecosystem.

Blind dolphins

In the last couple of weeks of the year the death of yet another Blind Dolphin was reported. The Indus Blind Dolphin is the world's rarest animal and an endangered species and is only found in the Indus. The total number of Blind Dolphins has fallen to only 819. It was reported that the appearance of dead dolphins at different locations suggested that a major environmental disaster had hit the



Beached.

dolphin reserve. Even though deaths of two dolphins had been reported in the same week, the Sindh Wildlife Department was not seen to be making any effort to investigate the matter. Local environmental organisations pointed out that highly toxic waste was being dumped into the river, mainly from factories and tanneries in Punjab, which could be one of the main reasons for the dolphins' deaths. Some of the areas along the river have been declared as sensitive sites that the government must protect, yet this was not evident. (DT, Dec 18)

Similarly, a milk plant in Sukkur was also found discharging dangerous waste into the river, and threatening the Blind Dolphin. The plant management had declared previously that they were strictly following the dumping procedures according to the National Environment Quality Standards (NEQS) until October 2007, after which their treatment plant had been damaged by rains and the process disturbed. Even then they denied having breached any limits. The plant had also disturbed the endangered species by setting up high-voltage lighting along the Indus River, which had pushed the dolphins further away and nearer to human habitat. (D, Apr 15)

Forest and natural habitats

Throughout the year various provincial governments promised billions of rupees in tree plantation for overcoming the effects of deforestation. In January alone, the government ordered maximum tree plantation, planted 86 million saplings in spring, and pledged Rs 12bn to forestry projects. However the truth remained that many of these projects did not go through and trees were still cut down at an alarming rate with no check and barriers set. In addition to unregulated and illegal chopping, many trees were felled by the government itself for its own constructions or security reasons.

There have been no significant attempts to curb the current deforestation. If the rate at which trees are cut down continues, the saplings that the government plants will not be enough to replace those that have already been harvested.

In Islamabad, hundreds of trees had been chopped off and dust pollution caused during the construction work on Islamabad's Zero Point Interchange until the Environmental Protection Agency (EPA) ordered a halt in November. The order came after the Environment Ministry backed the EPA decision and said the authorities would not be allowed to resume work until a report on the project's impact on environment had been submitted to the EPA. The prime minister had inaugurated the project in September.

Thousands of trees were cut down in the North Waziristan region where the military operation against armed

Climate Change

Team flies over glaciers to assess lake burst damage: A team of the Focus Humanitarian Assistance flew over the Ghulkin, Gulmit, Passu and Batura glaciers the other day after two glacial lake bursts flooded a vast area and disrupted life and communication in Chat Ghooth in Gojal tehsil, some 145 kilometres northeast of Gilgit on May 21 and May 25. The team analysed the glacial lakes formation in Ghulkin glaciers to devise a future strategy to save losses to adjoining settlements. The team will submit a report to the authorities proposing steps to cope with the situation. They have advised continuous monitoring of the glaciers' movement in order to minimise losses in the event of any future disaster. According to the Focus team, the water in a lake above Hussaini village has increased to an alarming level. Despite the threat, neither the elected political leadership nor any senior government official has visited the area so far. The flooding suspended traffic on the Karakoram Highway for six hours. Traffic was resumed after repairs to the road. But water burst through the barrier again, flooding new areas. Experts said mudslides and flood had been caused by sudden changes in the behaviour of the Sheirpaigh glacier near Gulkhin and Hussaini villages due to global climate changes. Dozens of houses, cattle pens, potato and wheat crops and orchards have been affected. Road links between Gojal tehsil and Gilgit have been severed. - *Dawn, May 28*

Climate change to hit flow of Indus: Global warming is having a disastrous impact on Sindh's climate, especially on the Indus River, which would lose 27 per cent of its flow by 2050. A study conducted by the International Panel on Climate Change (IPCC) recommends that an evaluation be done for post-Tarbela effects on Indus delta particularly Kotri downstream. It is said that life cycle of snow covers had melted which is leading to floods in absence of mangroves. He pointed out that precipitation pattern would also affect ground water aquifers and less precipitation had increase drought which would ultimately cast a negative impact on livelihood of people. He said that due to Cyclone 2A in Badin on May 19, 1999 infrastructure losses were estimated at Rs 750 million and continued sea intrusion had eroded fertile land. He said that Karachi coastline is also on a fault line as far as earthquake zone is concerned. He maintained that mangroves, as per reports, absorb 70 to 90 per cent energy of normal wave. "In Sindh mangroves used to be on 263,000 hectares in 1977 but as per 2002 WWF study, they exist on just 80,000 hectares", he said. Mangroves are a natural shield and a study also shows that 1936 cyclone was less severe as compared to 1999 due to mangroves existence, he added. - *Dawn, October 14*

militants has been underway. Trees lining the main highways have mostly all been chopped down for security reasons as it is claimed that militants use these trees as vantage points from where they launch attacks on military convoys. Plantations and trees surrounding high-risk areas have also been removed. Consent had been given by the directorate of forests but this too was verbal and not in writing and no official data was compiled to calculate the exact number of trees cut down. The environment of the area has been greatly affected. (D, Jan 8)

Another adverse effect of the increasing militancy was that the NWFP forest department started the year already having failed in achieving its targets for preservation of forests and new plantation in the province. Department nurseries suffered, transport of saplings became difficult, many plants died for lack of appropriate care and trees became an open target for the timber mafia. Non-availability of data regarding the destruction caused by negligence and number of trees cut down made it difficult to assess the extent of the damage. (D, Mar 1)

In Hyderabad, the Khebrani Forest Protection Committee of Indus Development Organisation (IDO) took notice of the land mafia's malicious actions that had involved the burning of approximately 70 acres of forest terrain, destroying about 20,000 trees in order to grab the land. Such attacks on Sindh's forests continued to harm the environment and cause irreparable damage. The Matiari forest which initially spanned over 28,300 acres also had been reduced to a few thousand acres over the past years as all trees had been cut down and land taken on lease by influential people under agro forestry policy. (D, Mar 1)

The Parks and Horticulture

Authority (PHA) of Lahore was also accused of selling uprooted trees to the timber mafia. According to the Environment Department, nearly 800 such trees were uprooted during the construction of an underpass in Garden Town and only 50-60 trees were transplanted. The Environment Department added that uprooting of trees without getting a no objection certificate (NOC), which the PHA did not obtain from them, was an offence under the Pakistan Environmental Protection Act 1997 which could be punished with a fine of up to Rs 1,000,000. PHA denied the accusation and claimed that it had transplanted the trees but species like poplar and eucalyptus could not be transplanted saying that transplanting a full size tree which had completed its life and was huge in size required huge funds. PHA had therefore auctioned the trees that could not be transplanted under the approval of a committee of horticulturalists and other experts and earnings of about Rs 1,000,000 were made from the auction. (DT, Jan 26)

However, many reports of corruption in this area were seen across the country and the government’s lack of responsibility in the matter made accountability problematic.

Unlawful conversion of amenity land

The long contested Gutter Baghicha land in Karachi was still a source of controversy and reports came in of land mafia eyeing the area. According to official plans, two-thirds of the land was to be distributed amongst residential and commercial land builders and only 160 acres were to be left as a park. Initially this garden was spread over 1,017 acres but decades of settlements and encroachments reduced the municipal park to its present size. Several governments in the past two decades have tried to save the status of the land as a public park and have given directives to stop its takeover but no real action was taken nor any order strictly implemented. A petition was made by Shehri-CBE, an environment protection NGO, under Article 184(3) of the Constitution in the Supreme Court against conversion of the “Gutter Baghicha” amenity land to industrial, residential, and commercial purposes on which the Supreme Court stayed any transaction in land. In clear violation of the Supreme Court and several official orders, sub-leases continued to be issued. (D, Jan 28)



Taking over empty spaces.

In Karachi, another petition filed by Shehri was pending before the court regarding the illegal construction of housing schemes on part of the already encroached 62-acre Kidney Hill Park. The land had been handed over to the Karachi Municipal Corporation for development of a park but apparently the Karachi Cooperative Housing Societies Union had allotted 40 acres to a housing society. The society claimed that the land had never officially been listed as a park, and that the idea of park was just a

proposal. The land is under a stay order of the court. (D, May 28)

The above-mentioned cases are but a tip of the iceberg. Increasingly in urban areas of Pakistan, mafias, with the collusion of politicians and officials, are encroaching on open spaces and converting them to commercial and residential use: parks, playgrounds, green belts, schools, graveyards, beaches, sewage treatment plants, roads. In some cases, the procedures have become more blatant, e.g., the City Council in Karachi over the past few years has been misusing the SLGO 2001 to arbitrarily convert amenity spaces to non-conforming use. This was highlighted in Ardeshir Cowasjee’s column of 22-2-2009 entitled ‘I own Karachi — and can sell it!’: Below is a list of the unlawfully converted amenity plots that he drew attention to:

Encroachments on amenity/park plots

No	Plot No.	Popular name	Area (acres)	Notified amenity use	Illegal conversion to	Illegal conversion by	Beneficiary
1	Kashmir Road	China Ground	5	KMC Park/ Playground	Constr. yard/office + Kashmir Marriage Gardens (A-B-C)	CDGK	Malaysian Co. Lawn operators
2	Kashmir Road	KMC Sports Complex	2.5	Indoor Gymkhana	Kashmir Corner (Marriage Lawns 1&2)	CDGK	Lawn operators
3	148/1 Tunisia Lines	Webb Ground	5	Playground	Commercial Store	Karachi Cantt/MEO	Makro-Habib
4	ST-1, North Nazimabad		2	KCR Car Park	Residential Apartments (Saima Bridge View)	CDGK	Saima Builders
5	N. Nazimabad	Green belt	1.5	Green belt	Fast-food outlet	CDGK	Pizza Hut
6	K-28/108	Gutter Baghicha	480	Municipal Garden/ Sewage Treatment	800 residential plots	CDGK	KMC Officers' Society & others
7	KDA Scheme No. 32	Kidney Hill Park	62	Public park	45 residential plots	CDGK/GoP	Neighbouring societies
8	Mehmoodabad	TP-2	40	Sewage treatment	200 residential plots	CDGK	Political workers
9	ST-10, ST-9/1, ST-9/16, Gulistan-e-Jauhar		1	Public building	50 residential plots	CDGK	Political workers
10	ST-9, Block-A N. Nazimabad	Bagh-e-Baber	3	Public park	150 residential plots	CDGK	Political workers
11	ST-5/1, Block E N. Nazimabad	Hazoori Bagh	1.35	Public park	65 residential plots	CDGK	Political workers
12	ST-5/2, Block E N. Nazimabad		2.03	Public park	100 residential plots	CDGK	Political workers
13	ST-5/4, Block E N. Nazimabad		2	Playground	100 residential plots	CDGK	Political workers
14	ST-4, Block-D N. Nazimabad	Bagh-e-Dilafroz	3	Public park	150 residential plots	CDGK	Political workers
15	ST-1, Block-I N. Nazimabad	Bagh-e-Dilkusha	3	Public park	150 residential plots	CDGK	Political workers
16	ST-?, Block-L, Sector 11, Orangi T'ship	Al-Mehran Ground		Public park	200 residential plots	CDGK	Political workers
17	ST-3/B, Block-6, Federal 'B' Area		1	Public park	46 residential plots	CDGK	Political workers
18	ST-5, Block-14, Gulshan-e-Iqbal	D.C (East)'s Office	8.3	Public building	commercial high-rises	CDGK	Builders' mafia
19	ST-36, Block-3, Clifton	Clifton Beach / Promenade	2.5	Beach/ Promenade	commercial hotel	CDGK	Builders' mafia
20	ST-13, Sector-6/F Block 6-F, Korangi	Mehran Town	2.27	High school	110 residential plots	CDGK	Political workers
21	ST-14, Sector-5, Block 6-F, Korangi	Mehran Town	2.26	Public park	110 residential plots	CDGK	Political workers
22	ST-15, Sector-5, Block 6-F, Korangi	Mehran Town	0.87	Public park	40 residential plots	CDGK	Political workers
23	ST-17, Sector-5, Block 6-F, Korangi	Mehran Town	0.41	Maternity home	15 residential plots	CDGK	Political workers
24	ST-18 Sector-5, Block 6-F, Korangi	Mehran Town	0.41	Public building	15 residential plots	CDGK	Political workers
25	ST-20, Sector-5, Block 6-F, Korangi	Mehran Town	1	Primary school	50 residential plots	CDGK	Political workers
26	ST-21, Sector-5, Block 6-F, Korangi	Mehran Town	0.95	Public park	50 residential plots	CDGK	Political workers

Noise pollution

The increased use of generators due to extensive load shedding was a new addition to the sources of noise pollution. Whereas the noise of traffic has already reached dangerous levels, the noise caused by generators exceeded the recommended decibel levels alone. Experts believe that the highest level of noise that the human ear should be exposed to for long periods of time is 75 decibels, but the noise level was 102 to 114 decibels in densely populated city areas. (NE, Apr 1)

A news report in September carried the results of the latest survey by the Sindh Environmental Protection Agency on noise pollution. The survey revealed that noise pollution in Karachi in many areas was at a tremendously high level. The main cause was noise pollution caused by vehicles. (D, Sep 10)

Recommendations

1. *The government must awaken to the reality that Pakistan is among the countries committing ecological suicide: while economic growth benefits mainly the richer classes in society, environmental degradation (which exceeds growth in terms of percentage of GDP in our country) affects mainly the poor. This is a formula for increasing political instability and terrorism.*

2. *Decision makers and officials (ministers, government secretaries, nazims, city councils, etc) must be better educated on the life-threatening consequences of climate change and environmental deterioration so that 'business as usual' does not continue to be the norm in policy-making.*

3. *'Restoration of the judiciary' should lead to strengthening of the environmental judicial and regulatory institutions: the provincial environmental tribunals, the environmental magistrates, and the federal and provincial EPAs. They must be freed of political and 'big business' pressures. Informed and concerned citizens, civil society groups and NGOs must participate actively in EPA hearings.*

4. *The media and civil society organisations must prioritise conservation/protection of the environment, realizing that it underlies the solution of other issues that plague society. There is a great need to instruct the general populace and government officials in the consequences of ignoring ecological considerations while making decisions.*

5. *All segments of society must promote simplicity of lifestyle as a means to tackle the present over-consumption in the world. The realization that the resources of this world cannot support a 'California-type' lifestyle for its 165 million (and increasing!) population must become obvious to all — quickly!*

Refugees

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

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

Universal Declaration of Human Rights

Article 14

Pakistan's insistence on repatriating Afghan refugees by December 2009 – according to a tripartite agreement between Pakistan, Afghanistan and the UNHCR – was one aspect of the displacement scenario in the country while refugees and the UN refugee agency urged a review of that policy. The other was increased internal displacement amid military operations against Taliban militants in Pakistan's Federally Administered Tribal Areas bordering Afghanistan, and in the NWFP

Afghan refugees

Pakistan complained about the slow pace of refugee repatriation since 2006 and about refugee camps and Afghan communities remaining hotbeds of militant activity. It urged the international community and the Afghan government to do more to ensure early return of the refugees.

In October, the government gave around 50,000 refugees a three-day deadline to leave the Bajaur tribal region where the security forces were fighting extremist militants.

Burden

Repatriations are supposed to be voluntary, but many refugees say they do not want to return, mainly because of concerns over insecurity and lack of support for rebuilding their lives in their native country.

In April, the UN refugee agency said Pakistan needed to revise its plan to repatriate all registered Afghan refugees by the end of 2009, saying the strategy was unworkable, and could fuel militancy and breed more extremists if too many refugees were pushed out in a short time.

The UNHCR called upon the government of Pakistan “to continue to be a generous host” and said that some areas in Afghanistan were not very secure, and assuming that all Afghans must return immediately was a fallacy.

It said that refugees who were repatriated would probably come back to Pakistan and simply inflate the number of illegal migrants in Pakistan.

The chief of Commissionerate for Afghan Refugees – the authority responsible in Pakistan for refugee issues – said that conditions in Afghanistan made it unlikely for Islamabad to reach its repatriation target but still aimed for

most of the refugees to go back by the end of 2009.

“We don’t want Pakistan alone to carry this burden. Our concerns should be addressed. Just saying that since 2.4 million people can’t return and Pakistan should keep them as long as situation in Afghanistan does not improve – that’s something we cannot accept,” the commissioner said. He urged Afghanistan to provide land and the international community to fund development work for returning refugees.

Repatriation



Going home: Back to an uncertain future.

The UNHCR resumed its voluntary repatriation programme for refugees from Pakistan in early March after a four-month winter break.

In May, the head of Commissionerate for Afghan Refugees (CAR) called the repatriation process slow and said the surge seen in refugees’ return to Afghanistan in recent days was due to the closure of the Jalozai camp.

In 2008, UNHCR assisted 282,496 registered Afghans’ repatriation to Afghanistan. The repatriation process to Afghanistan started on March 1 and continued until October 31, when it was suspended because

of the onset of winter.

The stay of unregistered Afghans in Pakistan is considered illegal and the UNHCR no longer assists their return.

Camp closure

The Commissionerate for Afghan Refugees in January announced the government’s plan to close 11 refugee camps in the NWFP in 2008, including Jalozai, which was initially planned to be closed in 2006.

The planned closure in 2006 of four camps – Girdi Jungle and Jungle Pir Alizai in Balochistan and Kacha Garhi and Jalozai in the NWFP – had not materialised, although Kacha Garhi was closed in mid-2007. A tripartite commission – consisting of the UNHCR and the governments of Pakistan and Afghanistan – announced in August that Jalozai had officially been closed on June 30, 2008 but there had been no progress with respect to Girdi Jungle and Jungle Pir Alizai camps.

Jalozai

The Jalozai refugee camp in Nowshera district was initially planned for closure in 2006 but the closure was rescheduled for August 2007. That did not happen either. Following the onset of winter and demands by refugees, they were given a six-month extension that expired on March 1, 2008. Those not willing to return to Afghanistan were required to relocate to Upper Dir and Chitral districts.

When the camp’s closure started in March 2008, there were an estimated 80,000 Afghans living in Jalozai.

By the time the camp was closed in late May, some 54,000 had chosen to return to Afghanistan. The rest opted to relocate within Pakistan.

Reservations

The eventual closure of Jalozai camp was preceded by requests from the refugees to delay the closure and

Pakistan's insistence that refugees should return home according to the tripartite agreement.

A majority of the camp's residents expressed their reluctance to return, citing law and order, joblessness and lack of basic infrastructure in Afghanistan. Some refugee elders wanted new camps established for them in their homeland.

In early March, Jalozai elders met government authorities to let the Afghans stay in the camp until December 2009, the date mentioned in registered Afghans' Proof of Registration (PoR) cards. They argued that by opting for relocation to another refugee camp in Pakistan they would be uprooted again in the end of 2009 when all registered Afghans were required to leave Pakistan for Afghanistan.

Also in March, the authorities served notices on around 4,000 shopkeepers in Jalozai, asking them to wind up their businesses or their goods would be confiscated and shops razed.

The same month, HRCP urged the government to show restraint and respect for refugee rights and international norms on the protection of refugees while closing down their camps.

On April 13, the authorities set a 48-hour deadline for the refugees to vacate the camp. A convoy of 50 vehicles with more than 500 personnel of Frontier Constabulary and police held flag march into the refugee camp. According to the Afghan Commissionerate, about 19,000 Afghans had left the camp by that time while over 150 families were registering daily for departure.

On April 15, the security forces razed around 450 shops amid refugees' protest against the repatriation process. The following day the refugees themselves bulldozed shops and houses. By April 16, the demolition process at Jalozai was complete.

In June, the security forces told the media that all the vacant buildings in the camp would be demolished to deny sanctuary to criminals.

Relocation

There were numerous media reports of Afghans from Jalozai "escaping" repatriation by moving out ahead of the camp's closure.

Some Afghan families moved to refugee camps in Akora Khattak and Azakhel, others to nearby villages and periphery of cities. Those who could afford it rented houses in Peshawar, Pabbi, Nowshera, Mardan, Charsadda, Attock and Swabi.

Expulsion from Bajaur

On October 2, the administration in the militancy-hit Bajaur tribal agency gave around 50,000 Afghan refugees a three-day deadline to leave the tribal area or face a crackdown. The administration suspected them of involvement in attacks on the security forces and offering shelter and support to the pro-Taliban extremist militants. The government's top official in Bajaur accused the refugees of having "links with militants and their involvement in terrorist activities". "They have to go. There will be no concession," he said.

Authorities threatened to deport the refugees who resisted. Landlords renting properties to the refugees were asked to have them vacated.

Refugee community leaders



Fleeing Swat: The only escape route after a bridge was blown up.

urged the government to provide transport to those who complied with the order, saying they could not afford to pay for the buses.

After the deadline's expiry, security officials launched a crackdown against refugees who had not left the area, detaining dozens and sealing Afghan-owned shops. Government officials estimated at the time that 20,000 refugees from Bajaur had returned home in recent weeks. Thousands more had moved to other parts of Pakistan.

Many sought shelter in the nearby Dir Lower district, where residents said the infrastructure could not cope with the new influx, as thousands of IDPs had already shifted there owing to the ongoing military operation in Bajaur Agency.

Refugees also faced pressure in parts of Bajaur where the writ of the government was weak. Most refugees in Bajaur were living in the tribal area's Mamoond sub-division, the area controlled by Maulvi Faqir-led Taliban. Taliban had reservations about refugees as well.

Everyone's villains

In March, Faqir warned Afghan refugees against "spying" on militants for the Afghan government or the US forces in Afghanistan.

All Afghan refugees living in Bajaur Agency were summoned to the headquarters of the Taliban in Mamoond.

Faqir produced five "Afghan spies" at the large gathering. "I am pardoning the five arrested Afghan spies, but if you do not live here peacefully, there will be no pardon in future," he told the meeting to which reporters were also invited.

"No spying or involvement in bomb explosions will be tolerated and all Afghan refugees should take this warning seriously," the Taliban leader was quoted as saying.

It was the second meeting the Taliban militants had addressed in the region in less than a week, underlining their influence there.

Suspects

In recent years, the Afghan refugees have not been very popular among the communities that host them or with the government. The government and police officials continued to cite Afghan refugees as a potential terror threat.

In the Shia mourning month of Moharram in January, the NWFP government declared seven districts of the province sensitive and took measures to maintain law and order during congregations and processions. The caretaker NWFP information minister said police had been asked to confine Afghan refugees to their camps. Peshawar police

arrested more than 100 Afghan refugees along the route of the Moharram procession.

In February, as part of the election security plan, Peshawar police were asked to crack down on all illegal Afghan nationals residing in the city, to ensure protection to the people, particularly on the election day.

In March, police imposed a complete ban on the entry of Afghan refugees into Peshawar on the Eid Milad-un-Nabi, the birth anniversary of Prophet Muhammad (PBUH).

In April, media reports suggested the federal Interior Ministry had conveyed to the NWFP government "its reservations about the unhindered movement and activities of the Afghan refugees" and



The usual suspects.

asked the provincial government to monitor refugees' activities following reports of some refugees' alleged involvement in sabotage in the province and the tribal areas bordering Afghanistan. (D, Apr 8)

In May, the Peshawar police superintendent for operations said most of the people involved in crimes were Afghans who kept changing their addresses, especially after committing crimes. He said that eviction of refugees was the only way to improve law and order in the province. (D, May 6)

In late May, the Senate Standing Committee on States and Frontier Regions stressed the need for complete repatriation of Afghan refugees, saying their presence was creating several social and economic problems. Committee members said that most of the Afghan refugees in Pakistan were involved in criminal activities and demanded the closure of refugee camps and an expedited repatriation process.

In October, Afghan refugees and migrants living in the garrison towns of Taxila and Wah Cantt without valid documents were asked to leave the areas within a week.

The action followed two suicide blasts outside Pakistan's main military ordnance factory in Wah on August 21. Law enforcement officials suspected Afghan nationals of involvement in the blasts.

Outstaying their welcome

In March, hundreds of villagers staged a rally near Jalojai camp demanding the immediate ouster of the refugees from the area. The protest ended after CAR officials assured them that all refugees would leave Jalojai by April 20.

In early April, the Khattak Supreme Council in Nowshera demanded the repatriation of Jalojai refugees to Afghanistan, blaming them for "anti-social" activities. The participants claimed the refugees had collected a contribution of Rs 3,000 from each family to campaign for delaying the camp's closure.

Also in April, the federal minister for states and frontier regions termed Afghan refugees a burden on the country's economy and said efforts would be made for their early repatriation. The minister said he would soon meet the UNHCR chief for the early return of the Afghan refugees.

Leaders of the Awami National Party (ANP), which heads the coalition government in the NWFP province, told Afghan refugees in early April that they should return to their country according to an agreement already inked between the governments of Pakistan, Afghanistan and the UNHCR. The tripartite accord on refugees' repatriation would be implemented at all costs, said the ANP chief in the NWFP, telling Afghan refugees from Jalojai camp that peace had returned to their country and there was no reason for refugees to demand extension in their stay in Pakistan.

In October, media reports suggested tribal elders had welcomed the government ordering the expulsion of around 50,000 Afghans from Bajaur Agency and said the move would "automatically improve" the law and order situation in the area if the refugees left.

Carriers

In November, the health minister in the province of Sindh called refugees from Afghanistan and IDPs from northern parts of Pakistan "carriers of polio virus", saying they were to blame for the rise in polio cases in the province because of the Taliban's hostility to vaccination. Taliban even in localities of Karachi barred polio vigilance teams from visiting those areas, the minister said.

Sending them home

Afghan nationals were regularly arrested under the Foreigners Act for illegally staying in Pakistan and for not having valid travel documents. Media reports suggested that over 1,500 had either been arrested or handed over to the



IDPs prepare for another journey.

Afghan authorities after serving their sentence for their unauthorised presence in Pakistan.

PoR update

In November, UNHCR opened four centres – in Peshawar, Haripur, Quetta and Karachi – to update and modify PoR cards held by Afghans who were registered by the government the previous year with the UN refugee agency's help. The PoR cards enabled refugees to stay in Pakistan for up to three years – until the end of 2009. A fifth centre was to open shortly in Lahore in the Punjab province. The initiative was meant to remove errors in the cards, issue cards to registered children who had reached the age of five, register deaths, update photos, addresses, information such as new marital status and children born to registered refugees.

Reverse flow

In January, there were reports of around 6,700 people fleeing into Afghanistan to escape sectarian clashes between Shia and Sunni groups in Kurram Agency during the Muslim mourning month of Moharram, an annual flashpoint for violence between the two sects.

According to Afghan government figures, of the 6,725 people that had crossed into Afghanistan from Pakistan to escape the violence in Kurram, around 75 percent were Afghans.

Many Pakistani refugees were provided shelter in Afghanistan's southern Paktia and Khost provinces by villagers along the border, many themselves former refugees in Pakistan. Some Pakistanis were staying with relatives on the Afghan side of the border. Over the past three decades, refugees crossed the border going the other way, to escape from violence in Afghanistan. Thousands taking shelter in Afghanistan reflected a growing sign of insecurity in Pakistan's tribal areas.

In September, Afghan authorities said around 2,800 Pakistani families from Bajaur Agency had crossed the border into northeastern Afghanistan over the past two months to escape fighting between extremists and security forces. The families, which could number up to 20 people each, according to the Afghan authorities, were mostly living with relatives just across the border in the northeastern province of Kunar opposite the Bajaur region. Most of the Pakistani refugees in Afghanistan were women and children.

In the last week of September, UNHCR said that nearly 4,000 families, some 20,000 people, had fled Bajaur Agency into Afghanistan's Kunar province. It said over 600 Pakistani families had entered Afghanistan in the past two weeks alone. Afghan authorities in Kunar said in early October that a total of 30,000 people had arrived from Pakistan and of 4,140 families there, 70 percent were Pakistani and the rest Afghan refugees who had earlier found shelter in the Tribal Areas.

While the vast majority of Pakistanis were living with relatives and friends, there were at least 200 families living out in the open. The UNHCR believed those who had crossed into Afghanistan would return home once the fighting stopped.

Other refugees

In 2008, UNHCR also assisted some of the several hundred non-Afghan refugees in Pakistan, and several thousand asylum seekers in urban areas. Their nationalities included Iraqi, Somali and Iranian.

Displaced Kashmiris

Media reports in February suggested the Azad Jammu and Kashmir (AJK) government had decided to grant ownership rights to refugees from Indian-held Kashmir residing in the refugee colonies of AJK's Mirpur division. The decision would apply to refugees arriving in 1947, 1965, and 1970. The AJK prime minister said a quota in government jobs for IHK refugees living in Kashmir would also be implemented.

In May, the Kashmiri refugees occupying Auqaf properties in Rawalpindi threatened to besiege the Parliament House if the decision of increasing monthly rent and recovering arrears for the last three years was not withdrawn.

Biharis in Bangladesh

In May, Bangladesh's High Court ruled that the children of Urdu-speaking "Bihari" community awaiting repatriation

to Pakistan for 37 years would be granted Bangladeshi citizenship, ending de facto statelessness spanning almost four decades for many.

The Biharis, euphemistically called stranded Pakistanis, are an Urdu-speaking minority in Bangladesh and maintain that they were Pakistani nationals until Bangladesh emerged as a separate country in 1971. Pakistan has declined citizenship to them so far.

With the ruling in May, about 140,000 Biharis who were either born in Bangladesh or have expressed loyalty to the country were to be granted citizenship, according to the Home Ministry. Older Biharis, a little over 160,000 people, were not covered by the ruling. They continued to languish in 66 cramped and squalid refugee camps run by the UNHCR and the Bangladeshi government, with no access to government jobs or schooling, and unable to open a bank account or take a loan.

They still yearn to be allowed to settle in Pakistan, some even vowing to challenge the court's verdict. Pakistan's envoy to Bangladesh said after the decision that the Biharis' demand for repatriation would be considered with "humanitarian sympathy", but did not suggest a timeframe.

In the first week of February, the Lahore High Court sought a reply from the federal government by February 26 on a petition requesting arrangements to be made for entering the names of Biharis in the electoral rolls in Pakistan so they could vote. The elections were held on February 18.

Internal displacement

As in previous years, floods and an earthquake forced tens of thousands of people to flee their homes. Massive conflict-induced displacement was also reported in Balochistan, Swat, and in Bajaur, North and South Waziristan and Kurram tribal areas. At least 0.6 million people were believed to be displaced by conflict in FATA.

IDPs figures for some areas were very hard to verify because of fluid population movements, lack of security and displaced people's flights to different destinations. Throughout 2008, the number of IDPs from conflict zones seemed to increase by the day.

In August, the Red Cross said that over 200,000 people had fled intensified fighting in areas along the Afghan border. About 14,000 people were in Afghanistan's Kunar province, it said.

In September, UNHCR said there were an estimated 90,000 IDPs in NWFP due to the fighting in the Tribal Areas, and another 90,000 were believed to be displaced in Swat in northern NWFP – based on a recent government assessment. Some 84,000 people were displaced by floods in August.

UNHCR was supporting the authorities in assisting IDPs in NWFP. The number of these IDPs kept changing as people arrived from and left for the Tribal Areas. In addition, UNHCR did not have access to some areas for security reasons. By the end of 2008, UNHCR had registered over 50,000 IDPs in camps in NWFP and over 92,000 IDPs outside camps in NWFP – living in rented accommodation or with host families.



Displaced children from Dera Bugti hard at work in Karachi.

Refugees in their own land

Actions by non-state actors and military operations alike led to forced displacement of the civilian population in

Swat, Balochistan and the Tribal Areas, depriving them of access to health care, food, shelter and state protection. The main hurdles to return of people displaced amid conflicts included continued violence and insecurity, lack of assistance to rebuild houses and livelihoods in areas of domicile, and – additionally in Balochistan – opposition from communities in the area they were displaced from.

Tribal Areas

On August 28, the UN Office for the Coordination of Humanitarian Affairs said that renewed fighting between government troops and militant groups in the Federally Administered Tribal Areas (FATA) of Bajaur and Mohmand had pushed over 260,000 displaced people into NWFP and elsewhere since early August.

The displaced people complained of Taliban atrocities and civilian casualties in the military operation, particularly the high numbers of civilians killed in air strikes.

The government's top official on interior affairs said in August that about 50,000 families — comprising 250,000 to 300,000 people — had been forced to leave their homes in Bajaur because of the unrest in the agency and they needed immediate relief. He sought help from NGOs in relief and rehabilitation work.

Around the same time, local administration in the Bajaur region said the population of the area was 900,339, of which around 264,000 had been displaced.

Media reports and estimates suggested that roughly half the population of the Bajaur region had been displaced by the conflict and was sheltering in relief camps, in rented accommodation or with host families. Some fled across the border into Afghanistan in search of safety.

Officials and relief workers said on August 30 that over 75,000 IDPs left 35 relief camps set up in Lower Dir district and returned to Bajaur after the federal government announced suspending the military operation during Ramadan. However, the government decided not to wind up relief camps immediately.

UNHCR reported in mid-October that almost 190,000 people had been displaced from Bajaur since fighting began in mid-August. It said the number included over 168,000 Pakistanis sheltering in NWFP and another 20,000 Pakistanis and Afghans who fled into eastern Afghanistan's Kunar province.

In August, over 100,000 Bajaur IDPs fleeing the violence reportedly found shelter in the neighbouring Mohmand Agency and were facilitated by the local tribesmen there.

However, with a military operation launched in Mohmand, people from Mohmand along with the Bajaur population they were hosting began to flee the area.

Some of them said that security forces had dropped leaflets in the area ordering them to either expel the Taliban from their areas or leave. (DT, Nov 24)

Reaching safety was not easy. In late November, thousands of IDPs from Bajaur and Mohmand reached Landikotal, in Khyber Agency, after travelling through Afghanistan due to the ongoing military operation and imposition of curfew in their areas. (D, Nov 23) They said many people, including tribal women and children, had been killed in the shelling, or caught in the crossfire. Thousands of IDPs were reportedly stranded in Mohmand Agency as they were not allowed by authorities to migrate to safer places. (NE, Nov 26)

Refugee camps' revival

In late September, Pakistan reopened for IDPs Kacha Garhi camp, closed to Afghan refugees the previous year, to provide shelter for those made homeless by offensives against Taliban. UNHCR expected up to 70,000 people there by mid-December. Jalozaï camp was also reopened to house IDPs.

Many IDP families from Mohmand preferred to stay in Peshawar because of its proximity to their native areas and because of the facilities the city afforded, while officials at Kacha Garhi said they had limited arrangements and could not accommodate the newcomers from Mohmand.

There were numerous reports of IDPs facing difficulty in getting registered – and becoming entitled to assistance – at IDP camps, mainly because of insufficient capacity, and security concerns. Such reports were received from

Sheikh Yasin Town camp in Mardan, and Kacha Garhi camp in Peshawar.

Expensive shelter

House rents in Peshawar escalated as people fleeing the embattled Swat valley and North and South Waziristan, Kurram and Bajaur tribal regions flocked to the provincial capital.

In January, house rents in Peshawar's Hayatabad locality had risen by 100 percent within a few months. By that time, most of the estimated 2,000 property dealers in Peshawar had no vacant houses amid growing demand by the displaced people. Landlords were reported to have sent notices to their tenants to vacate their houses so that they could be leased for higher rent.

Well-off families were seeking residence in posh localities of the city while the poor ones were looking for houses in nearby villages.

Resistance to IDPs' settlement

In October, Balochistan National Party-Mengal expressed alarm over a reported government plan to settle around 80,000 IDPs from Bajaur in Balochistan and vowed to resist the move "tooth and nail". The party said bringing more "outsiders" to the province where the presence of a large number of Afghan refugees has "for long been described as the main source of growing religious fundamentalism and suicide bombings" would create a "demographic imbalance in the Baloch-majority province".

International assistance

In June, the Human Rights Commission of Pakistan urged the government to seek UN assistance to rehabilitate the IDP population in the country.

In September, UNHCR said it was seeking \$17.2 million to provide non-food relief items to more than 300,000 IDPs forced from their homes by floods and conflict. It anticipated a rise in the number of IDPs.

On October 10, UNHCR signed an agreement with the NWFP government for assistance and rehabilitation of IDPs from the Tribal Areas and Swat. Under the agreement the IDPs were to be registered and provided food, education and healthcare facilities.

In the first phase, the IDPs living with host families — relatives and friends - were to be registered and steps taken for their rehabilitation. The provincial government estimated that more than 70 percent of the IDPs were living outside relief camps. The move was meant to give a clear picture of the scale of displacement and the immediate needs of IDPs.

Long-term problem

In November, the United Nations resident coordinator said the government had informed the UN that it expected the displacement of people in the NWFP because of military operation to continue for "a year or more", indicating the operation in the Tribal Areas may last longer than expected. The UN official said in November that Bajaur Agency required a major rehabilitation effort with most of the urban areas seriously damaged. "The government would have to bring the 21st century to these people," Fikret Ackura, the UN coordinator, said.

Also in November, the NWFP government sought the establishment of a fund to rehabilitate IDPs affected by military operations in Swat and Bajaur and the recent floods in Peshawar.

Additional vulnerabilities

Many IDPs could not speak Urdu and were dependent on relatives and connections to find lodging and employment. Some IDPs complained of being viewed with suspicion and subjected to harassment by police on account of their hailing from the Tribal Areas.

Harsh weather and outbreak of diseases compounded IDPs' difficulties. In October, the World Health Organization reported that it was responding to outbreaks of acute watery diarrhoea in Mardan, Charsadda and Risalpur (Nowshera) IDP camps and in Mingora city in Swat district. Lack of clean drinking water caused cholera and other contagious diseases to a number of IDPs, mostly children, in the makeshift camp established at Pulosa near Charsadda for Bajaur IDPs. According to official record, over 4,000 displaced persons had been put up in the camp, which only had 76

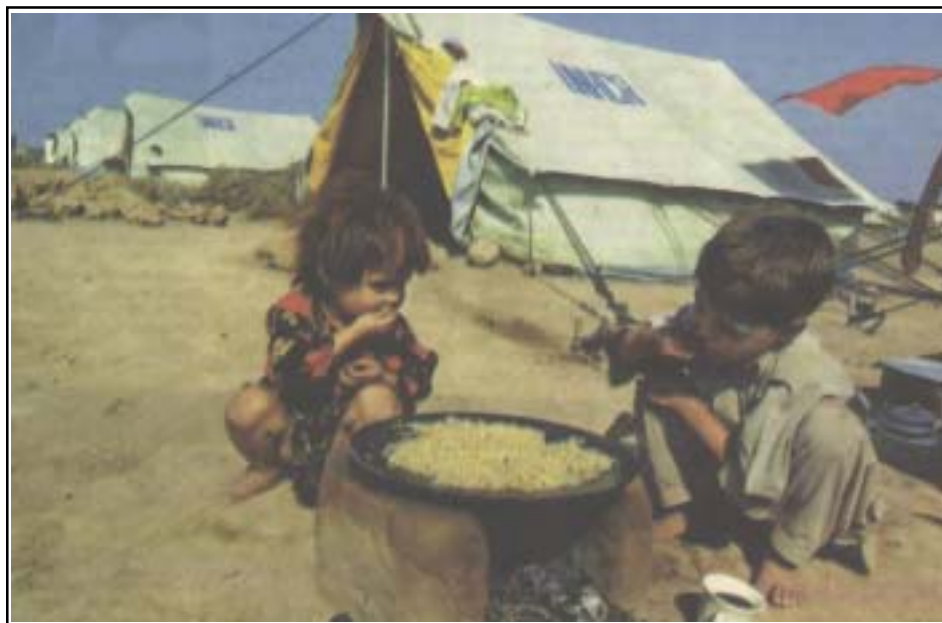
rooms and 170 tents.

Concerns were raised about the ability of IDPs from the tribal regions to re-settle in purely urban areas that already faced a huge influx of jobseekers from other parts of the country.

The majority of the displaced families from the Tribal Areas living in camps or informal settlements were women and children whose displacement was compounded by their poverty. The men either stayed back to look after family property or went to urban centres that offered better work opportunities.

Displaced children

The impact of displacement was more acute on children, who suffered from diseases and harsh weather, lack of education and lack of security and safety in the camps. Separation of displaced children from their families was also



International organisations' assistance fed and sheltered tens of thousands.

reported. Children displaced on account of conflict had to grow up fast, taking care of siblings, finding means of survival by begging or working and looking for food and firewood to keep warm.

Lack of education and health facilities for displaced children who found shelter with host communities or in informal camps remained a major problem. Lack of school-certificates for IDPs' children and other documents to get admission in schools barred access to education.

There were reports of displaced children suffering from psychological disorders

on account of their forced flight, severe bombardment and prolonged conflict and bloodshed. Many were reported to have fallen ill on account of severe cold.

According to a preliminary report of a survey by the UN, prevalence of malnutrition among children of people displaced from Bajaur tribal region was up to 15 percent in Kacha Garhi camp.

According to initial screenings, there were apprehensions that the situation in other camps in NWFP districts — including those in Lower Dir, Mardan, Charsadda and Nowshera - might be worse than Kacha Garhi as those camps were transitional and lacked basic facilities.

Exodus from FATA

Flights over South Waziristan by pilotless drones crossing into Pakistan from Afghanistan and fear of military operations triggered a mass exodus from the Mehsud areas of South Waziristan tribal region. At least 30 missile strikes by US drone in the Tribal Areas during 2008 killed 93 people. *[See the chapter 'Law and Order']*

House rents increased manifold in the two adjacent districts of Tank and Dera Ismail Khan after the arrival of the displaced people from South Waziristan. Many displaced families proceeded to Hyderabad and Karachi.

Earlier in January, hundreds of families, mostly women, children and elders, fled to Tank district and North Waziristan to escape fierce clashes between security forces and militants in South Waziristan. Over 100 displaced families reached Miramshah in North Waziristan, where local elders set up relief centres. Transporters charged excessive fares from the displaced people, at times Rs 1,000 for a distance of five kilometres. Many displaced families had to walk for two days, often without food and water, to reach Tank, where a large number of them could

only find shelter in parks and in open areas.

Around 200 people arrived in an army relief camp for displaced persons in Tank. There were reports of around 30 children dying because of the extremely cold weather.

In January, protesters in Peshawar demanded an end to the military operation in Darra Adamkhel and asked the government to establish camps for IDPs from the area.

Balochistan

In Balochistan displacement continued to be the lot of tens of thousand of people, uprooted since the 2005 military operation, which was launched purportedly to suppress tribal militias.

Exact IDP figures were hard to gather but estimates by the media ranged between 50,000 and 60,000 people. (Economist, Apr 17)

Despite official denial of mass displacement, thousands of IDP families from Dera Bugti and Kohlu districts could be seen living in decrepit, makeshift camps in various districts of Balochistan and Sindh provinces.

Baloch IDPs living in Karachi said in August that hundreds of displaced families had been uprooted five times in two years, either by influential people who wanted the IDPs to pay them protection money or due to pressure from the authorities. (D, Aug 26)

An HRCP survey of people displaced from Dera Bugti and Kohlu districts found the IDPs continuing to face problems in Quetta, Kachi, Sibi, Naseerabad and Jaffarabad districts of Balochistan and Khairpur district of Sindh

Members of the Bugti tribe forced to leave their houses after the military operation said in May that they did not trust assurances by the new government and will not return. (NW, May 21)

An anti-government militant group leader claimed that around 10,000 Bugti tribesmen were forced to take shelter in Afghanistan because of the military operation.

Natural disasters

Floods

Unusually intense monsoon rains in late July and early August triggered floods in many parts of Pakistan, particularly affecting Peshawar and Kohat in NWFP, Rajanpur and Dera Ghazi Khan districts in southern Punjab and the Khyber tribal agency. Around 82,000 people were displaced. One thousand houses were destroyed in the Khurasan refugee camp near Peshawar.

In southern Punjab, about 150 villages were badly affected rendering thousands of people homeless. IDPs took temporary shelter on the roads, banks and other higher places. [*See the chapter 'Housing'*]

Earthquake in Balochistan

World Food Programme announced food assistance to nearly 20,000 people who had lost their homes and belongings in the October 29, 2008 earthquake that struck parts of Balochistan province. Around 12,000 people were displaced in Ziarat district, according to World Health Organisation.

Development-induced displacement

In June, an action committee of the people affected by flooding caused by Mirani Dam in Balochistan's Kech district a year earlier announced a token hunger strike to protest against the government's failure to compensate them. Protesters claimed the unprecedented flood devastation was caused by the reverse flow of river water from the dam's reservoir, as the structure prevented the rivers from draining.

The grant of compensation and alternative land by January 29 to 32 affectees of Lyari Expressway was ordered by a division bench of the Sindh High Court.

The petitioners submitted that Karachi district government had promised payment of compensation and alternative land against their displacement but the pledge had not been fulfilled.

Recommendations

1. The IDPs are mainly forced to leave their homes because of the military actions against the militants, where

heavy artillery continues to be the weapon of choice. A major review of the military tactics is urged.

2. IDP camps should be established as close as possible to the conflict zones, which will make rehabilitation easier and will prevent avoidable friction between IDPs and host populations.

3. The government needs to establish a new organisation/department for IDP registration, camp management and rehabilitation. The organisation/department shall also have an independent mechanism to oversee the system and hear complaints from IDPs and host populations.

4. Arrest of unregistered refugees under the Foreigners Act should stop, as it causes undue hardship to the refugees, is a needless burden on the already collapsing legal system and serves no purpose (because of the porous border).

5. Afghan refugees should not be forced to return to areas in Afghanistan that are unsafe.

6. The IDP management process must be transparent and special care should be taken in areas with delicate ethnic balance.

Appendices

Appendix - I

HRCP activities

HRCP undertook a range of activities spanning the whole spectrum of human rights to raise awareness among citizens about fundamental rights as well as to monitor the rights situation in the country.

HRCP chapter and taskforce offices throughout the country organised workshops, fact-finding missions, seminars, surveys and rallies on human rights-related issues during 2008. HRCP highlighted the issues and concerns of religious minorities by holding four provincial workshops on the *State of Minorities' Rights*. This effort was followed by a *National Minorities Workshop* to frame a charter of demands to be presented to the government. A series of workshops was also held to increase awareness about the rights of youth and their role in society. A survey focused on internally displaced persons' rights was also conducted.

Monthly meetings of HRCP members at all chapter offices discussed current developments in the human rights context and related national and international issues.

The organisation's complaints cell received queries, complaints and other communications from within Pakistan and abroad. It brought the complaints to the attention of the authorities in a number of cases.

Hundreds of Pakistani and foreign students, academic researchers and journalists visited the organisation's reference section to consult its archives during 2008.

HRCP website and blog drew extensive comments on the organisation's stance and initiatives, possible activities and human rights issues in general. A break-up of some of the organisation's activities during the year follows.

Surveys / visits

February 2008: HRCP field workers and activists across Pakistan observed and documented various aspects of the February 18 elections, including the Election Commission's performance, enrolment of eligible voters, postal ballots, and voting rights for prisoners and women.

HRCP teams in Peshawar and other parts of the NWFP reported a number of instances of women being barred from voting. At a polling station in Sheikh Muhammadi, a village near Peshawar, representatives of all candidates/ political parties had reached a formal agreement to not allow women to cast their vote.

Oct 16, D.G. Khan: Survey of human rights' situation in the Provincially Administered Tribal Area of Punjab.

Nov, 3, 6, 11, D.G. Khan: Surveys conducted to assess the human rights situation of residents of the Provincially Administered Tribal Area.

Workshops / seminars / meetings

Feb 12, Islamabad: Meeting on Pakistani Women's Day.

Mar 8, Islamabad: Meeting on International Women's Day.

Mar 22, Multan: Lecture organised on democracy and the role of human rights activists.

Mar 26, Islamabad: Rally on the release of Chief Justice of Pakistan.

Apr 2 & 9, Karachi: Meetings with Mr Akhtar Mengal, chief of Balochistan Nationalist Party and a former chief minister of Balochistan, at Liaquat National Hospital. Mr Mengal had been detained in an isolated cell of a Karachi prison since November 2006, and denied due process. He was hospitalised in March 2008 following persistent ill health.

Apr 3, Multan: Seminar on labour laws and rights of workers.

Apr 18, Multan: Meeting to discuss the rights and concerns of agitating power-loom workers.

Apr 26, Karachi: Meeting with a committee of the Muttahida Qaumi Movement to hold discussions on a 16-point charter for reform HRCP had adopted in March to establish a democratic government that respects human rights and protects its citizens.

Apr 30, Karachi: Meeting with the Sindh President of Awami National Party to discuss HRCP's 16-point charter for reform.

May 12, Chaman: A meeting by HRCP Core Group in Chaman, Qila Abdullah district, to raise awareness, especially among youth, about human rights.

May 13, Vehari: Seminar on human rights education and situation of human rights.

May 15, Karachi: Joint meeting of civil society organisations to develop a strategy to strive for the restoration of the judiciary.

May 15, Mirpurkhas: Workshop on rights of religious minorities in a democratic government.

May 16, Karachi: Consultation on labour rights with representatives of workers and organisations working for fishermen's rights.

May 24, Qila Saifullah: A meeting by HRCP Core Group at Government College Qila Saifullah to raise awareness about human rights issues.

May 28, Noshki: Core Group activists address participants of a meeting on fundamental rights with a view to increasing participation of youth in human rights-related activities.

Jun 5, Karachi: Meeting of an HRCP delegation with the Sindh chief minister to discuss the situation of human rights in the province.

Jun 6, Quetta: Consultation on the human rights situation with various political parties, media representatives and journalists.

Jun 7, Khuzdar: An HRCP delegation met with Mr Akhtar Mengal to discuss violations of human rights in Balochistan, and the ongoing military operation in the province.

Jun 7, Quetta: A team of HRCP held a meeting with the organisation's district core group activists, intellectuals, political activists and members of the civil society. Human rights, enforced disappearance, the ban on political activities, illegal arrest of political activists and the army operation in Balochistan were discussed.

Jun 8, Quetta: A workshop on status of minorities was held. Concerns raised included occupation of the Christian community's religious property, discrimination against minorities, hurling of hand grenades at the houses of Hindus in Khuzdar district, and increasing incidents of abduction for ransom targeting members of religious minorities and pressure on them to convert to Islam.

Jun 8, Quetta: Workshop on rights of religious minorities.

Jun 13, Islamabad: Rally in support of restoration of the judiciary.

Jul 18, Peshawar: HRCP chairperson's consultation with civil society representatives on rights-related developments.

Jun 20, Peshawar: Workshop on rights of religious minorities.

Jun 23, Karachi: An HRCP team called on Ms. Nadia Gabool, Sindh's minister for human rights, to discuss human rights issues in the province.

Jun 26, Vehari: Rally to condemn the killing of two sisters by their brother in the name of "honour".

Aug 1, Multan: Meeting on the political situation and human rights violations by police.

Aug 7, Multan: Workshop on the role of activists in the prevailing crisis of governance.

Aug 7, Lahore: Workshop on religious intolerance and its impact on minorities.

Aug 9, Multan: Workshop on the role of media in combating extremism in society.

Aug 12, Multan: Protest rally against illegal detention of workers by mill owners.

Aug 16, Multan: Workshop on human rights education programme.

Aug 30, Multan: Seminar on the International Day against Enforced Disappearances.

Aug 30, Quetta: Speakers in seminar on the International Day against Enforced Disappearances expressed disappointment over the civilian set-up's inability to address the issues of disappearances, rule of law, price-hike and unemployment. They demanded bipartisan parliamentary action to address these issues.

Sep 12, Karachi: A meeting to discuss the future course of action for political and civil society activists on issues related to the politics, economy, security and integrity of Pakistan.

Sep 18, Karachi: A meeting of Joint Action Committee for Peoples' Rights (JAC), of which HRCP is member, discussed the current rights situation and proposed a strategy to activate the coalition forum in Karachi.

Sep 20, Peshawar: Seminar on provincial autonomy.

Sep 21, Peshawar: Seminar on human rights education.

Oct 18, Multan: Demonstration against all forms of violence.

Oct 20, Lahore: Consultation on the 'Role of Youth in strengthening the Nation'.

Oct 25, Quetta: Consultation on the 'Role of Youth in strengthening the Nation'.

Oct 29, Multan: Consultation to discuss possible solutions to the problems faced by residents of the Provincially Administered Tribal Area of Punjab.

Oct 31, Islamabad: Screening of a documentary on IDPs from Bajaur tribal region.

Oct 31, Lahore: National consultation on minority rights.

Nov 3, Karachi: Consultation on the 'Role of Youth in strengthening the Nation'.

Nov 6, D.G. Khan: Seminar on problems facing the residents of the Provincially Administered Tribal Area of Punjab and proposed solutions.

Nov 13, Multan: Seminar on child rights.

Nov 18, Peshawar: Consultations on the 'Role of Youth in strengthening the Nation'.

Nov 20, Multan: Rally on International Children's Day.

Nov 22, Khanewal: Seminar on child rights.

Fact-finding

January: The Sindh chapter of HRCP conducted a fact-finding about riots in Sindh after the December 27, 2007 assassination of Benazir Bhutto, especially incidents of arson, looting and burning of private and public property in the province.

Mar 18, Karachi: Gang-rape of a woman at the mausoleum of Quaid-e-Azam, the founder of Pakistan. The inquiry found that security guards at the mausoleum were involved. The matter is pending in court.

Mar 28, Karachi: Fact-finding to assess health facilities available in Karachi to internally displaced persons (IDPs) from Balochistan and the Waziristan tribal region. Around two dozen IDP children from Balochistan's Dera Bugti district suffering from liver diseases and acute gastroenteritis were visited at the Edhi Foundation Hospital to obtain first hand information.

Mar 31, Karachi: Assault on Dr Riaz, professor of applied chemistry at Karachi University, by Pakistan Rangers personnel deployed at the university.

Apr 2, Shujaabad: Gang-rape of Jamila Bibi to punish her sons for their alleged relations with a girl belonging to the accused person's family.

Apr 6, Vehari: Killing of Gulzar Fatima by her uncle in the name of honour.

Apr 7, Vehari: Two girls, aged 7 and 9, surrendered as Vani to settle a dispute.

Apr 8, Karachi: Murder of Jagdish Kumar, a Hindu, by dozens of Muslim co-workers at a leather factory in Karachi for alleged blasphemy. The fact-finding found that Kumar was killed by fellow workers and other workers and law enforcement personnel did not intervene to save his life.

Apr 12, Khanewal: Killing of Khalida Bibi by her brother in the name of honour.

Apr 19, Multan: Fact-finding about the difficulties and loss of jobs suffered by power loom workers on account of prolonged electricity load shedding.

Apr 30, Multan: Murder of 6-year-old Muhammad Atif by a religious teacher.

May 8, Karachi: Visit to Civil Hospital to obtain first hand information from Shahnaz, a woman hospitalised after being severely beaten by her husband.

May 14, Vehari: Fact-finding found that the killing of Sadiq Shah and Ghanzanfar by police was an extra-judicial murder.

May 25, Multan: Torture of Ms. Samina by her husband.

Jun 29, Peshawar: Kidnapping of 16 Christians on June 21 by Mangal Bagh-led Laskhar-i-Islam, which later released the 16 saying they were “mistakenly” abducted.

Jul 3, Khanewal: Illegal detention of workers by owners of the Punjab Sugar Mills over the workers’ attempt to get a labour union registered. The workers were detained at the mill’s premises, tortured, forced to sign papers and to agree to withdraw their application for registration of the union. A case against the curbs on union formation was withdrawn from a labour court after the owners and workers reached a mutual agreement.

Jul 24, Multan: Forced marriage of Noreen Fatima with a minor child at the behest of a landlord in a local village.

Aug 6, Peshawar: Assessment of situation after flashfloods in Peshawar, Khyber Agency and Kohat district on August 4, which left at least 41 people dead.

Aug 19, Mardan: Fact-finding regarding the problems faced by tens of thousands of IDPs from the militancy-hit Bajaur tribal region who found shelter in Mardan. The team found absence of any government relief. Local residents were facilitating the IDPs on self-help basis.

September, Peshawar, Nowshera and Charsadda: Fact-finding to assess the situation of IDPs from Bajaur in Peshawar, Nowshera and Charsadda.

June, Dera Bugti, Quetta, Sibi, Naseerabad, Jafarabad, Khairpur, Kech, Khuzdar: HRCP conducted a survey, as part of a fact-finding mission, to assess the state of IDPs from Balochistan. The team met over 3,000 internally displaced families.

Sep 25, Khanewal: Attempted rape of girl and burning of her house.

Oct 10-11: Visit to Mingora, Swat: An HRCP team visited the militancy-hit Swat district and came across numerous complaints that security forces’ indiscriminate action in a village in Chahar Bagh area had resulted in the death of five civilians. The villagers brought the bodies to Saidu Sharif to lodge a protest. In the ensuing melee, police opened fire on the protesters killing at least 6 people.

Nov 1, Ziarat: An HRCP team visited the earthquake-hit areas of Ziarat district, including Vam Ahmedoon and Gogi. The team met victims and reviewed the relief and rescue efforts.

Nov 7- 8, Loralai, Pishin, Ziarat, Harnai: An HRCP teams visited the earthquake-areas in Loralai, Pishin, Ziarat and Harnai districts of Balochistan and met the affected population and concerned officials.

Nov 9, Multan: Maqsood Mai’s killing in the name of honour by her brother.

Nov 9, Multan: Murder of Shazia Bibi by her father over her desire to marry by choice.

Dec 11, Multan: Alleged intentional murder of a young boy by a landlord. The allegation was found to be unsubstantiated.

Dec 20, Multan: Fact-finding about the establishment of South Punjab Basic Urban Services Water Treatment plant at 194 acres of land. The plant was meant to treat sewerage water and pump it into a nearby river. The local population opposed the project funded by the Asian Development Bank on account of environmental concerns, acquisition of fertile land for the plant and threats to the livelihoods of the families growing vegetables on the land.

The project was later suspended.

Apr 29, Karachi: Upon receiving information about four Pakistani fishermen detained in Indian prisons, an HRCP team met families of the fishermen. The families said the fishermen were held on false charges of smuggling of drugs and illegal weapons.

Protest rallies

Jan 31, Karachi: Endorsed the call of the Sindh High Court Bar Association and Karachi Bar Association to celebrate January 31 as Iftikhar Day to press for freeing the sacked judges and for their reinstatement.

Feb 11, Karachi: HRCP in collaboration with People's Resistance, a coalition of NGOs and concerned citizens, staged a demonstration outside the Karachi Press Club, condemning the administration's brutal action against peaceful demonstrators in Islamabad on February 9.

Mar 9-16, Karachi: Endorsed the call of Supreme Court Bar Association President Barrister Aitzaz Ahsan to observe a Black Flag Week from March 9-16, 2008 to express solidarity with the lawyers' movement. A ceremony to hoist a black flag was held at the residence of HRCP Co-chairperson Iqbal Haider on March 10.

Jun 6, Karachi: HRCP in collaboration with War Against Rape (WAR), Aurat Foundation and Women's Action Forum (WAF) condemning the transfer of a case of gang-rape of a minor girl, K, from the court of Karachi (south) sessions judge, to the additional sessions judge in Dadu district. Following protests, the case was reverted to Karachi.

Jul 17, Karachi: HRCP in collaboration with civil society and lawyers' organisations staged a demonstration outside the Sindh High Court on the arrival of PCO Chief Justice Abdul Hameed Dogar at the high court. The security personnel maltreated lawyers and civil society members and arrested at least 23.

Aug 6, Karachi: Demonstration in collaboration with Pakistan Peace Coalition on Hiroshima Day outside the Karachi Press Club.

Sep 1, Karachi: Demonstration, in collaboration with the Peoples Resistance and South Asian Women in Media, against the murder and burial of five women in Jafarabad district in Balochistan and over a senator's defence of 'honour' killings as Baloch tradition. Some NGOs had also claimed that at least some of the women were alive when they were buried.

Sep 5, Quetta: Rally outside the Balochistan Assembly in collaboration with Aurat Foundation to protest murder of five women in the name of honour.

Miscellaneous

Karachi, Jan 03: Held a condolence reference in collaboration with Peoples Movement for Justice to pay tribute to former prime minister Ms. Benazir Bhutto.

Jan 8, Karachi: HRCP activists and lawyers gathered at Regal Chowk to remember Benazir Bhutto and pay tributes to her.

Feb-Mar, Karachi-Lahore-Islamabad: Facilitated an FIDH observatory mission's visit to Pakistan to examine the situation of human rights and rule of law in the country.

Mar 12, Quetta: HRCP Balochistan Vice Chairperson visited a hunger strike camp at the Quetta Press Club and expressed solidarity with the mother of Mir Abdul Wadood Raisani, detained in jail for three years. The family demanded the provision of medical care to him in prison.

Apr 8, Quetta: HRCP Council members visited a hunger strike camp set up by the Academic Staff Association (ASA) at the Quetta Press Club against the suspension of three ASA professors in August 2007 and to press for their reinstatement.

May 27, Quetta: An HRCP team visited a hunger strike camp set up by relatives of Sanaullah Yalanzai, a victim of "enforced disappearance", at the Quetta Press Club. The family informed the team about that Yalanzai, a graduation student, was picked up by state agents from Satellite Town, Quetta.

Jun 6, Quetta: An HRCP team visited a hunger strike camp at the Quetta Press Club by Christ National Movement against missionary schools over discrimination in the fee structure.

Jun 9, Quetta: An HRCP team visited a camp of Watan Teachers Association, at the Quetta Press Club, who

presented their charter of demand.

Jun 9, Quetta: An HRCP team visited a hunger strike camp of people affected by flooding caused by the reverse flow of rivers from the Mirani Dam reservoir, as the structure prevented the rivers draining. The victims informed the team that the government had still not paid them money meant for their rehabilitation.

Jul 29, Karachi: Set up a camp to welcome Chief Justice of Pakistan, Mr. Iftikhar Muhammad Chaudhry in collaboration with civil society organisations, political parties and trade unions.

Aug 7, Quetta: An HRCP team visited a hunger strike camp of sacked employees of the National Commission for Human Development from Balochistan, at the Quetta Press Club.

Nov 14, Ziarat: Distributed relief goods in various parts of Ziarat district among people affected by the October 2008 earthquake.

Jail visits

Sep 13, Qila Abdullah: Visited District Jail Chaman and noted overcrowding, and lack of basic facilities for prisoners among other problems.

Complaints Cell

The cell received numerous complaints about incidents of rape, honour killing, violation of women's rights, jirga verdicts, tribal conflicts and other violations of human rights. As many as 168 letters were received from prisoners detained in various detention facilities across the country. One of their main demands was to be transferred to a prison closer to their hometown. At HRCP's request, the Punjab Home Department cooperated in transferring many of these prisoners to jails closer to their places of residence. Other letters complained about misbehaviour, humiliation and torture by jail staff. One of the complaints was received from jail staff requesting HRCP to take up the grievances of the lower jail staff regarding the conditions of their service and salaries. The number of complaints / communications regarding violations of women's rights received by HRCP registered an increase. The expectation of more prompt and meaningful responses from the administration after the civilian government's return to power was largely not met.

A break-up of complaints HRCP received between January 1 and December 31, 2008 follows:

Total number of complaints received:	1,200
Letters written to authorities by HRCP:	435
Response by the authorities:	110
Excesses by non-state actors/influentials:	199
Excesses by police / administration:	218
Violations of women's rights/domestic violence	250
Complaints from prisoners:	168
Political Victimisation:	8
Minorities:	19
Sectarian:	8
Complaints from abroad:	50
Miscellaneous:	280

Archives

The HRCP reference section facilitated 303 persons including students, journalists and academics from both within Pakistan and abroad.

Publications

Regular publications:

HRCP annual report: State of Human Rights in 2007 (English/Urdu)

Jehd-e-Haq: 12 monthly issues (Urdu)

Special publications

- ◆ Pakistan Elections: Law & Rules (English/Urdu)
- ◆ Killing for Honour (2005-2006), Focus on Punjab (English/Urdu)
- ◆ Voter Kay Liyey Zaroori Yad Dehani (Urdu)
- ◆ Voter Kay Liyey Chand Zaroori Hidayaat (Urdu)
- ◆ Polling Agent Kay Liyey Chand Zaroori Hidayaat (Urdu)
- ◆ Jamhorait, Insaaf, Insani Haqooq Kay Taqazay (Urdu)

Other publications:

Zila Multan Mein Primary Taleem (poster)

Appendix - II

HRCP stands

Throughout 2008, HRCP continued to comment on issues and events affecting the rights of the people. Excerpts from the stands taken by the organisation follow:

Disappearances and detention

February 8: HRCP has called upon the federal law ministry to move Dr. Safdar Sarki, the detained General Secretary of Jeay Sindh Qaumi Mahaz (JSQM), from Zhob to a prison in Sindh and provide him urgently needed medical treatment. The commission expressed concern at the risks to the life and health of Dr. Sarki, on account of his medical condition and his detention in a jail in far-flung and very cold Zhob district of Balochistan. Dr. Sarki is suffering from retinal degeneration, on account of consistent blindfolding, as well as arthritis and hernia. HRCP urged the government to shift Dr. Sarki to his native Sindh province, where the weather would be less harsh. The organisation has demanded due process for Dr. Sarki and urged that he should be given regular access to his relatives and colleagues and provided necessary medication immediately.

February 13: HRCP has demanded the government intervene on behalf of Pakistani nationals held by US forces at Guantánamo Bay, Cuba. In a letter to the federal law minister, HRCP expressed its distress at Islamabad's failure to ensure its nationals are not detained illegally. The organisation asked the government about actions it had taken or intended to take to ensure that the continued incarceration and violations of Pakistani nationals' human rights ceased immediately. HRCP also expressed concern at reports of risks to the life and health of Mr. Saifullah Piracha, a heart patient detained in Guantánamo. It urged the government to disclose the number of Pakistanis currently detained at Guantánamo and make representations to US authorities on behalf of all Pakistani nationals detained there to ensure their return to Pakistan.

May 29: HRCP has expressed concern over the abduction/arrest of two Baloch leaders and human rights activists, Wahab Baloch and Ghulam Muhammad Baloch, who had come to the HRCP office on Abdullah Haroon Road, Karachi, on the 28th of May 2008, to discuss the human rights problems and issues including the plight of the missing persons. HRCP is distressed to learn that when they left the HRCP office, they were picked up by a law enforcement agency personnel. HRCP immediately made every effort to know the whereabouts of the two Baloch leaders but in vain. On making inquiries, the next day, HRCP discovered that Wahab Baloch, the president of the Baloch Rights Council and a well-known human rights activist is still missing. HRCP is deeply concerned about his enforced disappearance and the condition under which he may be held. Ghulam Mohammad Baloch, the president of Balochistan National Movement (BNM) is in custody at PS Frere Town and an FIR has been registered against him for allegedly making a provocative speech outside the Karachi Press Club. He was earlier picked up and reported as missing on 03.12.2006 and was released in September 2007.

HRCP believes that this amounts to outright harassment and victimization of the Baloch leaders and human rights

defenders. There is no lawful reason or justification for arresting the two leaders, implicating Ghulam Muhammad Baloch in a false case and charges and abducting a very well known human rights activist, Mr. Wahab Baloch. HRCP strongly condemns this harassment of the Baloch activists and demands their immediate release.

August 5: With the US finally admitting custody of Dr. Aafia Siddiqui, one of the most brutal cases of suppression of individual freedom has started to unravel, HRCP said, adding that public pressure has compelled this acknowledgment. While the Pakistani government has belatedly begun to admit that it had some responsibility towards Dr. Aafia, it has a lot of explaining to do as to who had been detaining her and where since she was picked up from Karachi in 2003 along with her three children. To say that she had been taken into custody only on July 21, 2008 is a blatant lie, as transparently ugly as any falsehood can be. The insinuation, that she had been hiding herself since 2003, is a travesty of truth, an affront to people's commonsense. Dr. Aafia's case is a reminder of the grave injustice done to many Pakistanis in US detention facilities in Bagram in Afghanistan, Guantánamo Bay in Cuba and elsewhere, who have been listed as missing. While reminding the government of Pakistan of its duty to trace all people who are reported to have involuntarily disappeared, HRCP calls upon all civil society elements and human rights organisations to make a concerted effort for the release of all missing persons and to ensure that Dr. Aafia gets justice, that has long been denied to her and that in a manner no civilized people can condone.

August 12: HRCP urges the government of Pakistan to fulfil its duty of ensuring that Dr. Aafia Siddiqui receives full justice, necessary facilities and immediate medical attention. HRCP demands an official investigation into Dr. Siddiqui's, and her children's, disappearance and details of their detention - from the point of being picked up in 2003 till the present. HRCP also emphasises that Dr. Siddiqui should not be repatriated to Pakistan against her wishes and be given the full opportunity to contest her case in the US. The fear is that once she has been repatriated to Pakistan she will be pressurised by the intelligence agencies to maintain silence and she will not be able to secure justice. Though it may be a relief that she has been traced there is no information about Dr. Siddiqui's children. The government must also disclose the whereabouts of her children.

The violation of the rights of Dr. Siddiqui and her children, and countless other missing persons, is squarely the responsibility of the government of Pakistan. There is enough evidence indicating that she was initially picked up by the intelligence agencies in Pakistan and therefore it is not only the government of the United States but also the government of Pakistan that must be made accountable for this crime.

HRCP fears that the fate of Dr. Siddiqui will be the same as that of hundreds of others who have disappeared, been tortured and rendered to third countries without following the legal process. Regrettably petitions of hundreds of people in almost similar circumstances are pending in the courts of Pakistan and not in a single case has full justice been delivered. No one has received compensation neither have the perpetrators been brought to justice.

Democratic rights and political conditions

April 18: HRCP welcomes the ratification and signing of three core UN human rights instruments – ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the signing of the International Covenant on Civil and Political Rights (ICCPR) as well as Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) – by the government and notes with appreciation that the elected Government of Pakistan has accepted the long outstanding demand of human rights activists.

August 8: HRCP has called upon the members of the ruling coalition to redeem all their pledges to establish democracy and supremacy of parliament, restore judges and the independence of the judiciary, and secure the people's release from grinding poverty and unemployment, with the seriousness that their obligation demands.

For the citizens elections and change of regime are not meant to provide only for the advancement of a few, nor are they matters for academic quibbling or rhetorical flourishes, these are merely mile posts on their journey towards freedom, security and prosperity. The coalition leaders' earnestness in resolutely pursuing the course they have chosen alone will guarantee them the public support without which the state cannot achieve anything. Besides, no political arrangement can survive by adding fresh pledges to older, unfulfilled commitments. The consequences of allowing the latest resolution to meet a fate similar to that of the Charter of Democracy or the Murree Declaration will be too dreadful to be imagined.

August 22: The participants of a national consultation organized by Awaz Foundation Pakistan and the Human Rights Commission of Pakistan demanded the government pay immediate attention to alleviating the problems faced

by the people of the Provincially Administered Tribal Area in southern Punjab. The tribal area of DG Khan and Rajanpur in southern Punjab is the least developed region in Pakistan. The assembly called upon the government to take measures for addressing the issues facing women; ensure a specific focus on women education; withdraw the Frontier Crimes Regulation from the area; immediately create an authority to look at the PATA infrastructure, including roads; consider replacing the Border Military Police with a more responsible police force; abolish the influence of Sardars; provide employment opportunities to the area's population; build small dams and revise local water conservation projects on modern basis to not only avoid the damage caused by floods and hill torrents but also ensure regular irrigation for agriculture; launch a crash programme to ensure that the overwhelming majority of schools in the area that are not functioning become operative; ensure that the extremist elements trying to get a foothold in the area do not fill the vacuum created by lack of effective governance.

The assembly particularly requested the cement and mining companies in the area and the Pakistan Atomic Energy Commission to undertake their corporate social responsibility to ensure that their operations do not cause environmental degradation.

August 25: HRCP has demanded that the country's next president must be non-contentious for democracy to survive. HRCP has consistently called for a transition to democracy and the departure of President Musharraf has been a significant turning point.

The president must be elected by the parliament through a transparent process. HRCP appeals to political parties to make the choice with great wisdom as the country is undergoing serious crises. It reminds the political forces that the democratic process is fragile and still in the very early stages of transition. The office of the President must be headed by a person who inspires the confidence of all sections of society. Past experience has proved that any aspirant to the Presidency must also have unqualified credibility. A parliamentary federation demands that the president be a person who is neutral in terms of party politics and disassociates himself or herself from any single political party. There should be no shadow of doubt on his or her past.

The candidature of Mr. Asif Ali Zardari does not fulfil the objective criteria that a president is expected to meet. Apart from the constitutional requirements, democratic conventions must also be observed if true democracy is to be achieved in the near future. HRCP recognises that Mr. Zardari has spent many years in prison and been tortured. This alone cannot be a qualification for aspiring for the highest office of the country in the background of the muddy deals and underhand manipulation that has given legitimacy to a National Reconciliation Ordinance granting blanket immunity to political activists.

HRCP reminds the Election Commission of Pakistan of its constitutional duty to organise and conduct all elections "honestly, justly, fairly and in accordance with law and that corrupt practices are guarded against". It welcomes the prompt announcement of an election schedule but laments that the timeframe given for submitting the nomination papers was fixed in an arbitrary manner. There was no consultation with the political parties represented in the parliament. This raises doubts about the motive behind an election schedule fixed much before the 30-day deadline was to expire, denying political parties the opportunity to plan for the eventuality of the break-up of the coalition government by Wednesday the 6th of September.

Militancy / sectarianism / extremism

January 10: HRCP is outraged at the ghastly killing of nearly two dozen people, most of them policemen, in an explosion outside the Lahore High Court. The Commission shares the grief of the bereaved families and is shocked at the loss of so many policemen who fell victim to a situation for which their employers must accept increasing responsibility. The target obviously was the procession of lawyers and they presumably escaped due to some delay in their arrival at the venue chosen for massacre. Who is gunning for lawyers and why? Or, whoever the culprits are, do they want to terrorise lawyers or political parties or the people in general? Do they want to sabotage elections? Are people being targeted across the country in retaliation for the so-called war against militants? Where does the administration stand now for it has lost all claim to capacity to curb the monster of terrorism. The authorities must answer these questions in a straightforward manner as cursory excuses and advice to the harried citizens to look after themselves will be adding insult to injury. If the regime lacks the means to protect the people's lives, should it not seek expertise wherever it may be available? And if it lacks the will to do its primary duty it must not delay making way for a civilian government of national consensus.

March 5: HRCP has called upon the administration to demonstrate some capacity to protect lives against terrorist

attacks instead of merely announcing alert or red alert after each explosion or suicide bombing. The terrorist attack inside the Navy War College in Lahore on Tuesday was not more serious than the recent incidents in Swat and Darra Adamkhel, in which nearly 100 people perished, but the fact that the site was very close to the Governor House and the Provincial Assembly chambers and the students at the college included officers from friendly nations, lent it special significance. As usual the authorities announced a red alert across the country. Such gestures are becoming increasingly meaningless as the terrorists are evidently enjoying freedom of the land. The administration must now admit its failure to deal with the menace of terrorism. The people have a right to know what has been done to trace terrorists' training camps, the routes used for supply of explosives, and the sources of funds used in these operations.

May 14: HRCF has expressed reservations about the reported terms of agreement between the NWFP government and the Tehreek-e-Taliban Swat. The NWFP government by giving concessions to militant elements engaged in terrorizing civilians not only glorifies them and their illegal acts but also encourages them. The government's reconciliatory approach towards those using violence is seen as an incentive to other militants to raise arms against the State and manage a bargaining position. It would be unfortunate if talks between the provincial government and the Taliban lead to a clean slate for armed elements responsible for bombings girls' schools, NGO outfits and businesses. HRCF encourages dialogue but not at the cost of granting impunity to perpetrators of human rights abuses. Militants anywhere cannot be treated any differently from other citizens and given a higher status, in imposing their own brand of Islam, laws and morality. By imposing the Fazlullah brand of Islam in Malakand division the government is playing with fire. It abdicates its responsibility to protect its citizens, particularly women and religious minorities from being persecuted in the name of religion. Conceding in Malakand will not be the end of the story. The adjoining areas are bound to be affected and religious bigotry will travel throughout the country. HRCF warns that such delicate issues should not be decided from a position of weakness and for the sake of a compromise.

March 11: HRCF has expressed alarm at the government's inability to guarantee security of life to the people in the face of almost daily explosions even in cities teeming with personnel of a multitude of security agencies. In a statement issued after two suicide car blasts in Lahore, the commission said that the security agencies are consistently failing in fulfilling their primary responsibility of ensuring the safety of lives and property of the citizens. The State's role is clearly more than that of a news agency. At a time when the citizens are extremely worried about their security following explosions on a daily basis, the government has nothing comforting to offer. It is disappointing to once again hear government statements merely on whether the explosion was a suicide bomb or not. Official statements about a random number of suicide bombers entering different cities are hardly reassuring. Such statements do little more than increase a sitting-duck feeling among the common people. The current spate of explosions comes less than a month after the caretaker interior ministry claimed the government had broken the back of terrorists. Any effective plan to counter such unfortunate attacks in the future remains invisible. What the people would now like to hear is how the government plans to counter increasing bomb blasts in the country. The people would also like to see the security agencies concentrating their resources on ensuring security for the people instead of beating up peaceful protesters, detaining judges and resorting to "disappearances".

June 3: HRCF urges the government to come up with a holistic strategy and a sane policy in combating militants. The bomb blast in Islamabad, ostensibly targeting the Danish embassy, blowing up of a CD shop and a girls' school in Mardan, all in a single day should put those in authority on full alert. Militancy is spreading and recruitment is in full swing. According to credible reports received by HRCF, the militants are being handled with kid gloves while the security forces are regularly using excessive force against non-combatants. Election results of 2008 make it abundantly clear that the militants have very little support amongst the local population. In the former Malakand Division, where militants have kept the local people hostage, the polls returned candidates that were not affiliated to religious extremism. There is also disturbing information that the militants enjoy patronage of those who are in the decision making bodies running the so-called "war on terror". HRCF calls upon political leadership to take the lead in expressing unqualified outrage against acts of terrorism as such acts only harm the economic, political and social growth of Pakistan and its citizens. Pakistan cannot afford to isolate herself from the international community but the activity of the militants and the smugness of the establishment will alienate a number of friendly countries. It will have a devastating effect on the country's economy and political standing. All sections of Pakistani society must act with sobriety and denounce all those supportive of Taliban style groups operating within the country.

July 21: The government must immediately put an end to bloodshed in Kurram Agency and restore its writ in a region held hostage by terrorists engaged in sectarian violence, HRCF said in a press statement. The people of

Kurram Agency have been suffering horrific sectarian violence at the hands of home-bred and foreign terrorists since April 2007. For over a year, the main road connecting the agency to the rest of Pakistan has been occupied by militants who close it as and when they please. Ambulances have been attacked, innocent people slaughtered and dismembered bodies in sacks found dumped by the roadside. Heavy weapons are used to target peaceful civilian neighbourhoods. Communication and water supply systems have been destroyed, and the local economy ruined. The situation has grown from bad to worse. There is little evidence that government's efforts to restore law and order have worked so far. The agency has been virtually cut off from the rest of the country, prices of essentials have hit the sky, development activities have been suspended and closure of courts and government offices is causing serious problems for the people living in the agency. The government needs to act in a manner that can restore confidence of this area's people in rule of law and the government's ability to ensure rights for the people. The government needs to ensure that Kurram residents are duly protected.

November 17: HRCP has expressed anxiety at the growing reach of extremist elements in the NWFP, especially at recent threats by the so-called Tehreek-e-Taliban to an NGO working on development issues and women's rights in Peshawar. On top of the recent spate of targeted killings and abductions in Peshawar and generally in the NWFP by extremist elements, this escalation in threats to NGOs is not only aimed at the civil society but at whatever remains of the state's writ in that part of the country. In the latest threat sent to an NGO's Peshawar office by email, the extremists' claim of having photographic and video evidence of immoral activity by female staff – being seen with male colleagues and working in the field without wearing a veil – and asking them to 'mend their ways' should not surprise anyone. The escalation in pressure and blackmail against NGOs working for public welfare has not come overnight, but is a direct result of the authorities' cowing down to extremists, negotiating with criminals and ignoring clear signs of dilution of state authority. The government must take meaningful measures without wasting any more time to ensure safety, security and freedoms of individuals, as much for the citizens' sake as to reassert its authority in a region where extremists are filling the void left by the State.

November 24: HRCP has applauded the World Performing Arts Festival (WPAF) organizers for the fact that they continued with the festival despite a series of blasts close to the venue and for not bowing to extremist elements' pressure and threats of sabotage. Credit is also due to the government for improving security for the last day of the event. The HRCP believes that militants must not be allowed to kill the spirit of the people, which has been very much central to such entertainment and cultural activities, especially in Lahore. The society and the silent majority must assert itself by coming together and exposing militant and extremist elements as the miniscule minority that they represent. It must also deny them the space they seek to create by resorting to threats, intimidation and other pressure tactics.

Anti-terror measures, Swat and Tribal Areas

August 29: HRCP has written to Prime Minister Yousuf Raza Gilani and NWFP Chief Minister Ameer Haider Hoti, asking them to urgently address the security situation in Swat district, and ensure that the local population is not targeted by a haphazard military operation and facilitate the internally displaced persons.

In the letter that the HRCP Chairperson wrote to the prime minister and the NWFP chief minister, the HRCP has said: "The HRCP has been anxiously following the security situation in Swat district. We are aware that it is a difficult and complex issue but recent developments are extremely alarming. Reports from the district show that the life of the residents is at great risk despite the military operation. Individuals who are capable of building public opinion against militancy and excesses of the security forces are being targeted and some have indeed lost their lives. Others are at risk and can be targeted any moment.

According to our information neither the federal nor the provincial government have been able to assist those who are fleeing the area due to the desperate circumstances. We have received worrying reports of attacks on women who are now stranded in the district and despite calls to the security forces have received no protection from them.

It is indeed for the government to draw up a law enforcement strategy and their obligation to protect peaceful citizens from militant groups. A genuine and well-planned action against those who have taken the law into their own hands can only be supported and encouraged. However, the realities on the ground show a different picture. It has come to our notice through a number of reliable sources that the military operation is greatly flawed. There are incidents where innocent citizens had to fight for their lives on their own against militant groups while the security

forces looked on and failed to protect those under siege. At least in one incident, even the women in the house had to pick up arms to defend themselves and to unsuccessfully save their lives. They were outnumbered by armed militants attacking them and the law enforcement personnel failed to come to their rescue despite several calls. Those who risked their lives to provide information to the security forces on militant groups and criminals were betrayed and many paid for it with their lives. On the contrary, a large number of testimonies have been received by the HRCP indicating that factions within the security forces are working hand in glove with the militants and criminal elements against the interests of the civil population of the area. HRCP was shocked at the desperation expressed by the locals at the failure of the military action and their resolve to organize themselves for defending themselves against armed attacks. This would lead to civil strife and even a greater exodus of those who stayed behind in the hope that the government would act on their behalf rather than on behalf of the militants or external forces that wish to see an operation of any sort.

The locals in the area have pointed out that the operation is without a direction and targeting civilian population rather than the militants. They have given numerous examples where militants could have been apprehended or attacks on civilians could have been averted had the security forces acted with diligence. They insist that there is no targeted operation against militants rather it is a haphazard armed invasion of the people of the District of Swat.

Nevertheless, we feel that all may not be lost and that the civilian population can still be saved and supported as the district is still accessible, though under great risk.

HRCP calls upon this government to take urgent and immediate steps to:

Provide military convoys and protection to those who wish to evacuate the district and arrange for proper shelter for such internally displaced persons.

That the civilian government both at the federation and in the province must monitor the situation and keep their lines open to the local population who can inform them on the realities on the ground.

A high-powered, multi-party delegation of parliamentarians should visit the area and hold consultations with the population of the district so that a true picture emerges. In particular the high-powered delegation must give ample hearing to women and religious minorities living in the district who are far more vulnerable.

It is crucial that all organs of the federal and provincial administration as well as the high-powered delegation address the question of collusion between elements of the security forces and the lawless militants.

In view of the seriousness of the situation we are under obligation to share this information and therefore HRCP is compelled to release this letter publicly.

Your Excellencies, our organisation has been in the forefront in demanding a transition to democracy. It is our belief that only a democratic political set-up has the capacity to address such intricate issues that have been built up over the years. This is the foremost challenge for this government and we feel it is our duty to assist you by bringing to your notice authentic information that we receive on a daily basis.”

September 9: HRCP has asked the government to take meaningful steps to prevent loss of life and property in the Tribal Areas in raids by US-led coalition forces operating in Afghanistan. Attacks in the Tribal Areas, the killing of civilians and violation of Pakistan’s territorial sovereignty by the US-led coalition forces have assumed the form of a regular series. Each attack is followed by stereotyped official protests by Islamabad, threats of ‘befitting replies’, statements of condemnation by all and sundry and the occasional summoning of the US envoy to the Foreign Office. Such gestures achieve little, nor do they convince the people of the government’s keenness to protect innocent lives or to assert its sovereignty. Securing the life of its people is a responsibility the government owes to all its citizens, including those living in the Tribal Areas.

Pakistan must urgently hold earnest negotiations with its allies in the so-called war on terror to ensure that such attacks on its territory and killings of innocent Pakistanis in the Tribal Areas cease. The issue is much too serious to be addressed only through angry and reactive statements after every attack. It must be emphasised in these talks that such attacks are counter-productive. The killing of innocent people creates hatred and militants faster than any military action can eliminate.

September 25: While endorsing the need for using effective force to fight terrorism in NWFP, HRCP has called upon the authorities to avoid aggravating the already unbearable plight of the civilian population. The human rights situation in Swat is alarming and is getting worse every day. HRCP is shocked and grieved at the loss of life as a result

of firing by security forces on a crowd that was only drawing attention to their unbearable suffering. Information available to HRCP reveals that the situation in Swat is harrowing for more than one reason. On the one hand the population is facing a serious threat from militants and on the other hand disruption of electricity, gas and water supply and shortage of edibles have compounded their misery.

While the citizens have to put up with the rigours of extended curfew, at some places round the clock, they must have protection against criminals and lawless elements who appear to be enjoying a free hand. In this situation, the decision by the people of Swat to demonstrate in Mingora is a measure of their courage as well as their despair, for which they deserve to be respected and not fired upon. The anxieties of the local community have been fuelled by reports that the militants have been able to strengthen their domination in the areas falling under the Matta, Khawazakhela and Kabal police stations and that the authorities themselves appear to be sceptical about the outcome of the operation against them. Almost everywhere the people are astounded by the inability of the law enforcement agencies to track the apparently unhindered movement of the militants.

The ordeal of the people can be judged from the killing of at least three individuals, namely Abdul Kabeer Khan, Musa Khan and Muhammad Amin for their affiliation to the government. In one case, the victim, brother of a sitting minister, resisted the militants throughout the night and consistently called for help but his cries for help went unheeded. Eventually, he and his family were mercilessly slaughtered. Equally hair-raising is the story of another victim whose child was killed in front of his eyes before he himself was liquidated.

HRCP calls for investigation of such cases and for justice to be done. HRCP has no doubt that such murderous acts do not enjoy any religious sanction and their perpetrators deserve to be dealt with collectively. They are themselves responsible for inviting use of force against them. However, it is necessary to ensure that the cost of operation to the civilian population must be drastically controlled and the needs of the internally displaced persons addressed with diligence and sincerity.

HRCP believes it is certainly time to seek the help of the UNHCR and the ICRC in mitigating the suffering of the displaced people. This also applies to displaced persons in other parts of the country.

Rights of women

June 2: HRCP has slammed marrying off under-age girls to settle tribal disputes through a jirga held in Chach village near the Sindh-Balochistan border. While strongly demanding the immediate arrest of all those who participated in the jirga and of those as well who agreed to the trading of the minor girls for settlement of a tribal feud – both heinous crimes, the Human Rights Commission of Pakistan expressed strong disapproval of the agreement between the Chakrani and Qalandari tribesmen on Friday, May 30, to settle a blood feud between the two tribes.

HRCP demands that the provincial government take immediate action against all those responsible for the illegal and inhuman decisions and ensure immediate release of the minor girls.

August 21: HRCP has expressed its shock and alarm at the killing in Peshawar of two women by the Taliban moral police and at the government's inability to prevent the spread of such brazen violations of individual rights, especially women's. A note left with the women's bodies, accusing them of immoral behaviour, warned others of similar repercussions if they didn't reform. It is beyond belief that the Government, which presented itself as helpless to enforce their writ in Tribal Areas, is letting this blatant violation in settled areas of the country. The state can certainly do something better than abandoning its citizens to live in areas controlled by Taliban moral police. HRCP demands immediate intervention and that swift action is taken to prevent future attacks and thwart Taliban from occupying further territory.

July 9: HRCP has called upon the prime minister to intervene on behalf of two Pakistani women, one detained in China and the other at the US-run Bagram airbase detention centre in Afghanistan. No one has seen the Pakistani woman detained at Bagram for the last four years, but a number of former prisoners at Bagram have confirmed the presence of a Pakistani woman prisoner at Bagram and claimed hearing her screams. Reportedly registered as prisoner number 650, her state of mind or the extent of abuse or torture she has suffered remain unknown. The government must use its status as a leading US ally in the so-called war on terror to get details about the detained woman from Washington and ensure that her illegal detention ends without delay, and she is brought to Pakistan as soon as possible.

The other woman, Ms. Zalkaf Begum, a resident of village Sahoke, Tehsil Nowshera Virkan, district Gujranwala,

has been in detention in China for three months after losing her passport and overstaying her visa duration. Her case was brought to the attention of Pakistan's Consulate in Beijing, which took almost two months to issue an emergency passport for her deportation to Pakistan. She does not have the financial means to pay for her travel back to Pakistan. The Chinese authorities will not pay for the cost of deportation and will continue to detain her until someone pays for the air ticket. The Pakistani Consulate advises that it has no funds for the air ticket.

It is the responsibility of Pakistan missions to assist the country's citizens who find themselves in trouble in a foreign country. Funds must be released immediately so that she can be repatriated to Pakistan at the earliest. A civilized country shall never abandon its citizens or allow them to be treated in this manner. The government must act decisively to ensure that the rights of Pakistani citizens detained abroad are duly respected.

Minorities / freedom of belief and religion

April 11: HRCP has strongly condemned the killing of 27-year-old Jagdish Kumar for alleged blasphemy and demanded that a high level judicial inquiry be conducted into this tragic incident. Dozens of Muslim workers at a leather factory in Korangi Industrial Area in Karachi beat to death Jagdish, a Hindu colleague, for allegedly making derogatory remarks about the Prophet. Hindus make up less than two percent of the population of this overwhelmingly Muslim nation of 160 million people. Blasphemy is punishable by death in Pakistan, although no one has ever been executed for it; however, communal tensions often run high whenever accusations of blasphemy are made. Incidents such as this in which people take the law into their own hands, meting out justice to alleged offenders, are shocking and deeply disturbing. This kind of vigilantism is encouraged by growing intolerance in society which itself is a result of laws that target the more vulnerable sections of society. HRCP demands an immediate judicial inquiry into this tragic incident and urges the government to take strong measures to prevent similar recurrences. The blasphemy laws, themselves, need to be repealed, the statement concluded.

July 2: HRCP has expressed its serious concern at the authorities' failure to redress the grievance of the unlawfully expelled Ahmadi students of the Punjab Medical College, Faisalabad, and urged firm action against the trouble-makers. The rustication of 23 Ahmadi students early last month on the ground of their belief was apparently a case of extraordinary discrimination. HRCP therefore requested a senior member of its governing body to probe the matter. This inquiry shows that while rusticating the unfortunate students the college administration did not follow the rules prescribed for this extreme action; that the committee of teachers set up to examine the victims after the event included teachers who were in the body that had taken the decision to rusticate them; and that the few students who appeared before the investigating committee were unduly harassed and intimidated. There were also indications that some members of the faculty colluded with the Ahmadi-baiting trouble-makers. HRCP is therefore seriously apprehensive of justice being denied to the unlawfully expelled students. It calls upon the provincial and federal governments both to intervene immediately to protect the wronged students and deal firmly with hate-preachers and disrupters of peace because much more than the career of Ahmadi students is at stake.

September 10: Taking a serious view of the killing of two Ahmadi in Sindh and instigation to murder in a TV programme, the HRCP has called for urgent action to protect the minorities' lives and to ensure stoppage of hate-preaching through the media. An eminent Ahmadi physician and cardiologist was shot dead in Mirpurkhas. The next day, another prominent Ahmadi was killed in Nawabshah. The Ahmediyya community believes there is a link between these brutal killings and a programme telecast by a private TV channel in which a cleric called for death to Ahmadi and the compere concurred. Even if there is no direct link between incitement to violence on TV and the two murders neither of the offences can be tolerated. The Ahmadi community is within its legal rights to demand protection against instigators of violence against them. The government must ensure that the killers of the Ahmadi citizens are brought to justice and that nobody is allowed to use the media, especially the electronic one, to preach communal hatred and fratricide. The TV channel also has a duty to reign in irresponsible comperes. Failure to do so will confirm its complicity in a heinous crime.

Freedom of expression

January 23: While welcoming the lifting of the cable-ban on the Geo News and sports channels, HRCP has called for the removal of all curbs on the media and an end to the climate of fear in which media persons are working. The ban was unjustified and it violated not only the broadcaster's freedom of expression but also the people's freedom of information, besides causing hardship to thousands of journalists and workers. Now that its rancour against the media appears to be subsiding the government should be able to realize the need for withdrawing all

restrictions that prevent the media from serving the people with truthful accounts of events and an atmosphere of free debate. In June last year the government had promised to withdraw the PEMRA (Amendment) Ordinance against which media organisations had strongly protected. That pledge remained unredeemed and on November 3 the harsh measure was reintroduced. At the same time the Presses, Newspapers and News Agencies Ordinance (earlier called Press and Publication Ordinance) was amended so as to increase the threat of executive's punitive action. Subsequently came the ordinance on cyber offences which is causing considerable concern to the media people. All these restrictive measures have created a climate of fear for journalists and unless this climate is ended a basic condition of free elections will not be met. Neither the media will be able to grow, nor will the people secure their right to know, if the media remains subject to the whim and caprice of PEMRA or, worse, a single individual.

January 29: HRCP strongly denounces Musharraf's impudent comments about a senior journalist and has said that it's yet another outrageous and unpardonable attack on freedom of expression and freedom of press. Musharraf must offer unconditional apology for having used offensive and abusive language and for inciting the people to beat him up. The accusation against Mr. Ziauddin that he destroys country's image outside the country is completely baseless and the undeniable truth is that it is the policies and acts of none other than Pervez Musharraf which are really causing irreparable harm to our national interest and the image of our country.

HRCP reiterates its warnings to the government to refrain from committing such ugly attempts to restrict media freedoms and these attempts can have only the most negative impact, while also proving the government's claims of guaranteeing free expression are nothing but another among the growing litany of lies routinely told to the people of Pakistan. HRCP notes that under the present military regime, the right to free expression is coming under severe attack. Despite the claims of leaders regarding media freedoms, a growing number of journalists have faced pressure, often from intelligence agencies or military personnel, in an attempt to coerce them into compliance with the official line. Several journalists are missing, or have been murdered, according to reports from the NWFP. HRCP believes this policy of repression is a part of the dangerous strategy of secrecy, aimed at deluding citizens and international audiences. Silencing independent voices can only add to problems that already exist within the federation.

May 12: HRCP unequivocally condemns the restrictions on the Geo TV and denial of licence to its English channel as the opening of a new front against the media and the restrictions on lawyers in Karachi as reneging on pledges to the people. HRCP has warned the government that such tactics will aggravate the national crisis and add to the people's frustration. Regardless of the source of these restrictions they constitute an assault on media freedom that cannot be allowed to go unchallenged. That the judiciary should start wielding the hatchet against the media bodes ill for both and we hope reason will prevail before the situation worsens. As if the opening of a new front against the media were not enough, the government has deemed it appropriate to observe the anniversary of the May 12, 2007 carnage in Karachi with use of force to prevent a peaceful demonstration by lawyers in that city. The incident amounts to reneging on democratic sounding pledges made to the people only a few weeks ago. It seems necessary to warn the authorities responsible for reviving authoritarian tactics that attacks on the people's most fundamental liberties will boomerang on them. The times demand earnest endeavours to alleviate the plight of the people. The country cannot afford any continuation of the dictatorial policies that have brought the nation to the present pass.

July 8: HRCP has demanded the government ensure immediate safety measures for journalists, especially those working in the tribal areas, allowing them to work without fear or intimidation from state agents or non-state actors. This was said following the abduction by Taliban of two journalists, their release later the same day, their immediate detention by the Mohmand Agency political authorities and eventual release three days later. The reported detention of journalists Zubair Shah and Akhtar Soomro by the political authorities in Mohmand after their release by the Taliban demonstrates the significant hurdles journalists face at the hands of extremists and government agents alike.

HRCP also calls upon foreign journalists and media teams visiting Pakistan for reporting on the situation in the tribal areas not to jeopardise the safety of local journalists working for them. In view of the volatile security situation, journalists should also consider their personal safety before agreeing to work as stingers or "fixers" in the tribal areas.

November 18: HRCP has expressed grave concern at two independent news channels being taken off air in Sindh. The suspension of transmission of two private sector TV news channels was obviously the result of strong arm tactics against cable operators by people in authority, and this at a time when the anniversary of curbs imposed on one of the channels last year was being observed. Both the federal and provincial governments have denied involvement in the suspension reminiscent of similar practices last year by General Musharraf's dictatorial regime.

The government cannot absolve itself of responsibility simply by saying that it was not behind the suspension. It must also ensure that no one else can do that. In a country where blocking transmission of illegal FM radio stations run by religious fanatics takes the government years, it is disconcerting to note the ease with which officially authorised news channels can be muzzled. There are legal ways to address any grievances against the TV channels without resorting to such unpardonable attacks on the freedom of expression.

December 26: HRCP strongly condemned death threats, harassment and defamation campaign against media professionals including Ansar Abbasi, Mushtaq Minhas, and Nusrat Javed. Regrettably, despite the claims of political leaders regarding their commitment to media freedom, a growing number of journalists have faced pressure in recent days. Silencing independent voices can only add to problems that already exist within the federation. This rapid decline in the security situation for journalists is extremely alarming. The attacks and other tactics used against media professionals are obviously aimed at preventing information from reaching people. The government's failure to hold anyone accountable for these threats and attacks can only contribute to the unleashing of further violence and a still graver threat to the well being of newsmen across the country. HRCP would like to remind all responsible that a threatening attitude towards the media goes against all principles of freedom of expression and freedom of the press. Such practices have led to Pakistan being placed in the 10th position as among the world's worst violators of press freedom by the Committee to Protect Journalists.

Law and order

January 1: HRCP has called for immediate disbandment of vigilante squads maintained by the establishment or its favourite political party as their interference with citizens' normal affairs is not only unlawful it would lead to chaos. In an unfortunate incident, a few young girls, including Muneeza Jahangir, HRCP chairperson's daughter and a well-known TV producer / reporter, accompanied by a couple of young men, decided to take photographs of some election posters. Suddenly a bunch of armed toughs pounced upon them, mercilessly beat up a young man, dragged the girls and shut them up in the office of the son of the outgoing Punjab Chief Minister. The armed goons abused the girls and threatened them by pointing their guns at them, and offered the same treatment to Ms. Asma Jahangir when she arrived at the scene to rescue the girls. These men had no right or authority to resort to violence and imprison their victims in private premises. Worse, the culprits seemed to enjoy local authorities' patronage and were reportedly backed by a couple of police constables in uniform. The interim rulers must probe the matter and call the guilty to account, that is, if they have the power to do so.

January 10: HRCP expressed grave concern at reports that the government was using the current disturbances after the tragic assassination of Benazir Bhutto, as an excuse to enter people's homes, arrest hundreds of thousands of political workers and create an environment of fear. HRCP has decided to collect - to the extent possible - the available data and particulars of the hundreds of thousands of workers of political parties and other citizens arrested or wanted by the local administration in the province of Sindh on the allegations of arson, loot, dacoities and burning of the private and public properties following the assassination of the PPP chairperson.

February 12: HRCP strongly condemns spread of mob violence and lawlessness across the country, just before the general elections in Pakistan. This violence has spiralled completely out of control of the government, and is threatening to plunge the country into a state of total anarchy. Recent terrorist attacks in Pakistan show the failure of anti-terrorism policies. It is obvious that mere policing and random arrests can do nothing to overcome the menace. A broader approach is required, coupled with a willingness to end the air of secrecy that currently surrounds operations being carried out against alleged terrorists, the statement said. Repeated attack on the election campaigns and the candidates, including the recent attack on the workers of ANP resulting in deaths of several party workers indicate there are attempts to intimidate voters.

A government which cannot provide safety to the voters and their candidates is incapable of holding free and fair elections. The caretakers and President Pervez Musharraf have no moral or legal justification to remain in office.

HRCP also condemns the violent attack on the peaceful gathering of lawyers, human rights activists and members of the civil society in Islamabad on February 09, 2007 and the recent fake cases of sedition and war against state registered against more than a dozen lawyers in Peshawar, who were protesting against the arrest of the Chief Justice, Mr. Iftikhar Muhammad Chaudhry, and prominent lawyers.

HRCP believes that targeting innocent people, suspending access to justice and repressing legitimate dissent

would only create resentment, encourage extremism and exacerbate insecurity.

November 25: HRCP has welcomed government's announcement of disbanding the political wing of the Inter-Services Intelligence (ISI) and must stress that the measure was long overdue. However, official action to control the agency's activities must not stop there, especially in view of its widely criticized role in enforced disappearances among other illegal practices. The HRCP implores the government to ensure that there must be a law under which the ISI operates. The government should also put in place a procedure to allow accountability of the agency's actions in a transparent manner by parliament.

December 1: HRCP has expressed shock at the loss of life in recent violence in Karachi and urged the government to ensure that the city is de-weaponised and no one is allowed to fan ethnic strife there. The loss of life and property in Karachi in acts of indiscriminate violence in the past two days is truly alarming. Deployment of paramilitary force in the sensitive areas to help control the situation is needed, but such deployment and shoot-at-sight orders do not address the causes of violence. Talibanization is no doubt a serious threat not only in Karachi, but for the whole of Pakistan. However that cannot be justified as a pretext to fan ethnic violence. It is shocking and beyond comprehension that some political leaders were urging Karachiites to buy weapons. Also disappointing have been the slogans for expulsion from Karachi of citizens from other provinces. The Constitution guarantees every citizen's right to live in any part of the country, and this right cannot be compromised.

The extent and use of weapons in the hands of non-state actors in the city in the last few days has been horrific. The government should ensure de-weaponisation of the city in a truly unbiased manner. The possibility of the government achieving that depends to a large extent on it convincing the citizens of its ability and willingness to protect all so that they need not keep private arms to protect themselves. The significance of impartial action cannot be emphasized enough. Picking favourites must be avoided as that could lead to disastrous consequences.

Prisons and prisoners

October 17: HRCP has expressed serious concern at recent incidents of prison unrest in the country and asked the government to undertake urgent prison reform instead of depending on short-term measures. The recent rioting in prisons at Hyderabad, Karachi, Multan and Timergara and the loss of life there is tragic but unfortunately not unexpected. These incidents are a result of problems left unresolved for decades. The issue is certainly bigger than prison riots or attempted jailbreaks alone. Appalling overcrowding, rampant corruption, torture, unhygienic food, lack of health facilities and staff training, tardy judicial process, inefficient investigation and prosecution are all key issues that have not been addressed and cannot be wished away.

Prisoners' rights, including their right to life and dignity, must be observed in all circumstances and their safety ensured. Punishments other than penal servitude should also be considered, especially for petty crimes, to reduce population of jails that are already holding prisoners many times over their capacity. Prisoners must also be allowed communication with their family and lawyers via phone, at least under supervision. The criminal justice system needs to be reviewed and an adequate number of judicial officers ensured to tackle undue delay in deciding cases. The approach toward the prison system needs to be changed — the prisoner and the jailer both need to be humanised and terms of service of jail staff improved.

The government must earnestly pursue a crash programme to deal with the issues and ensure that reforming prisoners must be central to any prison reform initiative.

December 24: HRCP has welcomed the recent withdrawal of cases by India against 51 Pakistani prisoners at a time of tensions between the two countries. The decision by India to drop cases against 51 Pakistani prisoners in Jodhpur Prison and the order to release them can only be welcomed. The gesture can be appreciated more than usual since it comes at a time when sanity is at a heavy discount on both sides and jingoism and war hysteria are being whipped up. The 51 people charged with visa irregularities have already suffered enough for their mistakes. The HRCP urges the governments of India and Pakistan to not defer co-operation in such cases of humanitarian nature. Extending goodwill to each country's prisoners in the other's jails could be critical to promoting peaceful bilateral relations. Both countries must also take urgent steps to ensure that the travel agents responsible for furnishing improper or tampered visas to visitors between the two countries are brought to justice and the illegal practice

stopped.

Death Penalty

March 7: HRCP has urged the president and the army chief to set aside the death sentence of a man who is due to be executed on March 12. Zahid Masih, a sanitary worker with Pakistan Army since 2001, was tried by a military court and sentenced to death in 2006. HRCP said that Masih had been denied his basic right to defend himself, be represented by a lawyer and was allegedly beaten to extract a confession. Two years prior to his conviction, Masih had “disappeared” from his workplace in Chirat cantonment. Zahid’s family later found him on the death row in the Peshawar Central Jail. He had been found guilty and sentenced to death on 10 March 2006. Masih told his family that he had been in military custody for two years prior to his conviction and was severely tortured to confess to the murder. It is alleged that he was not provided any legal representative during the military trial. He was only allowed to communicate with his parents after the military court had convicted him. HRCP called on Musharraf to show clemency and set aside Masih’s execution in view of lack of representation, Masih’s illegal detention and torture in custody. The commission urged the army chief to cancel Masih’s sentence as it had been passed by a military court.

October 6: HRCP strongly appeals to President of Pakistan to revoke hanging of Zulfiqar Ali in Adiala Jail Rawalpindi whose black warrants were issued for his hanging on 8th October, 2008. Zulfiqar Ali is in Jail since 1998 on charge of murder. He was too poor to afford a lawyer to defend him and did not have a chance of fair trial and basic norms of justice. It is reported that the wife of Zulfiqar Ali died of cancer during his trial and has left two minor girls and no one is to look after them.

October 10: HRCP has called upon the government to end the death penalty in the country, and place an immediate moratorium on executions until the punishment is abolished. In a statement issued on World Day against the Death Penalty on Friday, the Commission said that while the government’s announcement in June to commute death sentences to life imprisonment was admirable, it has not been followed up by action.

The pronouncement of punishment and executions continue in Pakistan amid the acknowledged and well documented critical defects of the law, of the administration of justice, of the police investigation methods, the chronic corruption and the cultural prejudices affecting women and religious minorities. In the circumstances, the punishment allows for a high probability of miscarriages of justice, which is wholly unacceptable in any civilised society, but even more so when the punishment is irreversible. The HRCP notes that, contrary to the much vaunted argument of deterrence, the systematic and generalised application of death penalty has not led to an improvement in the situation of law and order in the country.

The death penalty is discriminatory, unfair and utterly inefficient and must be abandoned in accordance with the international human rights law. In the very least the government should also promptly restrict the number of offences carrying the death sentence to the most serious crimes only, and refrain from adopting new crimes entailing capital punishment, in conformity with international human rights standards. Imposition of capital punishment, if it is to be passed at all must be in the rarest of cases and execution of it as a measure of last resort.

There must also be an immediate end to the sentencing and execution of minors, and death sentences pronounced against persons who were below 18 at the time of the offence should be forthwith commuted.

Judicial crisis

January 2: HRCP has strongly condemned extension of the illegal detention of Barrister Aitzaz Ahsan, President of Supreme Court Bar Association as well as of Mr. Ali Ahmed Kurd, member of the Pakistan Bar Council and the continued illegal detention of Mr. Justice (r) Tariq Mahmood, former president of Supreme Court Bar Association. This decision of the present regime is not only without any legal or moral reason or justification but is on account of personal vengeance and vendetta, only because these senior leaders of the lawyers community had successfully pleaded the case of Chief Justice Iftikhar Muhammad Chaudhry and have played and are continuing to play a commendable heroic role in the lawyers movement for independence of judiciary, rule of law, freedom of press and restoration of true uncontrolled democracy.

HRCP has demanded forthwith release of Barrister Aitzaz Ahsan, Mr. Justice (r) Tariq Mahmood, Mr. Ali Ahmed Kurd and all other lawyers and warned the government that at this crucial juncture, political condition in the country

will further aggravate if such illegal and vindictive policy and actions are not forthwith withdrawn by the regime.

February 4: HRCP regrets that the government could not stomach its good act of restoring Aitzaz Ahsan and Tariq Mahmood to freedom for more than 24 hours. The tactic used by the government to evade its obligation to refer their cases to the Review Board reminds one of practices favoured by autocrats of the most contemptible variety. An administration that circumvents its legal and moral duties in this manner undermines the very foundations of an order based on respect for law. What makes the action against these distinguished lawyers reprehensible, from the very first day of their incarceration, is the fact that they have not been accused of any offence, and what they are supposed to be prevented from doing is not a crime in any democratic dispensation. Their detention at the moment also amounts to a crude interference with the electoral process. The orders of their detention must be withdrawn forthwith.

March 8: HRCP endorses the call of Barrister Aitzaz Ahsan, President Supreme Court Bar Association, to commemorate the Black Flag Week in and outside Pakistan from March 9 – 16, 2008, and the Black Flag Hoisting to be held on the 10th of March 2008, to express HRCP's solidarity with the lawyers' movement for the restoration of the judiciary, rule of law and supremacy of the constitution of Pakistan.

April 9: No words are strong enough to condemn the unpardonable violence inflicted upon Arbab Ghulam Raheem in Karachi and Dr. Sher Afgan in Lahore. Both will cause the people distress, shame and anger for years to come. The victims' record may not be such as to make any defenders of justice and democracy envious, and their warped view of human rights is known, but every human rights activist will defend their right to disagree and their right to personal safety and dignity. Both incidents must be thoroughly probed and no quarter shown to those responsible for committing violence as well as those who failed in their duty to quell disorder. Both incidents reveal the extent to which long periods of dictatorship have brutalized the Pakistan society, and how professional gangsters of old days have been joined in criminal acts by educated professionals. The Karachi incident invited indictment of political workers and the Lahore horror stigmatised the lawyers. One should still like to hope that both these groups realize their stake in fostering democracy and justice. As neither of the two incidents appeared to be a fortuitous affair there is ground to suspect that the traditional enemies of democracy might be up to their nefarious tricks. But that only increases the responsibility of political activists and lawyers to avoid being trapped or exploited. It is good that the bar leaders have condemned the disgraceful episode but the Bar Council must also hold an independent inquiry. They have to save their movement from coming to grief as a result of the excesses or weakness of a few of them. The situation does not allow the luxury of evading responsibility.

June 6: HRCP has expressed wholehearted support to the lawyers' movement for restoration of the judges, independence of judiciary & rule of law. It assured the lawyers community of participation of HRCP, its office bearers & members in the "Long March" of the lawyers from Multan to Islamabad, for achievement of the said causes, which are imperative for the protection of the human rights and national interest.

Education

August 7: HRCP has again called upon the Punjab Governor and Chief Minister to ensure the implementation of the quota for disabled students' admission to educational institutions in Punjab. The commission has drawn attention of the governor and the chief minister to the fact that while a number of colleges and universities in the province had implemented the quota as per government policy, quite a few had not. Calling for a consistent implementation of the quota for disabled students, HRCP demanded that the Punjab Education Department must issue a public notice outlining the extent to which the quota for special children was being implemented in educational institutions in the province.

September 3: HRCP has welcomed the creation of two seats for disabled students at the University of Engineering and Technology, Taxila from session 2008 and reiterated its demand for implementing the government quota for disabled students at all educational institutions.

The government should also enforce a 2006 decision to waive fees for disabled students to afford them opportunities to access and continue education to fulfil its basic responsibility of providing education for all.

November 3: HRCP has urged immediate resolution of the current dispute between the Government College University (GCU) administration and protesting students, against two of whom cases under the Anti-Terrorism Act

(ATA) had been lodged. While the HRCP wishes that the disagreement between the GCU authorities and the students had not taken the turn it did assume, it finds there is much to be said on both sides. The action taken by the administration was clearly not the only one available, nor was it the most appropriate choice. However, this in no way suggests that truancy and indiscipline among students should be tolerated or the academic tradition of any institution violated. HRCP is relieved to note that the matter is moving towards a resolution now and emphasises that it should be resolved forthwith.

State aggression

January 14: HRCP strongly condemns the police violence against peaceful demonstrators, gathered outside the residence of Justice (r) Rana Bhagwandas, for a candle vigil in protest against his undeclared house arrest. It was shocking to note that, violating all norms of decency, male policemen misbehaved with women demonstrators, baton-charged male activists and arrested eight of them.

HRCP holds the provincial authorities fully responsible for the brutal police action against peaceful demonstrators. HRCP demands that all politically motivated cases be withdrawn, as the activists of civil society were exercising a democratic right through peaceful means.

February 21: HRCP strongly condemns the police violence on a peaceful demonstration of lawyers gathered outside the city courts, Karachi, demanding the restoration of deposed judges, independence of the judiciary and rule of law. The excessive use of force by the police and others in plain clothes including firing, tear gassing and baton charging on a peaceful gathering of the lawyers of Karachi is a shameful attempt to not only suppress the lawyers' movement but also to sabotage the democratic process arising from the elections of February 18. It is obvious that the collaborators of the autocratic rule of President Pervez Musharraf are attempting to destroy peace and harmony in the country and creating serious problems for the newly elected government. Such acts are in violation of the constitution, human rights and civilized norms.

HRCP demands that: All the lawyers arrested today must be released forthwith as well as the judges and lawyers including Justice Iftikhar Muhammad Chaudhry, Barrister Aitzaz Ahsan, Tariq Mahmood, Ali Ahmed Kurd; All the deposed judges must be restored immediately; Action must be taken against all those police officers and government officials involved in firing, tear gassing, arrest and violence against the lawyers. HRCP commends and supports the admirable and consistent struggle of the lawyers for the independence of the judiciary, rule of law and freedom of expression.

April 1: HRCP has strongly condemned the assault on Dr. Riaz, Professor of Applied Chemistry in Karachi University, by Pakistan Rangers deployed at the university. The incident occurred following a clash between two student groups. The Rangers deployed on the campus closed all entry and exit gates after the clash. When Dr Riaz was leaving the campus at 5 p.m., the Rangers stopped his car at Silver Jubilee gate and after some harsh words they brutally hit him with batons, causing severe injuries. He was then taken to the Aga Khan Hospital by a group of teachers and students. HRCP demands stern action against the culprits, and urges the Karachi University authorities to immediately file an FIR against them to ensure justice for the honourable professor of the university.

Worker's rights

May 16: Legislation necessary for the implementation of the recently ratified International Covenant on Economic, Social and Cultural Rights, immediate convening of tripartite labour conference to remove the impediments to the enforcement of the workers' rights, adoption of a plan for land reform, so as to protect the rights of tenants and cultivators, and speedy acceptance of the charter of labour rights adopted by workers representatives on March 30, are the main recommendations of a broad based consultation with representatives of workers and fisher folk organisations, sponsored by HRCP in Karachi.

The meeting attended by nearly one hundred representatives of trade unions, Fisher Folk Forum and human rights activists, welcomed the government decision to ratify the International Covenant on Economic, Social and Cultural Rights and demanded speedy adoption of legislation so that the people of Pakistan could realize the rights recognized in the covenant. The participants specially emphasized the need to recognize the right to work, which includes the right to work of one's choice, the right of workers to their economic development, the right to safe and healthy working conditions, the right to form trade unions, women's right to equal wages for equal work, and the

right to social security. The meeting endorsed the labour charter adopted by labour organisations in March this year and suggested that priority should be given to withdrawal of all restraints on the right to form unions, extension of social security network, consolidation of labour laws as recommended by the Shafi-ur-Rehman commission, implementation of ILO Convention 182 on Worst Forms of Child Labour and revision of IRO 2002 to bring this law in harmony with workers' inalienable rights. In the opinion of the participants the implementation of the Bonded Labour System Abolition Act needed to be reviewed. It was necessary to provide for the settlement of liberated haris. They had a right to be allotted land so that they could utilize their skills.

The government was also asked to ensure implementation of the ILO convention on the agricultural workers' right to form unions. The government was also urged to pay serious attention to the continued exploitation of Pakistan's fisher folk. The policy of handing over sea-shore to so called developers was severely criticized along with the policy of favouring foreign fishing organisations at the cost of the country's fishing community.

July 16: HRCP has strongly condemned Rangers' brutality on a peaceful demonstration of the workers of PTCL, protesting against the Unified Pay Scale Scheme (UPS), outside the PTCL Headquarters, Islamabad on July 15, 2008. HRCP would like to know the law under which peaceful demonstrators were beaten up, baton charged, and tear-gassed. HRCP would also like to remind the Government of Pakistan that peaceful demonstrations and raising voice for the rights are fundamental human rights. HRCP was shocked to note that instead of sympathizing and helping the working class, listening to their grievances, the administration decided to attack the peaceful demonstrators. HRCP was further pained when the elected federal government added insult to the injury by stating that government would not allow the protesting labourers to take law into their hands. The federal government has totally ignored and forgotten that protest is an inalienable fundamental right of every citizen. To deprive them of this right and to use force to prevent them from protesting, is an inhuman act and is not only a shameful violation of the Constitution but also an abuse of authority in an oppressive manner.

HRCP called upon the government that instead of baton charging and tear-gassing, or preventing them from protesting for their demands, the government should make every effort for acceptance of the demands of the workers of PTCL. HRCP also demanded take strict disciplinary action against all the concerned officials who are responsible for the *lathi* charge, tear gassing and injuring the peaceful demonstrators of PTCL.

Military rule & elections

January 8: Activists of civil society organisations and concerned citizens, including representatives of the four provinces, met at HRCP office in Lahore on January 4th 2008 to discuss the over-all situation and the upcoming elections and summed up their concerns and demands in the following statement:

The assassination of Benazir Bhutto has made the situation in Pakistan much worse. Elections have been postponed despite the demand by the main parties, including the most severely affected PPP, to stick to the scheduled date of January 8, 2008. The new date for elections has been set for February 18, but there are apprehensions of further postponement and lawlessness. General Musharraf's decision to use the army during and after the elections is ominous as it aims to stifle dissent and public opinion through the use of force. The participants demanded that there must be no further delay in elections as this will only exacerbate the crisis of state and society.

The participants condemned lawlessness regardless of the identity of culprits but insisted that a clear distinction must be made between those who have indulged in looting and destroyed public property and those who gave vent to their spontaneous grief and shock. They expressed concern at reports that the government is using these disturbances as an excuse to enter people's homes, arrest thousands of party workers and create an environment of fear. The participants strongly and unequivocally condemned the attempt to give an ethnic colour to the tragedy and its aftermath for electoral advantage. They demanded that all political workers must be released immediately and allowed to exercise their democratic rights, otherwise the tendency to single out and blame one party for the disturbances will send wrong signals to the victims and further undermine the federal bond.

It is time for General Musharraf and everyone else to recognize that he is now a major part of the problem rather than a part of the solution. He must accept responsibility for actions and developments that have contributed to the national crisis, especially since August 2006, such as the killing of Nawab Akbar Bugti in Balochistan: the firing of the Chief Justice of Pakistan, mishandling of the Lal Masjid incident, removal of the majority of the superior judiciary, imposition of Martial Law under the guise of Emergency and the absolute failure to make adequate security arrangements

that resulted in the assassination of Benazir Bhutto. He should quit office forthwith, and allow the assemblies that will come into existence after the elections to elect the president.

Noting that an independent judiciary is critical to the functioning of a democratic state and order in society, the participants called for the restoration of the judges who have been illegally removed from office. The independence of the judiciary cannot become a reality unless the key institution of the superior judiciary is strong and secure. The judges who took a principled stand rather than follow the precedent of bowing to the whims of the executive have set a very different standard for the institution, eliciting country-wide resonance. Their phenomenal act must be fully and unequivocally endorsed by political parties and society at large. And this can only be done, operationally, by ensuring their restoration. The participants called upon both the parties participating in and those boycotting the elections to come together to ensure the restoration of the superior judiciary.

The independence of the judiciary and the promotion of people's democratic aspirations has been the central concern of the lawyers' movement. Bar associations have led a remarkable struggle since March 2007 and put up with state oppression and all kinds of other hardships without faltering. Participants were of the view that the lawyers should be extended full support by the other sections of civil society and political parties to continue their struggle.

The participants demanded repeal of the PEMRA ordinance and removal of all restrictions on the media.

The meeting noted that the real menace of militancy and extremism has to be contested politically. Under no circumstance must force be used indiscriminately as such a policy has led to the death of innocent civilians. This is the inevitable fall-out of an undemocratic state and lack of consensus on the basis of a political strategy. In this regard the meeting took a serious view of General Musharraf's snide and derogatory comments on Pakistani society which he claims is not developed enough to deserve democracy and democratic institutions. Such unmerited denigration is what emboldens the regime's external patrons, the United States in particular, to assume that Pakistan can deserve nothing better than autocracy and rule by decree. The government's continued collusion with the US administration has seriously damaged Pakistan's sovereignty and national interest.

The participants noted that the government's claim of good governance and economic growth are belied by the rising cost of food and essential items. A minimum of eight-hour power cuts, shortages of water and gas are seriously impacting on people's lives and livelihoods. As always, the worst hit are the vulnerable sections of society: the poor, women, minorities and children.

The manifestos of the political parties taking part in the elections were discussed at the meeting. While appreciating the parties' efforts to address the many issues confronting the state and the people, the participants expressed the view that greater attention needed to be paid to the means of combating religious extremism, discrimination against women, minorities and the economically marginalised. It was also necessary to plan for the elimination of poverty and guarantee a fair deal to the tillers of the soil and the working people.

January 15: The Sindh Council of HRCP has taken serious notice of the provocative election campaign of PML-Q through advertisement in the leading newspapers of Pakistan and warned the Government of Pakistan that such advertisements would only lead to ethnic violence in the country. The council considers it a serious criminal act on the part of PML-Q which is not only against the code of conduct of the Election Commission of Pakistan but also provokes people to resort to violence on ethnic and regional basis. The council strongly demands that the Government of Pakistan must take serious action against those responsible for such advertisements in the newspapers and that the Election Commission of Pakistan must also take notice of such provocation.

February 18: HRCP will not be monitoring the general polls, either by itself or in partnership with anyone. All HRCP offices and fieldworkers will be observing certain aspects of the elections, i.e. they will be watching and assessing the electoral process – pre-poll, during polling and post-poll – as it is part of Pakistan Coalition for Free, Fair and Democratic Elections (Pacfrel).

HRCP will be observing and documenting:

1. the Election Commission's (EC) performance
2. complaints of candidates to the EC
3. voting arrangements for prisoners
4. if government servants have been persuaded/pressurized into voting en bloc
5. status of applications for postal ballots and related information and issues

6. reports of returns from Pakistan missions abroad
7. if women have been allowed to vote freely and where and how it has not been so
8. if forced labour has been allowed to vote
9. candidate's manifestos
10. future plans of workers of parties that have boycotted the polls.

February 19: HRCP applauds the people of Pakistan who overcame several obstacles and despite pre-poll rigging gave a clear verdict in favour of democratic governance. Regrettably, this opportunity was not available to the electorate in Balochistan. Boycott by worthy political leadership from contesting the elections and their call for staying away from the polls have not allowed a reflection of the genuine will of the people of Balochistan in the 2008 polls. This will pose a challenge to the federal parliament as well as the future government of the province.

The people of Pakistan have placed a monumental responsibility on the winning political parties to ensure that the democratic transition takes place. In addition, the people expect the new parliament to restore the deposed judiciary, improve law and order and solve the economic crisis. The new government will also be expected to find imaginative ways of combating terrorism, without putting the lives of non-combatants in danger. This will require policies and actions built through consensus. Unilateral and rash decisions of the past have not checked the rise of 'Talibanisation' but has added to the miseries of the people. A large number of people have been displaced, lost their lives and been regularly exposed to violence. Pakistan's civil society, too, must continue to play their role and maintain closer interaction with political parties.

HRCP would also like to express its gratitude to all foreign observers, who travelled to Pakistan to monitor our elections. Despite the threat of violence, these observers came to ensure that the true voice of the people of Pakistan could be heard. The message is clear: rule by the military can no longer be tolerated, whether in the name of combating terror or in the garb of ensuring a transition to democracy.

February 26: While welcoming the people's verdict of February 18, and felicitating them on foiling the designs of the various elements that wanted to interfere with the electoral process through threats of violence, illicit influence, blackmail and bribery, HRCP has demanded immediate convening of the newly elected National and Provincial Assemblies and transfer of power to majority parties / coalitions so that the peoples' wishes for a change in the Presidency and restoration of judges could be expeditiously addressed. This does not affect HRCP's censure of large-scale manipulation of the electoral process before the polling day and the Election Commission's failure to rise to the minimum acceptable standards of efficiency and respect for democratic imperatives. But these matters, as well as irregularities noticed during and after the polling, will be taken up in due course. HRCP sees no force in the plea against a change in the presidency on the ground that it might affect the war on terror. Indeed the restoration of decision-making powers to popularly elected representatives and their parliament will lend the state actions legitimacy and strength both and the performance of the armed forces in this area also should improve when they realize the importance of democratic sanction for their operations. Above all, resistance to change in the presidency will pollute the political environment, embolden anti-democratic professionals to undermine the national consensus and create unwarranted obstacles to the resumption of the people's democratic journey. All restrictions on the judges and their families, lawyers, and political activists must be withdrawn forthwith. Further, there is no gainsaying that any tendency to put the common citizens' aspirations for bread, job, and a decent living on the back burner will undo the recent gains by democracy and cause dangerous frustration to the masses. Finally, HRCP wishes to hail the beginning of the end of the people's alienation from politics and hopes that the country's principal parties will help this trend by establishing rule by as large a democratic consensus as possible.

March 30: The Human Rights Commission of Pakistan welcomes the Prime Minister's 100-day reform and relief package, in particular the lifting of the ban on students' and trade unions, review of the PEMRA ordinance and the FCR, incentive to women workers, relief to farmers, increase in the minimum wage and expansion of employment opportunities. It is an encouraging declaration of purpose and policy.

HRCP believes that a complete break from authoritarian form of governance requires a forward looking approach to the many crises the country is facing. The foremost need is to establish democratic and responsible government, which fully respects human rights and protects its citizens. HRCP believes that while a large number of reforms are required, some initial steps are vitally needed to pave the way for an atmosphere where human rights can be respected:

1. The government of Pakistan should become a party to the International Covenant on Civil and Political

Rights, ratify the Covenant on Economic, Social and Cultural Rights, as well as the Convention on Involuntary Disappearances and the Convention against Torture.

2. Over 1.5 million internally displaced people are in dire state in Pakistan. The government must extend humanitarian assistance to all IDPs and seek for this the co-operation and assistance of the UNHCR.

3. At the earliest opportunity, the Parliament should set up a permanent and independent Election Commission and disassociate sitting judges from the electoral process.

4. The judiciary must be restored to the position of 2 November and all criteria of independence of the judiciary be adopted, so that the selection and accountability of judges can be made transparent.

5. There are thousands of Pakistani prisoners in foreign jails. Over 10,000 are in Gulf countries alone. We urge the government to depute human rights officers in missions in countries where Pakistani prisoners are suffering. A large number of Pakistani prisoners continue to suffer imprisonment in India despite court orders that they should be repatriated and there are many others who have served their sentences.

6. A large number of people are still on the list of the disappeared and their cases are pending in various courts for over a year. The superior judiciary too could not get these individuals freed from the illegal detention with the security and intelligence agencies of the country. The new government should order their release and record their statements, so that the perpetrators of this heinous crime can be brought to justice.

7. No political government can survive nor can people's rights be protected unless the working of Pakistan's intelligence agencies is made transparent and they are accountable to the elected authorities of the country. The parliament should identify the laws under which the intelligence agencies of the country operate and make them accountable. A clear message must be sent out that abuse of citizens' rights and excesses against them by security and intelligence agencies will no longer be tolerated.

8. Over 7,000 prisoners are on the death row. In the past year, 134 convicts were executed and 309 new ones awarded death penalty. The number of people awarded death penalty and the executions are among the highest in the world. HRCP research shows that international safeguards and restrictions on the application of death penalty are almost never observed. Capital punishment is irreversible and there is strong evidence that it is being applied in the country without regard to the due process. HRCP believes that a moratorium be immediately placed on the execution of death penalty and in the meanwhile a parliamentary committee should review the application of this form of punishment.

9. All reports of deaths in custody, torture or through so-called encounters must be thoroughly investigated. The reports of such investigations should be filed in the courts of the district and civil judges, and made freely available to the media and civil society.

10. All safe houses being illegally run by the law enforcement and security forces must be closed.

11. The government must ensure that women also benefit directly from ownership rights transferred to the disadvantaged sections of society by the government.

12. NGOs must be granted access to prisons and police stations.

13. The Prime Minister must take a pledge from all political parties to denounce militancy and ensure that no political party arms itself.

14. It is crucial that a high level investigation be carried out into the target killing of scores of policemen in all parts of the country so that the perpetrators are identified and brought to justice.

15. Finally, HRCP urges members of the parliament to eliminate the misuse of authority by the political forces themselves, including the Nazims. This was particularly evident during the recent election.

16. Repeal of Pakistan Bar Council Act amendments.

HRCP recognises that the government is faced with serious economic challenges which require its utmost priority, but these challenges cannot be met unless the rights of the people are fully guaranteed.

Benazir Bhutto

February 9: Pakistanis are looking for a dignified closure to the tragic assassination of Benazir Bhutto. The Scotland Yard findings do not satisfy the basic requirements of any investigation. In addition, there is a contradiction

in the report as all those present in the car of late Bhutto confirmed that the explosion took place seconds after she slumped back into her seat in the vehicle. The findings of the report on the one hand admit that “what happened was complicated by the lack of an extended and detailed search of the crime scene, the absence of an autopsy, and the absence of recognized body recovery and victim identification processes”, and yet it concludes that “nevertheless, the evidence that is available is sufficient for reliable conclusions to be drawn”. A categorical conclusion in the absence of basic forensic and freedom of deposition by doctors can only be viewed as a hunch of the investigators. Other observers in Pakistan have different intuitions but the fundamental objective of any investigation must be of categorically identifying the authors, perpetrators, and accomplices of the attack. This has not been achieved and cannot be reached by an investigation that is carried out under the shadows of the present authorities. A proper investigation must go deeper into establishing the links of those suspected, so far arrested, or identified by Ms Bhutto herself or her family.

It is therefore imperative that in the interest of the people of Pakistan a United Nations-led investigation into the assassination of Benazir Bhutto and the sources of violence in Pakistan be carried out. An impartial investigation will lead to the truth being uncovered and for the wheels of justice to take their natural course.

December 12: While hailing the conferment of the United Nations Human Rights Award on Benazir Bhutto as an honour for Pakistan, HRCP has reminded the government of its increased responsibility to promote human rights both at home and abroad. This and the fact that the award was given on the 60th anniversary of the adoption of the Universal Declaration of Human Rights increase the government’s responsibility to pursue its human rights agenda more vigorously than ever.

This should mark the beginning of a concerted drive to resolve the human rights issues left over by the previous regime, such as: the attack on the judiciary of November 3, 2007; the cases of the disappeared persons; the plight of the internally displaced people; the proliferation of armed militants; and the high scale of violence to women and discrimination on grounds of belief. All this should keep the newly created Ministry of Human Rights busy for quite some time. It is essential that the state should go beyond addressing cases on individual basis and develop institutional safeguards against human rights violations. At the same time the country needs a full blown programme to implement the international human rights treaties. This must include ratification of the Covenant on Civil and Political Rights and the Convention Against Torture, adoption of legislation needed for implementing the key human rights instruments, and creating institutional frameworks for eliminating the threats to the people’s right to life, liberty and security and relief from poverty and exploitation.

Constitution package

June 7: The Human Rights Commission of Pakistan has studied the proposed constitutional package floated by the Pakistan People’s Party. There is no doubt that the present Constitution, which contains several amendments, particularly those inserted through the brute force of dictators require wide ranging amendments so that the country can embark on a constitutional rule. At the same time, the package does not fulfil a number of requirements and is tailored to suit the interests of the current set-up, rather than to deepen democratic governance. HRCP wonders how the PPP proposes to secure support to their package as clearly they do not have the two-thirds majority required for constitutional amendments. As such the few pressing issues, including of the restoration of the judges will painfully linger to the detriment of the country and the democratic transition.

There are a number of positive amendments. The change of name of NWFP to Pakhtoonkhwa, the demise of Article 58(2) B, reserved seats for minorities in the Senate and the restoration of the executive authority with the Prime Minister are steps in the right direction. HRCP also welcomes the amendments regarding the selection and appointment of judges to the superior courts and in restricting sitting judges from taking on other high official assignments. There is though a contradiction. Sitting judges cannot be appointed as a Chief Election Commissioner or to other non-judicial posts but can still be members of the Election Commission.

HRCP rejects the requirement of the Prime Minister being a Muslim as added by the package amendment to Article 91. It is disappointing that a party that prides on its democratic credentials should discriminate amongst citizens on the basis of religion. The package has also not touched upon Articles 62 and 63, that require members of the parliament to be “pious” and their qualification is based on vague and subjective criteria of the “goodness” or otherwise of an individual. Similarly, the restriction on the election of a person for more than two terms to be Prime

Minister is kept intact.

The suo motu powers of the Federal Shariat Court to take up any law and strike it down as being repugnant to Islam is being kept intact, while the original jurisdiction of the Supreme Court to hear matters of public importance with reference to the enforcement of fundamental rights is severely curtailed by the package. Under it, the Supreme Court can only pass a declaratory order under its inherent powers and will be not be able to enforce its rulings providing relief to the victims. HRCP is mindful that judges must act and select cases of “public importance” with due care and through well-reasoned judgments, yet the package amendment will be a serious blow to the enforcement of fundamental rights of vulnerable groups and individuals in Pakistan.

HRCP rejects the wording of “reappointment” of the pre-3rd November judges as recommended under Article 270 CC of the package. It could also be misconstrued especially as the two consecutive terms of the Chief Justice appear to have been deliberately kept vague. As such the package leaves an impression that the formula of minus-one and plus-one has been adopted, which has firmly been rejected by the lawyers community and civil society. It will lead to a worse judicial crisis that will have long-term repercussions.

The intention of the package appears to undermine the independence of the superior courts. The composition and powers of the Judicial Commission are arbitrary. The Commission has the potential of turning itself into a menacing watchdog rather than an impartial tribunal. By allowing the Judicial Commission to make a code of conduct for the superior judiciary, the authors of the package have subjugated the Supreme and High Courts to a body of retired persons. The requirement of Commission members to be “non-politicized” is vague and absurd. Who decides what is “non-politicised” and how can any person of knowledge and standing be politically empty?

HRCP hopes that the PPP will take on board the suggestions made to it by all political forces and make clear decisions on the constitutional direction it wishes to pursue. Priorities must be set as several issues are at stake and must be resolved through the Parliament, but the package must not keep all of them hostage to a collective decision in a single package. The present draft of the package is totally unconvincing, both in its intent and substance, in dealing with the political crisis left behind by Musharraf and his military predecessors.

Musharraf’s resignation

August 18: While hailing General (r) Pervez Musharraf’s resignation from presidency as the logical result of the people’s verdict of February 18, HRCP has stressed the sobering effect of the development and reminded the coalition partners that satisfaction of the people’s heightened expectations will now demand greater sincerity and resoluteness than before.

The government will be tested to the extreme in meeting these expectations. Unity of democratic forces, effective supremacy of parliament, and consolidation of institutions of governance, the judiciary foremost among them, will be essential for pulling the state out of the mire created by a dictatorship. The issues that will brook no delay are: steps to fight ongoing insurgency in the north and the plight of the internally displaced persons as a result thereof; a crash programme to deal with the economic crisis, especially the rising cost of living and unemployment; and the urgency of guaranteeing the security of life and liberty. The people also must not forget that constant vigil is the price of liberty. And of progress too.

HRCP Council statement following its two-day session in Peshawar

September 23: The HRCP Council welcomes the departure of the military leadership from the Presidency and the filling in of parliament and key public offices by people’s elected representatives. This marks only the first step towards establishing a democratic order in accordance with the wishes of the people. The concentration of power in the hands of any single individual never bodes well for democracy or a just dispensation. Now there is an urgent need for building and strengthening institutions of governance so that a democratic culture takes root in the country. The supremacy of the parliament needs to be strengthened, the judiciary has to be made truly independent and effective and the Election Commission must be transformed into an autonomous and multi-member institution.

Lack of good governance causes increased impoverishment of the people, and allows lawless elements to wreak havoc with the rights and interests of the people.

HRCP welcomes the Sindh government’s initiative in including landless women among those entitled to receive land grants. It calls upon the government to make good its promise of abolishing the death penalty and reviving

student and trade unions in the real sense of the term.

The Council is deeply worried that an increase in the incidents of terrorism and the devastation caused by them and the spread of militancy have blocked the country's way to progress and the entire population seems to have been taken hostage. The government of Pakistan must realize its duty in guaranteeing the citizens security of life, liberty and property. This will essentially require a comprehensive strategy which must include sharp intelligence, appropriate use of force, timely political intervention and above all due respect for human rights in the conflict areas. While use of adequate force may often be necessary to counter the wave of violence unleashed by terrorists, yet it must conform to human rights standards in terms of justification and appropriateness. In particular extrajudicial killings, torture and disproportionate use of force must be avoided at all costs and in all situations. Above all, every effort must be made to prevent harm to innocent and unarmed civilians.

Terrorism is surely a threat to the very existence of Pakistan and must be collectively challenged by all political elements and sincerely backed by the security forces if the country is to overcome this ultimate peril. The recent attack on Marriott Hotel in Islamabad is one serious example in which many innocent people lost their lives. In the conflict zones in Swat and FATA this is a regular feature. The disruption of electricity supply in Swat accompanied by scarcity of water and edibles has made the life of the people incredibly unbearable. So far, the government's plan of action, if there is one, does not inspire confidence. HRCP finds the government's crude claims of having saved the lives of the country's leadership in bad taste. Such statements only reflect officials' lack of sensitivity and maturity.

The government has not taken any notice of incitement to violence against religious minorities through popular media. This not only adds to the growing sense of vulnerability among the minorities, but has also resulted in several wanton killings.

The issue of enforced disappearances cannot be allowed to hang fire and the democratic government must release all missing persons, or disclose their fate and whereabouts.

The government is yet to put in place implementing legislation to ensure that the human rights treaty it ratified and two others that it signed earlier in the year become legally enforceable in Pakistan.

Above all, HRCP earnestly pleads for abandoning ad hoc relief measures in favour of properly thought out strategies to fight poverty, hunger and joblessness.

Kashmir

August 26: A meeting held by leading human rights activists at Lahore on 26th August 2008, expressed serious concerns at the developments taking place in Srinagar and Jammu. The participants denounced the arrest of Kashmiri leaders Mr. Yasin Malik, Mir Waiz Umar Farooq and Syed Ali Gilani. They called for their immediate release. In addition the participants endorsed the Washington Declaration signed by peace activists concerned with the region. They called upon South Asian human rights activists to play a role in reaching reconciliation and rights in the region.

The participants unanimously endorsed the following.

1. That the people of Jammu and Kashmir are central to the India-Pakistan peace process and representative dialogue and affirms that a sustainable and just solution of the Kashmir dispute can be achieved only through democratically established procedures for ascertaining the will of the people of the state (as existing on 14/15 August 1947).
2. That, in the context of the Prime Minister of India, Dr Manmohan Singh's pledge for zero tolerance of human rights abuses, an independent and credible investigative commission should be set up to probe human rights abuses including the issue of mass graves recently discovered in the state.
3. That the pace of India-Pakistan dialogue, particularly in relation to Jammu and Kashmir should be accelerated and given a realistic time frame. The dialogue should be inclusive and Kashmiris should be an integral part of this process.
4. Urge that more Kashmir specific confidence building measures should be adopted, which will help in conquering fear and creating a congenial environment for a positive forward movement.
5. Demand that all political prisoners languishing in jails, interrogation centres and detained under emergency laws should be immediately released.
6. Demand that all draconian laws should be withdrawn and people's fundamental freedoms and basic rights

should be restored.

7. Urge that all those elements who have tried to vitiate and communalize the state's polity need to be identified and punished. While welcoming the withdrawal of the order to transfer land to the Shri Amarnath Shrine Board, the conference condemns all efforts to communalize the situation.

8. Demand that all internally and externally displaced people of Jammu and Kashmir, including Kashmiri Pandits, should be facilitated to return to their homes in safety and dignity.

Dr. Mubashir Hasan, I.A. Rehman, Asma Jahangir, Iqbal Haider, Salima Hashmi, Dr. Mehdi Hasan, Mr. Hussain Naqi, Hina Jilani, Zohra Yousaf, Shahtaj Qizilbash, Kamran Arif, Farooq Tariq, Nadeem Anthony, Munizae Jahangir

HRC membership

May 29: HRCP is happy to see Pakistan win membership for a second term to the UN Human Rights Council (UNHRC). It has keenly followed the Universal Periodic Review of Pakistan carried out by the UNHRC. HRCP hopes that the government will honour the commitments it made and follow up the recommendations submitted by UNHRC. It urges Pakistan to play a constructive role in the world body and improve its human rights record. Human rights bodies expect members of UNHRC to act in a responsible manner and to deepen human rights values at the national and international levels.

HRCP welcomes some undertakings made by the government of Pakistan. The setting up of an independent national human rights body according to the Paris principles is a step in the right direction. Its effectiveness will depend on the selection of Commissioners and the mandate that the Commission is entrusted with. The membership of the Commission must maintain a gender balance and include minorities. The Commission must have a countrywide jurisdiction and should be able to conduct investigations against allegations of human rights violations carried out by all categories of security forces.

It is encouraging that the government has undertaken to accede to the International Convention for the Protection of All Persons from Enforced Disappearances. This is a positive development. It will lend credibility to the new government as it has promised to investigate cases of disappearances. Equally encouraging was the statement made by the government at the UNHRC that it was working on a proposal to commute the death penalty to life imprisonment.

However, the government's position on the overall issue of death penalty remains ambivalent. It refuses to recognize that the issue of imposition of death penalty was linked to human rights. It made a tall claim that death penalty was imposed after exhaustion of all remedies through due process. HRCP vehemently disagrees. Safeguards and restrictions to the imposition of death penalty is a universal and recognized human rights principle. It is a fundamental right to life. Capital punishment in Pakistan has not been imposed with caution. Pakistan has one of the highest numbers of prisoners in death cells. At present over 7,500 people, including a few women are on the death row. There is sufficient evidence and research to show that due process, safeguards and restrictions imposed under customary international law have not been applied to those awarded capital punishment.

Pakistan's representative to the UNHRC made several misleading statements. She assured the members of the UNHRC that while preparing for the Universal Periodic Review the government held wide consultations with human rights bodies in the country. She also assured the Human Rights Council that human rights defenders were not being obstructed or were allowed to operate freely. HRCP takes a serious exception to it. The government did not even attempt to hold any dialogue with Pakistan's human rights organisations during this process. Several human rights defenders were beaten, imprisoned, and tortured in the last few years. Even today, NGOs are not able to operate freely and are threatened in certain parts of the country. The government has not taken any action against the perpetrators. HRCP expects democratic governments to portray a true picture of the human rights situation in the country and to resist the temptation of undermining recognized human rights norms.

Embarrassing and unconvincing statements were also made in the context of religious minorities. Pakistan's representative to the UNHRC tried her utmost to convince the Council that incidents of abuse against religious minorities were insignificant. The representative claimed that the penal code only contained provisions for the proscription of actions and statements that would offend all religions and these laws applied to all without distinction based on faith. In 2007, HRCP has documented several cases of abuse and human rights violations against religious minorities. Reports of demolition and occupation of minority religious sites have also been made public. Pakistan Penal Code specifically prescribes punishments against the Ahmediyya community and discriminates against religious

minorities.

Another faux pas made by Pakistan's representative was to deny the existence of caste system. There are several hundred so-called low-caste Hindus living and being exploited in Sindh. Pakistani representative, though, admitted and regretted that incitement to hatred against other religions was being promoted in some mosques. She defended inaction and lack of legislation on the plea that "religious sentiments run high in Pakistan". HRCP regrets that this approach only emboldens those who preach violence and advocate hatred in the name of religion. A large number of such preachers are government employees and inaction of the government only indicates its approval of such hate speech.

HRCP rejects the government's position at the UNHRC regarding the Hudood Ordinances. It is the obligation of a government to protect women from being abused and exploited. The law of Zina does precisely that. The government is misleading itself by denying that the vulnerability of women being accused of Zina is not a violation of their right. Similarly, marital rape is a crime and not a right or privilege of the offender.

The government of Pakistan also misled the UNHRC by assuring it that security forces were trained in humanitarian law and that the alleged human rights violations by them were investigated as well as precautions taken to avoid "collateral damage". HRCP has authentic reports of disappearances, torture, and illegal detention carried out by the security forces with impunity. A large number of non-combatants have been targeted and killed by the security forces and so far no inquiry or investigation has been carried out. There are hundreds of thousands of Internally Displaced Persons who have been virtually abandoned by the government after they left their homes following indiscriminate use of force by the security forces.

HRCP urges the newly elected democratic government to paint a true picture and to acknowledge the large-scale human rights violations committed by the Musharraf regime. By glossing over the dark past, the government will only add salt to the wounds of the victims.