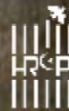




Human Rights Commission of Pakistan



State of Human Rights in 2011

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of Pakistan**

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 limitation 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 trend during the year.

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Abbreviations

ADB	Asian Development Bank		Ideology
AJK	Azad Jammu and Kashmir	CJ	Chief Justice
ANP	Awami National Party	COAS	Chief of Army Staff
ASI	Assistant Sub-Inspector [of Police]	CNIC	Computerized National Identity Card
ASJ	Additional Sessions Judge	CrPC	Criminal Procedure Code
ATA	Anti-Terrorism Act	CRC	Convention on the Rights of the Child
ATC	Anti-Terrorism Court	DCO	District Coordination Officer
BHC	Balochistan High Court	DIG	Deputy Inspector General [of Police / Prisons]
BHU	Basic Health Unit	DPO	District Police Officer
CDA	Capital Development Authority	DSJ	District and Sessions Judge
CEC	Chief Election Commissioner	DSP	Deputy Superintendent of Police
CEDAW	Convention on Elimination of all forms of Discrimination Against Women	ECL	Exit Control List
CIA	Criminal Investigation Agency	EIA	Environment Impact Assessment
CII	Council of Islamic	EPA	Environment Protection

	Agency		cial Assembly
EPI	Expanded Programme for Immunization	MQM	Muttahida (formerly Mohajir) Qaumi Movement
FATA	Federally Administered Tribal Areas	MSF	Muslim Students Federation
FCR	Frontier Crimes Regulation	NA	National Assembly
FIA	Federal Investigation Agency	NAB	National Accountability Bureau
FIR	First Information Report	NCSW	National Commission on the Status of Women
HEC	Higher Education Commission	NEQS	National Environment Quality Standards
HRCP	Human Rights Commission of Pakistan	NGO	Non-government organisation
IDMC	Internal Displacement Management Centre	NIC	National Identity Card
IG	Inspector General [of Police]	NIRC	National Industrial Relations Commission
IMF	International Monetary Fund	NSC	National Security Council
ISI	Inter-Services Intelligence	PAEC	Pakistan Atomic Energy Commission
ISPR	Inter-Services Public Relations	PATA	Provincially Administered Tribal Areas
IUCN	International Union for the Conservation of Nature	PFUJ	Pakistan Federal Union of Journalists
JI	Jamaat-e-Islami	PHC	Peshawar High Court
JJSO	Juvenile Justice Systems Ordinance	PkMAP	Pakhtun Khawa Milli Awami Party
JUI (F)	Jamiat-e-Ulema-e-Islam (Fazlur Rahman Group)	PMA	Pakistan Medical Association
LHC	Lahore High Court	PML(N)	Pakistan Muslim League (Nawaz group). PML-Q is Pakistan Muslim League, Quaid-e-Azam.
LHV	Lady Health Visitor	PONM	Pakistan Oppressed Nations Movement.
MNA	Member of the National Assembly		
MPA	Member of the Provin-		

PPC	Pakistan Penal Code	UNESCO	United Nations Educational Scientific and Cultural Organization
PPP	Pakistan People's Party		
PS	Police Station		
PTI	Pakistan Tehrik-e-Insaf	UNHCR	United Nations High Commissioner for Refugees
RHC	Rural Health Centre		
SC	Supreme Court	UNICEF	United Nations Children's Fund
SAARC	South Asian Association for Regional Cooperation	WAPDA	Water and Power Development Authority
SCARP	Salinity Control and Reclamation Project	WASA	Water and Sewerage Authority
SCBA	Supreme Court Bar Association	WB	World Bank
SHC	Sindh High Court	WHO	World Health Organization
SHO	Station House Officer	WTO	World Trade Organization
SI	Sub-Inspector [of Police]	WWF	Worldwide Fund for Nature
SITE	Sindh Industrial Trading Estate		
SMP	Sipah Mohammad Pakistan		
SP	Superintendent of Police		
SSP	Senior Superintendent of Police		
TB	Tuberculosis		
TJP	Tehrik Jafria, Pakistan		
TNSM	Tehrik Nifaz-e-Shariah Mohammadi		
UDHR	Universal Declaration of Human Rights		
UNDCP	United Nations Drug Control Programme		
UNDP	United Nations Development Programme		

Glossary

[Terms commonly used in discourse on rights and laws]

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

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 Ahmedis 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

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 or charge-sheet. 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.

Chaudhry: 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

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.

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.

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

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 tax

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.

Watta Satta: The kind of parentally arranged marriage in which a brother and sister of one family are married to the siblings of another.

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

Introduction

2011 was a mixed bag for human rights. There certainly were some positives; some things remained unchanged; and then there were the aggravations. Ratification of a key child rights instrument, extension of Political Parties Act to FATA, introduction of laws to promote women's rights, religious minorities getting representation in the Senate, and a right to statutory bail for detainees in prisons are all steps that ought to be welcomed.

Unfortunately, the inability to introduce implementation mechanisms for international human rights treaties ratified by Pakistan remained unchanged, as did the indifference to or complicity with banning women from voting, and curbing disappearances and extrajudicial killings. The moratorium on executions stayed informal. The prisons remained at breaking point. Nothing was done to revive elected student unions in educational institutions or end the glut of weapons across the country. The public education system remained a scandal, the budgetary allocations to public healthcare fell even further, the government ceded ground to extremists and was utterly unprepared at the framework level to cope with internal displacement and its impact.

A very severe political problem in Balochistan continued to be mishandled. The suffering of the under-privileged grew more and more and the situation of workers worsened. There was no policy about youth. Threats to journalists and human rights defenders escalated. Balochistan-style enforced disappearances and targeting of political activists reared its head in Sindh. The only voice on blasphemy was

that of the extremists now. Threats to religious minority communities grew more potent and attacks occurred in places long considered to be much more tolerant of diversity of all shades. Anyone who believed in liberal Islam in Pakistan had to stay quiet or seek refuge abroad. Lawlessness and political, ethnic and sectarian tensions were striking at the very heart of society as efforts to promote harmony and cohesion fail to gather steam. The benefits of the 18th Amendment were still not visible to the people. The more insecure the government became the more difficult it got for it to improve governance and meet the economic challenges that were chipping away at support for democracy. A very unhealthy attitude of all political parties towards the local government system did not help either.

Life would certainly have been much easier had the threats to human rights emanated only from non-state actors.

And despite all these challenges, and at times against the odds and due to the government's ability to step back from the brink, the democratic experiment managed to stay on track. That is a cause for celebration in itself. In another time, we might already have been suffering under yet another military rule. The sterling performance of women parliamentarians has to be praised. And there lies the hope for the future. Civil society has to help illuminate the path ahead for the government, not in blind support but in an association that seeks to realise a Pakistan where human rights are important simply because they belong to the human and where faith and sect cannot trump citizenship.

Najam U Din

Editor

Highlights

■ Law and law-making

▶ Fresh legislation was not high on government's priorities in 2011 and some of the reasons, including its battle for survival, were obvious.

▶ The most remarkable feature of the legislative work that could be managed was the enactment of women-friendly laws and the government's trend-setting practice of supporting private members' bills.

▶ The need for domestic legislation required for the implementation of international instruments, including the newly ratified Covenants and the Convention against Torture, was left unrealized.

▶ Most of the 29 Acts adopted during the year revived or amended old statutes, one prominent exception being the 19th Amendment.

■ Administration of justice

▶ The Supreme Court's bid to clean up the administration of corrupt and irregular practices overshadowed the judicial system's functioning in 2011.

▶ The judiciary and the executive remained on a collision course for most of the time.

▶ The SC rejected the government's review petition against the NRO verdict of 2009 and all the cases disposed of under that measure

stood reopened.

- ▶ The cases of disappearance were heard throughout the year but no breakthrough was possible.
- ▶ The National Judicial Conference's recommendation on public interest litigation and suo motu action could not be implemented.
- ▶ Nobody was hanged in 2011 but the government could not formalise the moratorium on execution, the number of people awarded death sentence was lower than in 2010.

■ Law and order

- ▶ 1,715 people were killed in sudden flare-ups of violence in Karachi.
- ▶ Crime remained rampant while poor investigative methods prevented bringing criminals to justice.
- ▶ Extrajudicial killings included 517 people killed in drone attacks, 337 in police encounters and 173 people abducted and murdered in Balochistan.
- ▶ 2,307 people were killed and 4,341 injured in terrorist raids, including suicide and sectarian attacks

■ Jails and prisoners

- ▶ An overwhelming majority of the nearly 78,000 people being held in Pakistan's prisons were under trial.
- ▶ 92 inmates died in prisons across Pakistan in 2011.
- ▶ The plight of Pakistani and Indian fishermen detained and jailed for fishing in the other country's waters continued.
- ▶ 313 people were sentenced to death by various courts in 2011, including six women.
- ▶ HRCP was able to verify 62 new cases of enforced disappearance, 35 of these disappearances occurred in Balochistan and 20 in Sindh.
- ▶ Dead bodies of 173 victims of enforced disappearance were recovered in Balochistan.

■ Freedom of movement

- ▶ Military operations and actions of extremist militants prevented the citizens from venturing into large parts of the country. Ethnic, sectarian and political violence and crime feuds made parts of Karachi no-go zones for large sections of the population.
- ▶ Despite official claims of putting in practice rules for regulating

the Exit Control List, arbitrary restrictions on travel were reported. Excessive delays in issuance of passports proved a hindrance for those who wished to go abroad.

- ▶ 600 clerics were barred from various districts during Muharram in a bid to prevent sectarian tensions.

- ▶ The population of Kurram Agency remained besieged amid regular attacks by militants on the road connecting the region to the rest of the country.

- ▶ Escalating fuel cost and lack of public transport also made movement difficult and magnified the distances.

■ Freedom of thought, conscience and religion

- ▶ 389 people were killed and 601 injured in incidents of violence targeted against various Muslim sects in 2011.

- ▶ More than 100 Hazara Shias were killed in targeted attacks in Balochistan and a large number were reported to be fleeing the province.

- ▶ At least six Ahmedis were murdered in target killings on account of their faith.

- ▶ The Hindu community's concerns over the abduction and subsequent forced conversion of girls and young women were not addressed.

- ▶ At least eight people were booked under the blasphemy law. Another three were given capital punishment under that law.

■ Freedom of expression

- ▶ 16 journalists were killed in the country in 2011.

- ▶ Training for media men and women to understand and avoid risks in the field remained largely absent.

- ▶ In addition to the considerable risks, journalists often had to contend with non-payment of their salaries for months and sudden retrenchment without any severance pay.

- ▶ Besides journalists, others exposed to intimidation or violence for expressing their views included human rights defenders, political activists and progressive religious leaders.

■ Freedom of assembly

- ▶ The people increasingly used public gatherings to draw attention towards their pressing concerns including, crime, and gas and electricity shortages.

- ▶ 12 people were killed and 343 injured in police action to break

up public gatherings or in attacks by non-state actors on rallies.

- ▶ Over 1,500 protesters were arrested and at least 4,962 people were booked on various charges following protests and sit-ins.
- ▶ Several political parties were able to hold big public meetings in Khyber Pakhtunkhwa. Threats of terror attacks had rendered such political gatherings impossible in recent years.

■ Freedom of association

- ▶ The extension of the Political Parties Act to FATA enabled political parties in Pakistan to formally work in the region and for political parties to be formed in FATA for the first time. There was no judicial forum in FATA to enforce the workers' constitutional rights.
- ▶ Certain labour laws contributed to limiting the freedom of association for workers.
- ▶ Nothing concrete was done to revive elected students unions at higher education institutions and hooligans continued to masquerade as student unions.
- ▶ NGOs and aid workers faced threats, attacks and abductions from militant groups.

■ Political participation

- ▶ 45 percent of the registered votes were determined to be bogus. Nearly as many new votes added to the voters' list were yet to be verified.
- ▶ Women were barred from exercising their right to vote in by-elections in at least two constituencies.
- ▶ The local government system could not be revived in 2011.
- ▶ Women parliamentarians introduced 70 percent of the 115 private member's bills submitted from June 2008 to August 2011.
- ▶ 329 political activists were killed in violence in Karachi.

■ Women

- ▶ At least 943 women were killed in the name of honour, of which 93 were minors. Among the victims were seven Christian and two Hindu women.
- ▶ 701 women committed suicide and 428 tried to end their lives.
- ▶ Near 4,500 cases of domestic violence against women were reported.
- ▶ The country's first woman ombudsperson was appointed to

receive and examine complaints of sexual harassment and other grievances.

▶ The provisions of Sexual Harassment Act had not been implemented by many ministries. Only three hospitals nationwide had adopted the law.

■ Children

▶ In flood-affected households, many children were pushed into hazardous labour or beggary because of a lack of any means of sustenance. As a result of floods, nearly 500,000 children under the age of five were at risk of contracting serious diseases.

▶ Chronic malnutrition among children in Punjab increased to 39 percent in 2011 from 32.5 percent in 2001. In Sindh, 17.5 percent of children under five years suffered from acute malnutrition, and nearly seven percent were severely malnourished. 15.1 percent children in the country faced absolute food scarcity.

▶ Infant mortality rate was 63.3 deaths per 1,000 births. The under-five mortality rate was 89 deaths per 1,000 children. The ratio seemed too high to meet the MDG on child mortality.

▶ Over one thousand children languished in juvenile prisons across the country in 2011. No special courts were set up to exclusively hear juvenile cases

■ Labour

▶ The total workforce was 57.3 million people by official count, out of which 51.9 million were said to be employed. Unemployment rose to 6 percent from 5.6 percent in 2009-10. However, a senior official put unemployment at 35 percent of the total workforce.

▶ Minimum wage remained unchanged at Rs 7,000 a month, and large numbers of domestic workers and other labourers did not even get that meagre amount. Non-payment of salaries, pensions and inordinate delays in payment were extensively reported.

▶ One in every 30 employed persons reported some occupational injury/disease within 12 months preceding an official survey

▶ 3,407 bonded labourers were released in Sindh where debt bondage in agriculture remained endemic

▶ Federal and provincial governments allocated Rs 54.81 billion for social security and social welfare in the budgets for 2010-11. Only Rs 39.36 billion were spent.

■ Education

▶ At least 33 percent children were believed to be out of school,

and drop-out rate from primary to secondary schooling was nearly 50 percent.

- ▶ At least 33 percent children were believed to be out of school, and drop-out rate from primary to secondary schooling was nearly 50 percent.

- ▶ 542 primary schools for boys and 108 schools for girls were dysfunctional in FATA due to threats by extremist militants.

- ▶ Only 16 percent rural women in Sindh completed primary schooling and only 8 percent women did so in Balochistan.

■ Health

- ▶ The public healthcare system remained far from adequate. The 37-day doctors' strike in Punjab followed by a strike by nurses' contributed to people's problems. Lady health workers demanding regularisation of their service faced batons and tear-gas from police.

- ▶ The health budget was as low as 0.23 percent of the federal budget, the lowest in over ten years. 47 percent of that went unutilised.

- ▶ 31,655 victims contracted the dengue virus, of which 347 died.

- ▶ 197 polio cases were reported across the country

- ▶ At least 2,131 people committed suicide and another 1,153 attempted it.

■ Housing

- ▶ With 37 percent of the population living in cities, Pakistan was the most urbanised country in South Asia. Over half of the urban population lived in slums.

- ▶ Housing finance from a formal source remained lacking for the overwhelming majority of the people.

- ▶ 1.5 million houses in Sindh and over 7,000 houses in Balochistan were destroyed or damaged in the floods in 2011.

- ▶ 12,279 houses were destroyed or damaged in the militancy-hit Bajaur and Mohmand districts of FATA.

- ▶ At least 137 people were killed and 291 injured in the collapse of poorly constructed and maintained structures.

- ▶ Of Rs 2.94 allocated in the federal and provincial budgets of 2010-11 on low-cost housing, only Rs 1.92 billion were spent.

■ Environment

- ▶ The draft of National Policy on Climate Change awaited the federal cabinet's approval. How Pakistan's international obligations

would be affected by devolution of the subject of environment remained unaddressed.

- ▶ Pakistan was considerably lagging on indicators of MDG 7 (ensuring environmental sustainability).

- ▶ The murder of two activists working to protect the mangroves highlighted the dangers of advocating for protecting the environment.

- ▶ 1.04 billion trees had been planted in official campaigns since 2001 but the total forest area in the country stood at 4.21 million hectares. The forest cover in Balochistan declined to 1.2 percent.

- ▶ Over half the country's population lacked access to safe drinking water. Noise and air pollution levels in big cities exceeded permissible limits.

■ Refugees

- ▶ The number of the internally displaced persons in relief camps across the country peaked at over 1.2 million people. There were 470,000 displaced persons in Khyber Pakhtunkhwa at the end of 2011, down from around 1.1 million people the previous year.

- ▶ Over nine million people were displaced or otherwise affected by flooding in Sindh, and over 350,000 in parts of Balochistan.

- ▶ 365,000 people were expected to be displaced if a military operation was launched in North Waziristan.

- ▶ The ordeal of over a quarter of a million Pakistanis stranded in Bangladesh since 1971 continued without an end in sight.

- ▶ 52,096 Afghan refugees were repatriated to their country. Approximately 2 million registered Afghans remained in Pakistan.



1. Rule of law

**State of
Human
Rights
in 2011**

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)

Fresh legislation was not high on the government's priority list during 2011 and some of the reasons were obvious. Most of the Acts adopted during

the year made amendments in the existing laws. The most significant feature of the legislative work was the adoption of several pro-women measures, especially the law designed to protect women against evil customs and practices, such as denial to women their share in inheritance and the so-called marriage of women to the Hoy Book. The government continued to support and foster private members' bills that aimed at women's social advancement or strengthened their protection against rights abuse. In all 29 Acts were adopted during the calendar year under review, including the 19th Amendment to the constitution and the Finance Act.

Acts of parliament

The following were the enactments made in 2011:

1. Act I. The Constitution (19th Amendment) Act, (Jan 01) to meet the Supreme Court's objection to the composition of the judicial commission and the parliamentary committee proposed in the 18th Amendment, by increasing the number of judges on the commission to four and of the members of the parliamentary committee to 12
2. Act II. The Pakistan Engineering Council (Amendment) Act, January 20; to amend the Act of 1975.
3. Act III. The Oil and Gas Regulatory Act, (February 10), to amend the ordinance of 2002, and lay down the chairman's qualifications.
4. Act IV. The West Pakistan Regulation and Control of Loudspeakers and Sound Amplifiers (Amendment) Act; (Feb 17) to raise the punishment for violation from one month in prison to one year and the fine from Rs 100 to upto 50,000.
5. Act V. The Earthquake Reconstruction and Rehabilitation Authority Act, (March 9) to establish the ERRRA.
6. Act VI. The Federal Board of Revenue (Amendment) Act, (March 29), to amend the Act of 2007.
7. Act VII. The Banking Companies (Amendment) Act, (March 29).
8. Act VIII. The Code of Criminal Procedure (Amendment) Act, April 18; to amend the Act of 1896 and provide relief to victims of court's delays.
9. Act IX. The Arbitration (International Investment Dispute) Act, April 28.
10. Act X. The Pakistan Institute of Fashion Design Act, April 29; to reconstitute the institute.
11. Act XI. The Pakistan Election Laws (Amendment) Act, May 03; to make possession of NIC at polling time a condition for voting.
12. Act XII. The Industrial Development Bank (Reorganisation and Conversion) Act, May 10, reorganize the bank.
13. Act XIII. The National Defence University Act; May 14; to provide

for the establishment of the university.

14. Act XIV. The General Statistics (Reorganization) Act; May 28.

15. Act XV. The National Vocational and Technical Training Commission Act, June 25, to provide for the creation of the commission.

16. Act XVI. The Finance Act, (June 29); to give effect to the federal budget for 2011-2012.

17. Act XVII. The Recognition and Enforcement of (Arbitration Agreement and Foreign Arbitral) Act; July 15.

18. Act XVIII. The Regulation of Generation, Transmission and Distribution of Electric Power (Amendment) Act, September 24.

19. Act XIX. The National Database and Registration Authority (Amendment) Act; November 23.

20. Act XX. The Criminal Law (Amendment) Act, November 28; to enhance punishment for tampering with petroleum pipelines and gas meters, and damaging transportation lines.

21. Act XXI. The Gas Infrastructure Development Cess Act, December 13; to levy the surcharge.

22. Act XXII. The Petroleum Products (Petroleum Levy) Act; December 13.

23. Act XXIII. The Banks (Nationalization) Amendment Act, December 15.

24. Act XXIV. The Anti-Dumping Duties (Amendment) Act; December 15.

25. Act XXV. Criminal Law (Second Amendment) Act, December 22; to enhance punishment for acid-throwing crimes.

26. Act XXVI. Criminal Law (Third Amendment) Act. December 22. To provide for punishing anti-women customs/practices (such as marrying women to the Holy Book and denying women's right to inherit property).

27. Act XXVII. The Women in Distress and Detention Fund (Amendment) Act; December 30.

28. Act XXVIII. The Islamabad High Court (Amendment) Act; December 30.

29. Act XXIX. The Islamabad Consumers' Protection (Amendment) Act; December 31.

Ordinances

The issuance of Presidential ordinances continued, though on a reduced scale:

1. Ordinance 1 of 2011: (March 14) to amend the National University of Modern Languages Ordinance, 2000, to provide for the Army chief to be the

Chairman Board of Governors, and the Rector and the Director-General of NUML to be serving or retired army officers.

2. Ordinance II (March 15): further to amend the Sales Tax Act, 1990, to institute ‘Bulldozers’ for ‘Tractors, bulldozers’ against serial no 69, column 1 of the Sixth Schedule.

3. **Ordinance III** (March 15), further to amend the Federal Excise Act, 2005, to amend the 2005 Act by substituting “two and a half” for “one” in sec 3A(1).

4. **Ordinance IV** (March 15), further to amend the Income Tax Ordinance, 2011, and provide for a 15% surcharge on income tax.

5. **Ordinance V** (July 18) to regulate formation of trade unions and related matters in Islamabad Capital Territory and employer – employee relations in trans-provincial establishments.

6. **Ordinance VI** (August 27) to regulate service conditions for health personnel in federal health institutions.

Recommendations

1. *The parliament’s legislative output is low by any standard. In order to cope with the fairly heavy backlog, which includes a number of ordinances pending regularization, serious efforts need to be made to expedite legislation.*

2. *It seems the bills made into Acts are not debated to the extent required. This can lead to making enactments that might need amendments earlier than a stable legal order would permit.*

3. *The government must attach due priority to the making of laws required to ensure implementation of the international human rights instruments it has ratified, particularly the two covenants of 1966 (ICESCR and ICCPR), the CEDAW, the CRC and the CAT.*

4. *The demands that the law-making power granted to the Shariat Court should be reviewed, the ratio of pro-people legislation to pro-state laws improved, timely attention paid to law reform proposals and laws published in Urdu remain unmet. These must receive priority attention.*

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

A proactive judiciary

Administration of justice in 2011 was overshadowed by what is often described as judiciary's activism. The matters taken up by the Supreme Court, some on being raised by interested parties and some others in the exercise of its suo motu jurisdiction, dominated the public debate, especially the media space, to such an extent that the other courts and cases attracted little attention. Throughout the year it seemed as if in addition to its normal work the country's apex judicial forum was also functioning as an ombudsman's office, as an administrative court, as an anti-corruption tribunal, as a supreme investigation agency, and as the sole defender of not only the constitution but also of public morality.

While this expanded role gained the SC immense popularity, it also raised many questions regarding the impact of frequent and extensive invocation of suo motu powers on the court's normal work, the difficulties in avoiding the side effects of selective justice, and the consequences of the executive-judiciary

or parliament-judiciary confrontation. These questions found an echo in one of the National Judicial Conference's recommendations.

The conference said the public interest litigation would be more successful with separate benches of judges established to hear human rights cases for a specified time, and if the SC adopted procedural rules to channelise cases, the legal fraternity was enabled to report cases of human rights violations to high courts and, preliminary inquiries were held before taking suo motu action.

Govt-judiciary tension

A large number of the cases taken up by the SC on urgent basis dealt with corruption in government offices, wrongful appointments and transfers and government's reluctance or inability to respect court orders. Throughout the year the executive and the judiciary appeared to be in a state of confrontation with each other, despite repeated denials from both sides and occasional exchange of courtesies between them.

The tension between the government and the judiciary peaked in the last week of July when the Establishment Secretary, Sohail Ahmad Khan, was removed from his post and made an OSD (officer without assignment), reportedly as a punishment for filing before the SC a notification about the transfer of an FIA official that the court had asked for.

In its judgment in the case the court firmly defended its powers of judicial review. It said some segments of society had tried to give the impression that the matter was a clash between the judiciary and the executive on exercise of powers but the facts were to the contrary.

"It is an evident legal and constitutional fact that the court can exercise judicial review on any matter as empowered by the constitution. Not only there are a lot of such examples in our constitution and law but also other countries like India and America are full of such examples of judicial review. At some occasions, the Supreme Court of India has itself monitored the matters of investigation of important corruption cases", the court said.

The SC gave the Prime Minister 24 hours to withdraw the orders against Sohail Ahmad Khan and asked the Attorney-General to tell the PM that under Article 190 of the constitution all institutions were bound to implement the court's orders.

The SC held a full court meeting which reiterated the court's position that it would preserve and defend the constitution and dispense justice to all without any fear or favour.

The media carried a flurry of reports in favour of the judiciary to the effect that a consensus was growing in its support, that the lawyers' movement might be revived and that the army was bound to help the SC if Article 190 was invoked. Several bar associations came out in support of the SC which extended

the deadline given to the government by 24 hours. Meanwhile the government was reported to be consulting coalition partners on the situation. The Punjab Bar Council called for a strike in support of the SC.

The stand-off ended suddenly when the Attorney-General informed the SC that he had not been able to meet the PM and that he needed more time to pursue the matter, and the court gave the government seven days to give Sohail Ahmad Khan a new post.

A couple of days later Sohail Ahmad Khan was appointed Secretary in the Ministry of Narcotics.

NAB chief and others told to quit

Some other service matters in contention were:

The SC told Justice (R) Deedar Husain Shah to quit the office of the Chairman, National Accountability Bureau (March 10). Mr Shah, a retired judge of the SC, had been appointed the NAB chief on October 8, 2010, after his predecessor, Naveed Ahsan, had been removed under the SC ruling of December 16, 2009. In the latter ruling the court had held the National Reconciliation Ordinance (NRO) unconstitutional and ordered revival of all cases withdrawn under it. It had also criticised the working of NAB and suggested the appointment of a new chairman.

Petitions challenging the appointment of Justice (R) Deedar Husain Shah had been filed in the Supreme Court by Ch. Nisar Ali, leader of the opposition in the National Assembly, and a private citizen, Shahid Orakzai.

The opposition leader had contended that the appointment was not in accord with the law as it had been made despite his opposition on the ground that Justice Shah was known for his long association with the People's Party.

Following the SC verdict declaring Justice (R) Deedar Husain's appointment as NAB chief void the court gave the government 30 days to fill the vacancy. The deadline passed on July 20 and the post was not filled, NAB announced that it was suspending its operations.

A new chairman of NAB was not appointed till the end of the year.

OGRA chief: The SC also declared the appointment of Tauqir Sadiq as chairman of Oil and Gas Regulatory Authority (Ogra) illegal ab initio and ordered him to return all the money and other benefits he had received as chairman.

♦ The SC told the Vice-chancellor of the Pir Meher Ali Shah Arid Agriculture University (Rawalpindi) to resign before the expiry of his extended term, otherwise he might suffer heavy losses in the event of dismissal by the court.

NBP head: The SC declared the appointment of the National Bank president unconstitutional and told him to leave office immediately. Action against Syed Ali Raza was taken on a petition filed by NBP employees. The

petitioners said the bank president's terms could be extended only twice but Gen. Musharraf had extended it a third time and the current government had done so for the fourth time.

Auditor-General

The appointment of a new Auditor-General became an issue between the Presidency and the Supreme Court chief justice in August but it was quickly resolved, at least for the time being.

The President issued a notification (August 23) on the appointment of Buland Akhtar Rana, a former Additional Auditor-General, as the new Auditor-General. As the oath of office to him was to be administered by the SC Chief Justice the latter wrote to the President about the appointee's eligibility being questionable. He said the replies received from the ISI, FIA and the former auditor-general necessitated a look at Mr Rana's credentials. This was necessary for the reason that the auditor-general's post was a constitutional office and once a person was appointed he could not easily be removed. If even after reading his letter the President wished to have Mr Rana sworn in he would administer the oath to him.

On receiving a reply from the President the Chief Justice administered the oath of office to Mr Rana. Before the ceremony the SC Registrar issued an announcement which said, "the Chief Justice, in discharge of administrative functions, without prejudice to anyone and subject to all just exceptions, will administer the oath". Newspaper reports took note of the fact that the Chief Justice denied the new A-G the customary hand-shake after the ceremony.

The long story of disappearances

The Supreme Court continued hearing the cases of involuntary disappearance throughout the year.

The court resumed hearing of the HRCP petition and other cases relating to involuntary disappearances on January 10. Justice Javed Iqbal, who headed the three-member bench, said 2011 was going to be the year of missing persons' recovery. The court asked the government to respond to the suggestion made by the judges' commission on disappearance that it should make a new law on the subject.

During the proceedings the Additional Attorney-General informed the court that the report of the judges' commission of 2010 was a classified document and it would not be made public.

At the next hearing (January 17), the court told the authorities, including the intelligence agencies, that they were bound to trace the people who had been missing for years. Hinting at the possibility of summoning the ISI chief, the court said; "All state functionaries, intelligence agencies and government officials are subject to the law and the constitution and they are supposed to act only in accordance with the law and obey the command of the constitution".



The families of missing persons wanted for justice throughout the year.

Justice Fayyaz said the court would not even desist from ordering registration of criminal cases against those involved directly or indirectly in such matters.

When the hearing was resumed (Jan 27) the court observed that despite warnings and judgments, the law-enforcing agencies were flagrantly violating the court orders. Justice Asaf Saeed Khosa observed the question of missing persons had become a very sensitive issue in Balochistan as the intelligence agencies officials there thought they were securing Pakistan through picking up people, but in fact they were damaging the country. The court said it intended to proceed against police or intelligence agencies' officials charged with picking up people who had not yet been traced. The court office was directed to prepare a list of cases in which relatives of the missing persons had blamed the police and intelligence agencies for their disappearance.

At the next hearing (February 03) the SC ordered all the Inspectors-General of Police to provide complete data on missing persons in their provinces. They were also directed to register cases where evidence was available.

On July 12 the SC was given an account of the work done by the Commission on Missing Persons set up in 2011 on the recommendation of the three-member judicial commission of 2010. The secretary of the new commission said the whereabouts of 83 persons had been traced after December 31, 2010. He said the commission had 138 cases of disappearance on its roster in January 2011 and another 198 were added to the list till June 2011. Out of the 336 cases 108 had been disposed of (83 traced, 20 excluded from the category of enforced disappearance, and 5 cases dropped as families could not furnish the required information). Thus on July 12 the number of cases before

the commission was 228. The largest number 71 belonged to Khyber-Pakhtunkhwa, 49 to Sindh, 44 to Punjab, 41 to Balochistan, 6 to FATA, and five each to Islamabad and Azad Kashmir.

The secretary said the commission was also hearing complaints by families of Lal Masjid victims. The court ordered compilation of DNA tests on all those killed in the Lal Masjid episode.

An issue that came up later on was the delay in filling the post of the head of the 3-member commission, created on the recommendation of the 2010 commission of inquiry, that had fallen vacant on Justice (R) Fazlur Rehman's appointment as a member of the Election Commission. The SC asked the government (August 07) to appoint a new chairman of the commission within a week. On August 17 the deadline was extended by three weeks. Eventually in the last week of September Justice (R) Javed Iqbal, who had retired from the SC in July, was appointed.

In October the state counsel told the court that two of the prominent persons, Masood Janjua and Faisal Faraz, whose disappearance had been reported years earlier had been killed by Al-Qaeda in Afghanistan. Janjua's wife, Amna Masood Janjua, refused to accept this story and maintained that he had been seen alive in a prison in Afghanistan. The court referred the cases of these two persons to the commission on missing persons.

The court observed that it would take up six chronic cases on priority basis, the case of Atiqur Rahman, Bangalzai, Dr Sharif, Mansoor Ahmad, Abdul Karim Mahmood and Haroon, and two cases of Lal Masjid operation victims, Mohammad Ali and Tahir Farooq.

At one stage the court admonished the state for delays in payment of compensation to missing persons' families.

The hearings continued into the new year.

Cases in high courts

While the SC remained seized of the cases of involuntary disappearance throughout the year several cases were also heard by high courts. One of such cases heard by the Islamabad High Court concerned four activists of Hizb-ul-Tahir. The petitioners had alleged that officials of ISI and MI were involved in the abduction of the four men and the court had asked the D.G ISI to file his reply. On August 17 the court declared the four men fell in the category of missing persons and sent their cases to the commission on involuntary disappearances. In its order the court said a mere denial of the involvement of intelligence agencies was not enough and they were bound to facilitate the recovery of the missing persons. At the same time the court allowed the ISI to submit its reply by September 26 and kept the matter pending.

The Sindh High Court was approached by a woman (June) for the recovery

of her son, who had disappeared a fortnight earlier. The young man had gone to meet the investigation officer at Gulistan-i-Johar police station, Karachi; to inquire about the detention of his brother-in-law. The court issued notice to the heads of ISI, MI, the provincial police and ministry of interior.

NRO case

During the year under review the question of implementing the Supreme Court decision of December 2009 on the National Reconciliation Ordinance (NRO), that is, reopening of all cases stopped/shelved under the ordinance, including those against President Zardari, became a major source of contention between the government and the SC.

As soon as the SC had 17 judges, the strength required to review the 2009 judgment of the 17-member full bench, the court decided to take up the federation's review petition. But before that happened, the government sought the court's permission to change its counsel. Barrister Kamal Azfar, who had represented the federation earlier, wanted to step down. He said he had been receiving threats and his life was in danger. He was allowed to withdraw. Former law minister Babar Awan's request to be allowed to represent the federation was accepted.

After hearing the case from November 21 to 24 the court dismissed the review petition and said the government had failed to present any new evidence or matter or to point out any mistake or error apparent on the face of the record that could have warranted a re-examination of the earlier verdict.

During the hearings the court frequently asked the government as to why it was defending the black law, one that only Musharraf (and not Benazir Bhutto) had wanted.

The final day of hearing was like an anti-climax. Babar Awan wanted to introduce some documents which the court only allowed after second thoughts. When the time for reading the documents came the federation's counsel was absent. The Law Secretary started reading the papers but soon gave up, and eventually the documents were read out by the Attorney-General. The exercise proved fruitless.

The Memo affair

The case of the memo sent to the US military chief, Admiral Mike Mullen, in May by an American businessman of Pakistani origin, Mansoor Ejaz, occupied a great deal of the SC time during the final two months of the year.

Mansoor Ejaz alleged in an article in a London daily that the unsigned memorandum, in which the US was promised good rewards if it helped Islamabad in getting rid of the military top brass, had been dictated by the Pakistan ambassador in Washington, Husain Haqqani, who had also claimed that the contents had been cleared by a high authority in Islamabad. The matter was taken up by the ISI without informing the government and its chief, General Pasha, went abroad to interview Mansoor Ejaz. A strong campaign by

opposition parties and the media compelled the government to call back Haqqani and accept his resignation.

Several petitions were filed in the SC praying for ascertaining of facts about the memo and unmasking of all those involved with it. The most prominent petitioner was PML-N chief Nawaz Sharif, who described the memo affair a “dreadful conspiracy” to demonise the armed forces. He wanted the President, Haqqani, Mansoor Ejaz, the COAS, the ISI chief and foreign and interior secretaries to explain the “detestable, despicable and treacherous memorandum”. The court admitted these petitions for hearing and issued notice to the respondents for filing statements within 15 days.

Along with Nawaz Sharif’s petition six other petitions were admitted. These had been filed by Tariq Asad (Advocate), and five PML-N leaders – Khwaja Asif, Senator Ishaq Dar, Ghous Ali Shah, Mehtab Abbasi and Maj-Gen (R) Abdul Qadir Baloch.

Quite a few observers were surprised at the SC decision, more so when a letter from a Pakistani residing in Canada also was admitted. This gentleman claimed that the memo affair had put the lives of his relatives in Pakistan in danger. Even greater was the surprise when a petition asking for restraining the government from sacking the COAS and ISI chief was admitted.

Before the SC took up the matter, the parliament in a joint session adopted a resolution calling for a thorough probe into the entire range of Pakistan-US relations and the task was assigned to the Parliamentary Committee on National Security, headed by Senator Raza Rabbani.

A nine-member bench of the SC began hearing the memo case on December 01. The court created a commission under former FIA chief Tariq Khosa to inquire into the matter and report within 15 days. The President, the COAS, the ISI chief, Husain Haqqani and Mansoor Ejaz were asked to explain their position and Husain Haqqani was told not to go abroad. The court observed in its ruling that if the issuance of the memo was established action could be taken for treason under Article 6 of the constitution.

The court noted the assignment given to the parliamentary committee on National Security and observed that the committee had no constitutional backing.

Tariq Khosa declined to undertake the memo inquiry. At the same time, several PPP leaders, including Law Minister Chandio, criticized the SC for taking up the case. Former law minister Babar Awan was also reported to have passed some derogatory remarks about the SC and this became an issue.

At the next hearing the court noted that the President was the only one who had not replied to its notice. It observed that when charges were not rebutted they were usually considered to be correct. The court also sharply censured the PPP leaders, Chandio and Babar Awan, for their ‘tirade’ against it.

On December 30 the court held the memo petitions maintainable and constituted a three-member commission, to probe the matter. The commission

was headed by the BHC CJ Qazi Faez Issa and included the Chief Justices of the Islamabad and Sindh High Courts.

Husain Haqqani's counsel, Asma Jahangir, said it was a bad day for the judiciary. She declined to represent Haqqani before the new commission because she did not consider its creation proper.

The case continued into the new year and was still causing shock waves in the middle of March 2012.

Balochistan case

The SC also heard a petition praying for a direction to the federation and others to protect the life and property of the people of Balochistan.

The petition, filed by the President of the Balochistan High Court Bar Association under Article 184(3) of the constitution, prayed to the court that the respondents might be directed to protect the life and property of the people of Balochistan, and take such steps as may be necessary to control target-killing, kidnapping, and abduction for ransom. While arguing on his petition, the BHCBA head pointed out instances of law-enforcing agencies' failure to protect the life and property of citizens, including advocates, state employees, members of LEAs and citizens. He referred to the killing of Advocate Habib Jalib and the recovery of several dead bodies and attacks on the chief secretary and the IG Police and said no citizen in Balochistan considered himself safe and protected.

A four-member bench, headed by the CJ, started hearing the petition in February and directed the authorities to ensure protection of the citizens' lives and property throughout Balochistan and asked the respondents for comments.

Notices were also issued to the top intelligence agencies and Inspectors-General of Police (Balochistan) and the Frontier Corps.

On 25 February, the court observed that the situation in Balochistan was getting worse and directed the authorities concerned to take effective measures for controlling the rising incidents of target-killing and kidnapping and submit a report. The Attorney-General was asked to discuss the matter with the Prime Minister and report to the court within three days. (Hearings continued through the rest of the year and into 2012. In January 2012 the court felt a larger bench should hear the case.)

PCO Judges

The fate of the superior court judges, two of them retired, and eight sitting judges (one of the SC and the rest high court judges), who had taken oath under the Musharraf PCO on November 3, 2007, occupied the attention of the Supreme Court for quite some time.

- ◆ On January 10, the court dismissed former CJ Abdul Hameed Dogar's plea for staying the contempt proceedings.
- ◆ On February 2, the court ruled that it would frame charges against

nine PCO judges (after exempting two from the original list from contempt proceedings).

- ◆ Former CJ Abdul Hameed Dogar and SC judge Zahid Husain tendered their apologies and they were discharged.

- ◆ In May the SC announced dismissal of the intra-court appeal by seven PCO judges against its decision of Feb 02 and ruled that these judges would be deemed to have ceased to hold office with effect from April 20, 2010 (the day the 18th Amendment was adopted). (The president of the Supreme Court Bar Association declared this decision unjust). The government was asked to issue the necessary notification.

- ◆ While the government did not issue any notification, the President sent a reference to the Supreme Judicial Council seeking guidance as, according to him, the government had no power to issue notification against the five judges (two out of the seven had retired). The SC, under CJ's instructions, sent the reference back and said the five judges were not judges after April 2010. The authorities concerned were advised to show the President the court's May verdict.

- ◆ On August 04 the SC gave the government four days to issue the notification on the PCO judges' removal from their posts. The state counsel said the notification would be issued before August 09. It was, and thus ended the case of PCO judges.

Bhutto case

In the first week of April the President sent a reference to the SC chief justice seeking the apex court's opinion on the verdict against Zulfiqar Ali Bhutto that had led to his hanging.

The Law Minister told the media that the People's Party had always contested the fairness of Bhutto's trial and his "judicial murder".

When the SC took up the matter it told the government that its reference was flawed and asked it to frame specific questions. Thereupon Babar Awan, who had quit his ministerial office so as to be able to represent the federation in the case, presented five questions. In April a larger bench (11 judges) was constituted to respond to the reference.

Soon after the start of the hearing on the reference the Lahore High Court was moved to reopen the case of Ilmuddin Ghazi who had been hanged in 1920s for killing a man accused of blasphemy.

Towards the end of November President Zardari wrote to the SC CJ pleading for early disposal of the reference. The case began to be heard on December 12 and was left over for the new year.

ECP & by-elections

The SC heard a petition calling for the reconstitution of the Election Commission of Pakistan (ECP) as required under the 18th Amendment. The

CJ reprimanded the federal government for failing to fulfil its mandatory obligation for a whole year and observed that pending the completion of the ECP the electoral process should be halted.

The Attorney-General explained that the matter was being dealt with by a special committee. The court disposed of the petition with a direction to the federation to reconstitute the ECP as quickly as possible.

The court warned the government that if it did not act speedily the validity of the by-elections held subsequent to the adoption of the 18th Amendment could be challenged. These warnings were not heeded and eventually the membership of 28 legislators was suspended. The restoration of their membership had to wait till the passage of the 20th Amendment well into the new year.

SC and electoral rolls

Following a disclosure that the electoral lists used for the 2008 election contained more than 35 million bogus votes the Pakistan Tehreek Insaf president, Imran Khan, filed a petition in the SC and the court took a serious view of the matter. When the Election Commission claimed that all bogus votes had been deleted from the lists, the court called for the completion of revised lists by February 23, 2012. It declared that if the ECP failed to carry out the task by the appointed date it might have to ask NADRA to do the job. The EC asserted that it could not complete the revision of the rolls by the date fixed by the SC and the Chief Election Commissioner said the commission would fulfil its obligations according to the constitution. Both sides respected the need for peace and silence.

Karachi inquiry

After holding hearings on the suo motu case on violence and lawlessness in Karachi for more than a fortnight (August 29-September 15) the Supreme Court reserved its judgment. However, it issued some interim directions.

- ◆ The Sindh Advocate-General was asked to submit daily progress reports on cases registered for crimes committed from July 24 onwards.
- ◆ The courts before whom challans had been submitted were directed to dispose of cases expeditiously by holding trials on day-to-day basis.

In its detailed judgment, the court

- ◆ Observed that violence in Karachi is not ethnic alone but it is also a turf war between different groups to strengthen their position/aggrandizement based on the phenomenon of tit for tat with political, moral and financial support of political parties.
- ◆ Declared that the unimaginable brutalities, kidnapping and dumping of dead bodies, torture in cells, extortion, land-grabbing, and destruction of citizens' property establishes that the fundamental rights of the citizens enshrined in Articles 9, 14, 15, 18 and 24 have not been protected/enforced by the government. The federal government has also not protected the Sindh

government against internal disturbance.

- ◆ Further observed that equal chances should be provided to different communities of Karachi to participate in economic and commercial activities.

- ◆ Further observed that both the provincial and federal governments have to find solutions of the current issues as per provisions of the constitution.

- ◆ Further observed that the police must be depoliticised and strengthened.

- ◆ Further observed that in respect of banning any political party, including MQM, against whom all the interveners had voiced complaints, was not within the court's domain at that stage. It was for the government to initiate action against any political party and the court would then decide matters in accordance with the constitution.

- ◆ Further observed that the political parties should denounce all criminal elements within their ranks.

- ◆ Further observed that the boundaries of administrative units, police stations, revenue estates and electoral constituencies should be so altered as to ensure that different communities may live together.

- ◆ Further observed that there was a glut of arms in Karachi. The city must be cleansed of all kinds of weapons. All licensed arms must be registered with NADRA and public display of arms be banned.

- ◆ Further observed that there was need for a law to punish land-grabbers and encroachers.

- ◆ Further observed that all causes of delays in courts should be removed.

- ◆ Further observed a commission should be set up to assess citizens' losses during violence and due compensation paid.

- ◆ Directed that there should be no no-go areas in Karachi; police and Rangers should conduct operations across the board.

- ◆ Further directed that an independent and depoliticised investigation agency and a competent prosecution agency should be created and the government must protect the witnesses. The prosecutors must be appointed on merit.

- ◆ Further directed that the IGP shall collect facts about the disappearance/elimination of all police and other officials during 1992-96 and showing whether their families were compensated.

- ◆ Further directed that the provincial government/executive shall ensure smooth running of economic and commercial activities and shall take all necessary steps to extend protection against illegal strikes/shutdown.

- ◆ And finally directed that the provincial government will set up a committee headed by the chief justice of the Sindh High Court to monitor the situation in Karachi and report to the Supreme Court.

The SC had taken suo motu notice (August 22) of violence in Karachi

after a religious leader appealed for its intervention. It asked the electronic news channels and other media to submit within 24 hours video footage and other material on incidents in Karachi: By then the wave of killings in Karachi had claimed 100 lives in five days. Earlier, the court office had rejected a similar petition by a free-lance journalist on the ground that he had no locus standii and his fundamental rights had not been affected.

After examining the material submitted by the media the Chief Justice observed that the executive had failed to protect the life, liberty, dignity, property and freedom of the public in Karachi. He constituted a five-member bench, headed by himself, to hear the matter and issued notice to the Attorney-General to appear two days later (on August 26) and submit a comprehensive report on incidents in Karachi that had occurred during the preceding month. The Chief Secretary and the police chief of Sindh were also ordered to submit reports.

After hearing the matter on August 26 at Islamabad the court decided to hear the case at Karachi from August 29.

Wage board award

The SC rejected the newspaper employers'/proprietors' appeal against the Sindh High Court judgment whereby the validity of the seventh wage board award in favour of newspaper employees had been upheld.

The court ruled that the Newspaper Employees (Conditions of Service) Act, 1973, was not in violation of the constitution and the 2001 wage board award continued to hold the field.

The appellants had not only appealed against the SHC decision but also challenged the Newspaper Employees Act and the powers of the Implementation Tribunal for Newspaper Employees.

Corruption in Haji matters

One of the important cases taken up suo motu by the SC related to financial irregularities committed by officials of the Religious Affairs Ministry during the Haji operations, as a result of which the federal minister concerned had been sacked and arrested. At one stage, the FIA told the court that the DG, Hajj, had embezzled Rs 200 million. The court ordered the ministry to pay 700 Saudi riyals each to the 26,000 pilgrims who were not provided the accommodation facilities for which they had been charged. The federal religious affairs minister had admitted that the Hajj operation had been marred by corruption but the scale of corruption was smaller than in the previous year.

CDA venture illegal

The SC declared the Capital Development Authority's deal with Multi-professional Cooperative Housing Society for a joint project on 54 acres in Islamabad's Sector E-11 illegal. The court ordered the CDA to take over the housing project, as the agreement with MPCHS was made in violation of the law. The court had taken suo motu notice of the matter on the basis of media



Haj scam affectees were driven to despair.

reports of irregularities in the award of the contract.

Mukhtaran Mai case

The SC verdict on Mukhtaran Mai's appeal against a LHC judgment caused much disappointment to the defenders of human rights.

Four men were charged with raping Mukhtaran Mai on June 22, 2002, on the orders of a panchayat and another 10 with abetment. Booked under the Penal Code, the Anti-terrorism Act and the Hudood Ordinance, they were tried by an anti-terrorism court. The court sentenced six of the accused to death (four for rape and two for joining the panchayat) and acquitted the rest of them. In appeal against the acquittal of the 10 accused, the LHC acquitted five of the six convicts and commuted the death sentence of the sixth one to life imprisonment. Mukhtaran Mai moved the SC for enhancement of the punishment to all six of them.

The SC ((JJ Shakirullah Jan and Saqib Nisar with J Nasirul Mulk dissenting) rejected the appeals, upheld the LHC verdict and ordered that the only man finally convicted would undergo the complete length of his life sentence. The note of dissent argued that the three men who had dragged the victim to the place of crime also were liable to punishment.

A diyat deal

The SC severely criticized the agreement some policemen were reported to have made with the heir of a man they had killed in a fake encounter.

The police version of the incident was that it had gone to apprehend the robbers who had broken into the house of a retired army officer and killed him. In the ensuing encounter one Tariq was killed. Cases were registered

against the policemen, but they were allowed bail before arrest. The SC took notice of the matter and was told about the compromise and that the policemen had been released by the sessions judge.

The SC (three-member bench) asked the Punjab police chief to find out how the compromise had been effected without payment of *diyat*. The CJ deplored the fact that compromise was reached after the court had taken notice. As for a compromise without payment of *diyat* the CJ said; "It seems that police have forced the victim's family to compromise".

Justice Ramday said: "what choice does the poor aggrieved family have but to agree to a compromise when the entire police gang up to protect their companions", and added: "We are reaping the fruit of the culture of lawlessness sown by the police".

Relief to a student

A visually-impaired school student was able to get braille books free of cost after the SC had taken notice of his letter to the CJ in which he had said that he had been refused help for being a private student. In the course of proceedings the provincial governments filed, in response to the court's directive, reports detailing the steps they were taking to help the disabled.

Lahore canal

In a case that occupied the minds of architects, conservationists and heritage-lovers for many weeks, the SC allowed the Lahore canal bank road widening project subject to certain conditions. Declaring the Lahore canal, from Jallo Park to Thokar Niaz Beg and the green belt on both sides, as a public trust, the court ruled that the widening of the road must be in accordance with the plan approved by the Mediation Committee. The authorities were directed to ensure that the green belt suffered as little damage as possible and that each tree that was cut down was replaced with four new ones.

Military laws

A joint constitutional petition was filed in the Supreme Court (18 July) by Ghulam Sarwar Bhatti, Ikhlas Ahmed, Zubair Ahmad and Mushtaq Ahmed, who had been convicted for alleged attempts on the life of former President Pervez Musharraf, challenging certain provisions of the Army, Air Force and Navy Acts and requesting the court to order the government to re-examine all cases decided under these laws from F.B. Ali case onward. They prayed that section 133 of the Army Act and some of its other provisions be declared ultra vires for being violative of Articles 2-A, 4,5,9,10,10A and 25 of the constitution and also in conflict with Articles 175 and 203. They argued that section 2(1)d introduced in the services acts vide Defence Services Law (Amendment) Ordinance, 1967, bringing civilians within the jurisdiction of military laws, was liable to be struck down for being violative of Article 8 of the constitution.

The petition was returned by the Registrar's office on the ground that no

fundamental right of the petitioners had been affected.

Wide area covered

The many serious cases death with by the Supreme Court during the year included the Reko Diq case about mining rights in Balochistan and the case of corruption in the National Insurance Corporation Ltd.

- ◆ The SC also examined the case about the writing off of bank loans (Rs 239 billion till 2009) and asked the State Bank to issue a circular to all banks to file record of loans written off since 1971. A commission comprising Justice (R) Jamshed Ali Shah was probing the matter.

- ◆ Suo motu notice was taken of alleged corruption in Pakistan Steel Mills (sale of products at heavily discounted prices, causing a loss of Rs 22 billion), passed strong strictures on FIA (the investigating agency) and ordered the appointment of a new CEO.

- ◆ The SC held that the law-enforcing agencies had no authority to take over buildings of public institutions, particularly educational institutions. Acting on a petition by the residents of a village in Rahimyar Khan district the court ordered the Rangers to vacate the agricultural college they had occupied.

RPP cases

The SC came down hard on Rental Power Producers for their failure to fulfil their contractual obligations. The court ordered the Reshma Rental Power Company to deposits Rs 4.5 billion along with mark-up the same day. The company had received Rs 4.5 billion more than two years earlier as mobilisation advance and had failed to deliver.

Earlier the court had asked Tecko, another RPP company, to pay back the advance it had received.

Federal Ombudsmen

The SC admitted for hearing (November 14) a petition challenging non-appointment of a Federal Ombudsman, whose post had been lying vacant for a year. The petitioner said about 50,000 cases were lying in the office pending disposal. The court asked the government to respond within 15 days.

SC declines to intervene

The SC declined to take up a petition (June) against the allotment of plots by the National Police Foundation to several people, including a former CJP, on concessional terms. The court advised the petitioner to approach some other forum.

Atiqa Odho case

A strange case taken note of by the SC related to the discovery of two bottles of liquor in well-known artist Atiqa Odho's baggage at Islamabad airport (June). The customs staff had let her go unharmed. Acting on media reports

the court ordered the customs to register a case against her. Hearings continued throughout the year.

The SC also

- ◆ Ordered removal of encroachment from parks.
- ◆ Upheld the right of Geo Super TV channel to telecast the cricket world cup matches.
- ◆ Called for the payment of minimum wages to employees.
- ◆ Ruled against the employment of civil servants on contract.
- ◆ Took suo motu notice of irregular allotment of 4,000 pilots by the Capital Development Authority.
- ◆ Sought government's views on 686 illegal appointments in Port Qasim Authority (90 pc of the appointees belonged to two constituencies of Karachi.)
- ◆ Ordered registration of cases against those responsible for flood losses.
- ◆ Ordered replacement of the Sindh IGP and Rangers' chief after taking notice of the killing of a young man by Rangers in Karachi.
- ◆ Demoted 879 functionaries in the Sindh Police who had received shoulder promotion.
- ◆ Sought explanation from provincial governments for their refusal to run community schools.
- ◆ Sought a report on pollution in Manchar Lake.
- ◆ Took suo motu notice of non-payment of salaries to Pakistan Railways employees.
- ◆ Ordered the Election Commission to register eunuchs as voters.
- ◆ Ruled that the proposed decision to wind up the Basic Education Community Schools was without lawful authority and asked the National Commission on Human Development to continue running these schools. Later on the government was told to pay salaries to the staff.
- ◆ Took notice of torture on a detainee at a Lahore police station, admonished the IGP for making a false statement, took the SSP concerned to task for filing a wrong reports. (He was made OSD by the IGP).
- ◆ Sought report on Pakistan Railways land occupied by Rangers, Frontier Corps or other agencies/companies
- ◆ Ordered completion of old vehicles' examination within a month.
- ◆ Sought a report on registration of birth of children whose parents were not known.
- ◆ Took suo motu notice of the accident to a bus on the motorway, near Kallar Kahar, in which 39 people, including 34 students from a private school in Faisalabad, had perished, and called for compensation to the victims' families.

Detention set aside

The Islamabad High Court set aside the orders of detention against nine

men who had been acquitted by the LHC. Charged with involvement with the assassination of a senior army officer and possession of explosives/detonators, they had been convicted by a magistrate. The sessions judge upheld their conviction but they were acquitted by the LHC in appeal. Thereafter they were ordered to be detained by Deputy Secretary FIA/Interior, who, their counsel argued, was not competent to order their detention.

Judges abducted

Mr Jan Mohammad Gohar, District and Sessions Judges, Sibi and Mr Mohammad Ali Kakar, Civil judge, were abducted in Jafarabad district on 27 February while they were driving to Usta Mohammad town to attend a ceremony. There was widespread protest by judges and lawyers.

The abductees were recovered after 10 days from Jhal Magsi area. The authorities said no ransom had been paid for the two-judges' release. Their abductors released them when a gang of criminals was rounded up and two abductees belonging to Sindh were recovered.

Lawyer returns

Advocate Agha Shah, who had disappeared while travelling from Dera Murad Jamali to Sibi, in Balochistan, on February 13, returned home after more than four months. He had been appearing in cases of disappearance before the Balochistan High Court. His family told friends that he was not in full control of his senses and was physically very weak. The Bar president confirmed that Agha was unable to talk and did not reply to his questions.

Frivolous

During the year the superior courts received a number of petitions that bordered on the frivolous.

- ◆ The LHC was moved to see the Chief of the Army Staff made the Supreme Commander of the defence forces.
- ◆ The SC was petitioned to stop media propaganda against the military. The petitioner, a former Deputy Attorney-General, named Pemra and a few channels/analysts as the culprits.
- ◆ An advocate describing himself as a legal adviser to an Anti-Car-Lifting Association moved the apex court to establish a judicial commission to control the menace of car lifting.

Raymond Davis Case

One of the cases that caused great storms concerned a US citizen, Raymond Davis, who was arrested in Lahore after he had killed two young men, Faheem and Faizan, on a busy road. He had been described as a contractor working with the US embassy. However, the US government claimed he was a diplomat and thus enjoyed immunity. This claim was contested by the Punjab authorities and the Foreign office was divided. Eventually he was brought to trial before



The Raymond Davis case caused much public anger.

an Additional Sessions Judge. Soon after his indictment for double murder and possessing illegal weapons, the case came to a close following a back-door compromise. A lawyer appeared in the court and declared that the heirs of the deceased Pakistani men had accepted a compromise with Davis and received Rs 200 million as *diyat*. The court acquitted Davis and disposed of the case of illegal weapons by imposing a fine of Rs 20,000. Soon afterwards Raymond Davis was flown out of Pakistan.

Quit notice

The CJ LHC asked (July 12) the Punjab Chief Minister to remove corrupt patwaris or quit his office. The Lahore DCO was told to communicate the court's advice to the Chief Minister. The CJ also sought details of assets owned by the city's *patwaris*, naib-tehsildars and teshildars. The revenue department was described as the most corrupt department of the government.

At the end of the year no count of the patwaris sacked was available. The chief minister was in his office, as firmly ensconced as ever.

Policemen sentenced

An Anti-Terrorism Court in Faisalabad sentenced to 32 years' rigorous imprisonment each seven police officials, including two DSPs and three inspectors. They had been tried for thrashing Sahiwal lawyers and trespassing into the bar premises. The complainant, the Sahiwal Bar President, had also alleged that the accused had thrown some inflammable material on the lawyers causing burns to 28 of them. The court dismissed this allegation.

The incident had occurred on May 11, 2007 when the lawyers took out a torch-bearing rally in solidarity with CJ Iftikhar Mohammad Chaudhry after

his removal from office by General Musharraf.

Reform proposals

LJCP

The Law and Justice Commission, at its meeting on June 4, took note of the practice of giving small girls and women in marriage to resolve feuds under jirga/panchayat orders. The LJCP secretariat was directed to suggest amendments in the relevant laws so that stern action could be taken against the offenders.

The commission recommended repeal of the Federal Court Act, 1937, as it had become redundant.

It also recommended amendments to the Law and Justice Commission of Pakistan Ordinance, 1879, to include the CJ of the Islamabad High Court as a member, to empower the commission to sign MoUs with foreign commissions for research, and to provide for allocation of funds for provincial judicial academies.

The commission approved the rules to regulate the functioning of the District Legal Empowerment Committees to provide legal aid to poor litigants.

NJPMC decisions

The two-day (March 26-27) meeting of the National Judicial Policy-Making Committee (NJPMC), headed by Chief Justice Iftikhar Mohammad Chaudhry, took the following decisions:

- ◆ All courts in the country were directed to decide cases instituted after January 1, 2009 by March 31, 2012. The Chief Justice of the Supreme Court asked the chief justices of the high courts to monitor the performance of the district judiciary regarding disposal of old cases. The courts were also to be asked to submit fortnightly reports about disposal of these old cases.

- ◆ The committee took notice of complaints of corruption against judicial officers and the court staff and received reports of the actions taken by the high courts in this area, including the sacking of a number of officers. Reaffirming Its policy of zero tolerance for corruption, the committee asked the high courts to take firm action, through improved mechanisms, against anyone who had a bad reputation or possessed assets beyond his ostensible means of income. The high courts were also requested to supervise the working of Inspection Teams and their actions against the corrupt and inefficient officials. A three-member committee was set up to review the working of criminal district coordination committees.

- ◆ The committee observed that the working of special courts and administrative tribunals was not upto the mark. Their functioning had to be monitored by high courts to ensure they met litigants' expectations.

- ◆ As regards the various factors hindering dispensation of justice, including non-submission of challans, non-production of under-trials and delays



The jirga rule was not challenged.

in investigation, it was decided that the registrars, MITs, home secretaries of the provinces and directors of reclamation and probation should meet every month to monitor and improve the working of their institutions.

- ◆ Taking note of the pathetic conditions in jails the committee stressed the need for constructing new jails. The federal government was asked to expedite the construction of a prison in Islamabad.

- ◆ A review of the judiciary's work since the National Judicial Policy was enforced in 2009 showed that the courts (district judiciary to the SC) had decided 4,935,731 cases while the number of new cases was 4,572,690 (493,041 less than the cases decided).

The two-day meeting of the NJPMC in May expressed the view that as a result of faulty and half-hearted investigation in criminal cases, non-submission of challans, and non-production of under-trials in courts the overall conviction rate had been falling and dispensation of justice was impeded.

The committee asked the federal and provincial governments to establish Police Complaint Authorities as envisaged in the Police Order. The IGP's were asked to ensure that challans were submitted within the stipulated period and the defaulting officials were properly dealt with. Although the problem of non-production of under-trials in courts had been addressed to some extent, the committee asked the sessions judges to ensure production of detainees in courts on the due dates. The committee also recommended regular monitoring of criminal justice issues at the district and provincial levels.

Taking a serious view of the vacancies in 10 out of the 11 Anti-Terrorism Courts in Sindh the committee asked the provincial government to fill all such posts within a fortnight.

Appreciating the progress made by the LHC on the long delayed cases of some prisoners at the Adiala Jail, the CJP asked the high court CJs to direct all

sessions judges to transfer five oldest cases from each jail to their roster on monthly basis for fast track disposal.

While reviewing the data on jails the committee noted that the policy of speedy disposal of cases had led to a decline in the jail population. However there was a need to set up cottage industries in jails and to take effective measures to control the spread of diseases such as hepatitis and HIV Aids.

Judicial conference

The National Judicial Conference held in Islamabad in April made a number of recommendations to the National Judicial Policy Making Committee (NJPMC). These included:

- ◆ A multidimensional approach must be adopted for further improving the implementation of (judicial) policy. Dialogue between bench, bar and other stakeholders should be encouraged by creating a sense of ownership about the policy. A trickle down impact of the policy would be substantive justice rather than focusing on mere disposal of cases.

- ◆ Public interest litigation would be more successful if separate benches of judges were established to hear the human rights cases for a specified time, if the SC adopted procedural rules to channelise cases, the legal fraternity was enabled to report cases of human rights violations to high courts and preliminary inquiries were held before taking suo motu action.

- ◆ The bench and bar should work in a friendly atmosphere while maintaining a professional distance along with dignity, appreciation of and respect for each other. Periodic inter-professional learning workshops should be organized.

- ◆ The measures of deterrence, prevention and education should be applied to counter corruption

- ◆ The bench and bar should jointly formulate and propose credible amendments in the existing laws/rules for ADR (Alternative Dispute Resolution).

- ◆ There is a dire need for reformation of jails to provide such an environment to the convicts that after serving their term they should be reintegrated into society as responsible and law-abiding citizens. The jail manual provisions must be fully enforced. Women and juveniles should receive due care.

- ◆ Plagiarism and counterfeiting should be treated as theft, deception and robbery. Counterfeiting medicines, syringes, healthcare devices, diagnostic kits and other related medical equipment should be declared serious offences against humanity with enhanced punishment.

- ◆ The curriculum of legal education should be so designed that it should just not be skill based but should also pave ways for the rise of future legal jurists. A council or committee comprising all the stakeholders should be

constituted with the responsibility of formulating a National Legal Education Policy.

◆ State-of-the-art and contextually relevant information technology must be used to solve the widely known problems of the justice system. The National Judicial Automation Committee should be empowered to play a leading role in conjunction with justice sector IT experts both in public and private sectors.

Cases on religious grounds

Three sentenced to death for blasphemy.

According to information available to HRCP, three men, all from Punjab and all of them Muslim, were awarded death sentence under 295-C, the main blasphemy provision, during 2011. They are.

1. Malik Rafique, of Ahmadpur Sharqia, under 295-C; February
2. Malik M. Ashraf, of Jhelum, under 295-C and 298; also awarded 10 years' imprisonment; March.
3. Abdul Sattar, of Talagang, under 295-C; June.

The four other persons whose cases were decided during the year, all under 295-B (desecration of the Holy Quran) and awarded long prison terms, all Muslim and all belonging to Punjab, are:

1. M. Ishaque, of Gujranwala, life imprisonment.
2. M. Shafi, Multan, imprisonment for 40 years and fine Rs 200,000.
3. M. Aslam, Multan, son of M. Shafi at # 2, imprisonment for 40 years, fine Rs 200,000.
4. Faisal Aslam, Lahore, life imprisonment.

Died in prison

Three persons (all Christians) charged with offences against religion – one convict, two under-trials – died in prison.

- ◆ David Qamar, serving life-term, in Central Jail, Karachi.
- ◆ Shaukat, facing trial under 295-B, District Jail, Lahore.
- ◆ Aslam Masih, facing trial under 295-B, District Jail, Lahore

The data available at HRCP shows that 26 new cases of offences against religion were reported during the year. In one of these cases, a grade 8 girl student, Faryal Masih (Christian), from Havelian, was not charged. She had inadvertently put a dot on the Urdu word 'naat' at the wrong place. Though spared a trial, she was expelled from the school.

The number of persons named in the 25 new cases was 28 – six of them female – and in seven cases the accused were charged under sec 295-C (insulting the name of the Holy Prophet (PBUH)). The particulars of these cases are as

follows:

Cases against Muslims

Sr	Name	Province	Distt/ City	U/S. PPC	Allegation
1.	M Samiullah (Student)	Sindh	Karachi	295-C	Used derogatory language against the Prophet (PBUH) in answer to a question in examination.
2.	Shafique	Punjab	Okara	295-C, 295-A,	Hoisted a flag bearing holy symbols and tied up with a shoe shelf.
3.	Yaqoob	Gilgit	Gilgit	295-C, 298	Uttered derogatory remarks against the Prophet (PBUH)
4.	Adnan Rafique	Punjab	Lahore	295-C	Sent a derogatory message
5.	Manzoor	Punjab	Lahore/ Kahna	295-B	Burnt Quran pages
6.	Ms Samina	Punjab	Rahim Yar Khan	295-B	Burnt Quran pages
7.	Ms Khalida Parween (Mentally challenged)	Punjab	Nankana	295-B	Burnt the Holy Quran
8.	Ghulam Mustafa	Punjab	Multan	295-B	Insulted the Quran
9.	Ms Alia	Punjab	Rahim Yar Khan	295-B	Burnt the Quran pages
10.	Saiful Mulook	KPK	Hangu	295-B	Desecrated the Holy Quran
11.	M. Shah	KPK	Kohat	295-B	Insulted and burnt the Holy Quran
12.	Liaquat	Punjab	Qasur	295-B	Desecrated the Holy Quran
13.	Unknown	Balochistan	Quetta		Insulted the Quran
14.	Ghaus Mohammad	Punjab	Naushera Virkan	295-B	Not clear
15.	Mohamamd Aslam	KPK	Ghazipur	295-B	Insulted the Quran
16.	Ms Noor Elahi	Punjab	Vehari	295-B	Insulted the Quran

Sr	Name	Province	Distt/ City	U/S. PPC	Allegation
17.	Gul Zaman	KPK	Peshawar	295-B	Desecrated the Holy Quran
18.	Adil Rashid	Punjab	Lahore	295-B	Insulted the Quran
19.	Amjad	Punjab	Sialkot	Not clear	Not clear
20.	Ms Samreena (Wife of Amjad)	Punjab	Sialkot	Not clear	Not clear

Cases against Christians

Sr.	Name	Province	Distt/City	U/S. PPC	Allegation
1.	Anwar Masih (Father) Farhat Masih (Son)	Punjab	Gujranwala	295-B	
2.	Babar Masih	Punjab	Chichawatni	295-C	Uttered derogatory remark about the Holy Prophet (PBUH)
3.	Khurram Masih (Husband) Mst Bano (Wife)	Punjab	Lahore	295-B	Used Quranic pages to lit a fire for cooking
4.	Sajjad Masih	Punjab	Gojra		Sent derogatory remarks against the Prophet (PBUH)

Cases against Ahmedis

Sr.	Name	Province	Distt/City	U/S. PPC	Allegation
1.	Rana Sajjad Ahmad (Student)	Punjab	Khushab	295-C	Insulted the Prophet (PBUH)
2.	Basharat Ahmad	Punjab	Gujrat	295-B	Threw a book containing scriptures in Arabic

Ahmedis killed

Six members of the Ahmediya community were reported to have been murdered during the year, most of them apparently for their belief;

1. Ms Mariam Khatoon (36 years) District Layyah, Tehsil Chubara, shot

dead on December 5, 2011 by a party that tried to seize her land by force.

2. Rana Dilawar Husain (42) teacher, Sheikhpura, attacked by two unknown motorcyclists in his school.

3. Bashir Ahmad, shot dead.

4. Nasim Ahmad Butt, (55) Faisalabad, shot down on Sept 04, 2011.

5. Mabroor Ahmad, Nawabshah, shot down on July 11, 2011.

6. Rana Zafarullah, Sanghar, shot down on March 18, 2011, outside his home.

Death penalty

The moratorium on the execution of the capital punishment enforced by the present government in 2009 remained in force throughout the year and nobody was hanged. HRCP continued its drive for statutory abolition of the death penalty. While organising rallies across the country on October 10, 2011, the Abolition of Death Penalty Day, HRCP expressed gratification that 1,040 days had elapsed since the last hanging in Pakistan and renewed its call to the government to formally join the ranks of the abolitionist states.

New cases

Meanwhile, the data available at HRCP showed that in 2011 the number of convicts awarded death sentence declined by 12 p.c. over the 2010 figures. The details are as follows:

	2011	2010
No of cases in which conviction was possible	210	232
No of convicts awarded death	313	356
	(M. 307)	(M. 349)
	(F. 6)	(F. 7)

Offences committed by convicts (in cases noted and the 2010 figures in brackets), murder 161 (187); kidnapping for ransom 9(14); murder in robbery 11(11); drug trafficking 9 (11); murder after rape 7 (7); murder after kidnapping 5 (8); rape 2 (1); NA2 (2); other crimes 1 (0); blasphemy 3(1). Total cases 210 (232).

The forums awarding capital punishment were (2010 forums in brackets): courts of sessions 157 (171); Anti-terrorism courts 42 (54); Anti-narcotics courts 2 (0); military courts 2 (0); local courts 4 (4); LHC 0(1); Not available 3 (2). (Total cases 210 (232))

Recommendations

1. *The statement that all institutions of the state should function within their constitutional limits has become a cliché that is more often than not respected in breach than in compliance. The executive must realize that it has*

44 *to accept the judiciary's decisions and the judiciary must see as much merit in judicial restraint as there could ever be in judicial activism.*

2. *There is a limit to which the superior courts can undertake the cleaning of the government's stables and the recent experiences in this area have revived the argument for a revamping of the hierarchy of judicial forums. There is an urgent need to debate the desirability of creating a separate constitutional court, reducing the burden on the Supreme Court by making the high courts the final courts of appeal in many cases, and setting up effective accountability mechanisms at both federal and provincial levels.*

3. *There is an urgent need to pay heed to two recommendations of the 2011 National Judicial Conference in particular. The first recommendation says that a trickle-down effect of the judicial policy and its aim should be securing of substantive justice rather than focusing on a mere disposal of cases. And the second suggests a wholly new paradigm for public interest litigation and exercise of the suo motu jurisdiction.*

4. *The bench-bar relations need to be reviewed not only for mutual good but also with an eye on the inviolable interests of the people. A bar that moves so close to the judiciary as to lose its distinct identity may be as undesirable as the one that casts itself permanently in an adversarial role.*

5. *It is time the possibility of abolishing the death penalty by law was given serious consideration*

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

A proactive judiciary

Administration of justice in 2011 was overshadowed by what is often described as judiciary's activism. The matters taken up by the Supreme Court, some on being raised by interested parties and some others in the exercise of its suo motu jurisdiction, dominated the public debate, especially the media space, to such an extent that the other courts and cases attracted little attention. Throughout the year it seemed as if in addition to its normal work the country's apex judicial forum was also functioning as an ombudsman's office, as an administrative court, as an anti-corruption tribunal, as a supreme investigation agency, and as the sole defender of not only the constitution but also of public morality.

While this expanded role gained the SC immense popularity, it also raised many questions regarding the impact of frequent and extensive invocation of suo motu powers on the court's normal work, the difficulties in avoiding the side effects of selective justice, and the consequences of the executive-judiciary

or parliament-judiciary confrontation. These questions found an echo in one of the National Judicial Conference's recommendations.

The conference said the public interest litigation would be more successful with separate benches of judges established to hear human rights cases for a specified time, and if the SC adopted procedural rules to channelise cases, the legal fraternity was enabled to report cases of human rights violations to high courts and, preliminary inquiries were held before taking suo motu action.

Govt-judiciary tension

A large number of the cases taken up by the SC on urgent basis dealt with corruption in government offices, wrongful appointments and transfers and government's reluctance or inability to respect court orders. Throughout the year the executive and the judiciary appeared to be in a state of confrontation with each other, despite repeated denials from both sides and occasional exchange of courtesies between them.

The tension between the government and the judiciary peaked in the last week of July when the Establishment Secretary, Sohail Ahmad Khan, was removed from his post and made an OSD (officer without assignment), reportedly as a punishment for filing before the SC a notification about the transfer of an FIA official that the court had asked for.

In its judgment in the case the court firmly defended its powers of judicial review. It said some segments of society had tried to give the impression that the matter was a clash between the judiciary and the executive on exercise of powers but the facts were to the contrary.

"It is an evident legal and constitutional fact that the court can exercise judicial review on any matter as empowered by the constitution. Not only there are a lot of such examples in our constitution and law but also other countries like India and America are full of such examples of judicial review. At some occasions, the Supreme Court of India has itself monitored the matters of investigation of important corruption cases", the court said.

The SC gave the Prime Minister 24 hours to withdraw the orders against Sohail Ahmad Khan and asked the Attorney-General to tell the PM that under Article 190 of the constitution all institutions were bound to implement the court's orders.

The SC held a full court meeting which reiterated the court's position that it would preserve and defend the constitution and dispense justice to all without any fear or favour.

The media carried a flurry of reports in favour of the judiciary to the effect that a consensus was growing in its support, that the lawyers' movement might be revived and that the army was bound to help the SC if Article 190 was invoked. Several bar associations came out in support of the SC which extended

the deadline given to the government by 24 hours. Meanwhile the government was reported to be consulting coalition partners on the situation. The Punjab Bar Council called for a strike in support of the SC.

The stand-off ended suddenly when the Attorney-General informed the SC that he had not been able to meet the PM and that he needed more time to pursue the matter, and the court gave the government seven days to give Sohail Ahmad Khan a new post.

A couple of days later Sohail Ahmad Khan was appointed Secretary in the Ministry of Narcotics.

NAB chief and others told to quit

Some other service matters in contention were:

The SC told Justice (R) Deedar Husain Shah to quit the office of the Chairman, National Accountability Bureau (March 10). Mr Shah, a retired judge of the SC, had been appointed the NAB chief on October 8, 2010, after his predecessor, Naveed Ahsan, had been removed under the SC ruling of December 16, 2009. In the latter ruling the court had held the National Reconciliation Ordinance (NRO) unconstitutional and ordered revival of all cases withdrawn under it. It had also criticised the working of NAB and suggested the appointment of a new chairman.

Petitions challenging the appointment of Justice (R) Deedar Husain Shah had been filed in the Supreme Court by Ch. Nisar Ali, leader of the opposition in the National Assembly, and a private citizen, Shahid Orakzai.

The opposition leader had contended that the appointment was not in accord with the law as it had been made despite his opposition on the ground that Justice Shah was known for his long association with the People's Party.

Following the SC verdict declaring Justice (R) Deedar Husain's appointment as NAB chief void the court gave the government 30 days to fill the vacancy. The deadline passed on July 20 and the post was not filled, NAB announced that it was suspending its operations.

A new chairman of NAB was not appointed till the end of the year.

OGRA chief: The SC also declared the appointment of Tauqir Sadiq as chairman of Oil and Gas Regulatory Authority (Ogra) illegal ab initio and ordered him to return all the money and other benefits he had received as chairman.

♦ The SC told the Vice-chancellor of the Pir Meher Ali Shah Arid Agriculture University (Rawalpindi) to resign before the expiry of his extended term, otherwise he might suffer heavy losses in the event of dismissal by the court.

NBP head: The SC declared the appointment of the National Bank president unconstitutional and told him to leave office immediately. Action against Syed Ali Raza was taken on a petition filed by NBP employees. The

petitioners said the bank president's terms could be extended only twice but Gen. Musharraf had extended it a third time and the current government had done so for the fourth time.

Auditor-General

The appointment of a new Auditor-General became an issue between the Presidency and the Supreme Court chief justice in August but it was quickly resolved, at least for the time being.

The President issued a notification (August 23) on the appointment of Buland Akhtar Rana, a former Additional Auditor-General, as the new Auditor-General. As the oath of office to him was to be administered by the SC Chief Justice the latter wrote to the President about the appointee's eligibility being questionable. He said the replies received from the ISI, FIA and the former auditor-general necessitated a look at Mr Rana's credentials. This was necessary for the reason that the auditor-general's post was a constitutional office and once a person was appointed he could not easily be removed. If even after reading his letter the President wished to have Mr Rana sworn in he would administer the oath to him.

On receiving a reply from the President the Chief Justice administered the oath of office to Mr Rana. Before the ceremony the SC Registrar issued an announcement which said, "the Chief Justice, in discharge of administrative functions, without prejudice to anyone and subject to all just exceptions, will administer the oath". Newspaper reports took note of the fact that the Chief Justice denied the new A-G the customary hand-shake after the ceremony.

The long story of disappearances

The Supreme Court continued hearing the cases of involuntary disappearance throughout the year.

The court resumed hearing of the HRCP petition and other cases relating to involuntary disappearances on January 10. Justice Javed Iqbal, who headed the three-member bench, said 2011 was going to be the year of missing persons' recovery. The court asked the government to respond to the suggestion made by the judges' commission on disappearance that it should make a new law on the subject.

During the proceedings the Additional Attorney-General informed the court that the report of the judges' commission of 2010 was a classified document and it would not be made public.

At the next hearing (January 17), the court told the authorities, including the intelligence agencies, that they were bound to trace the people who had been missing for years. Hinting at the possibility of summoning the ISI chief, the court said; "All state functionaries, intelligence agencies and government officials are subject to the law and the constitution and they are supposed to act only in accordance with the law and obey the command of the constitution".



The families of missing persons wanted for justice throughout the year.

Justice Fayyaz said the court would not even desist from ordering registration of criminal cases against those involved directly or indirectly in such matters.

When the hearing was resumed (Jan 27) the court observed that despite warnings and judgments, the law-enforcing agencies were flagrantly violating the court orders. Justice Asaf Saeed Khosa observed the question of missing persons had become a very sensitive issue in Balochistan as the intelligence agencies officials there thought they were securing Pakistan through picking up people, but in fact they were damaging the country. The court said it intended to proceed against police or intelligence agencies' officials charged with picking up people who had not yet been traced. The court office was directed to prepare a list of cases in which relatives of the missing persons had blamed the police and intelligence agencies for their disappearance.

At the next hearing (February 03) the SC ordered all the Inspectors-General of Police to provide complete data on missing persons in their provinces. They were also directed to register cases where evidence was available.

On July 12 the SC was given an account of the work done by the Commission on Missing Persons set up in 2011 on the recommendation of the three-member judicial commission of 2010. The secretary of the new commission said the whereabouts of 83 persons had been traced after December 31, 2010. He said the commission had 138 cases of disappearance on its roster in January 2011 and another 198 were added to the list till June 2011. Out of the 336 cases 108 had been disposed of (83 traced, 20 excluded from the category of enforced disappearance, and 5 cases dropped as families could not furnish the required information). Thus on July 12 the number of cases before

the commission was 228. The largest number 71 belonged to Khyber-Pakhtunkhwa, 49 to Sindh, 44 to Punjab, 41 to Balochistan, 6 to FATA, and five each to Islamabad and Azad Kashmir.

The secretary said the commission was also hearing complaints by families of Lal Masjid victims. The court ordered compilation of DNA tests on all those killed in the Lal Masjid episode.

An issue that came up later on was the delay in filling the post of the head of the 3-member commission, created on the recommendation of the 2010 commission of inquiry, that had fallen vacant on Justice (R) Fazlur Rehman's appointment as a member of the Election Commission. The SC asked the government (August 07) to appoint a new chairman of the commission within a week. On August 17 the deadline was extended by three weeks. Eventually in the last week of September Justice (R) Javed Iqbal, who had retired from the SC in July, was appointed.

In October the state counsel told the court that two of the prominent persons, Masood Janjua and Faisal Faraz, whose disappearance had been reported years earlier had been killed by Al-Qaeda in Afghanistan. Janjua's wife, Amna Masood Janjua, refused to accept this story and maintained that he had been seen alive in a prison in Afghanistan. The court referred the cases of these two persons to the commission on missing persons.

The court observed that it would take up six chronic cases on priority basis, the case of Atiqur Rahman, Bangalzai, Dr Sharif, Mansoor Ahmad, Abdul Karim Mahmood and Haroon, and two cases of Lal Masjid operation victims, Mohammad Ali and Tahir Farooq.

At one stage the court admonished the state for delays in payment of compensation to missing persons' families.

The hearings continued into the new year.

Cases in high courts

While the SC remained seized of the cases of involuntary disappearance throughout the year several cases were also heard by high courts. One of such cases heard by the Islamabad High Court concerned four activists of Hizb-ul-Tahir. The petitioners had alleged that officials of ISI and MI were involved in the abduction of the four men and the court had asked the D.G ISI to file his reply. On August 17 the court declared the four men fell in the category of missing persons and sent their cases to the commission on involuntary disappearances. In its order the court said a mere denial of the involvement of intelligence agencies was not enough and they were bound to facilitate the recovery of the missing persons. At the same time the court allowed the ISI to submit its reply by September 26 and kept the matter pending.

The Sindh High Court was approached by a woman (June) for the recovery

of her son, who had disappeared a fortnight earlier. The young man had gone to meet the investigation officer at Gulistan-i-Johar police station, Karachi; to inquire about the detention of his brother-in-law. The court issued notice to the heads of ISI, MI, the provincial police and ministry of interior.

NRO case

During the year under review the question of implementing the Supreme Court decision of December 2009 on the National Reconciliation Ordinance (NRO), that is, reopening of all cases stopped/shelved under the ordinance, including those against President Zardari, became a major source of contention between the government and the SC.

As soon as the SC had 17 judges, the strength required to review the 2009 judgment of the 17-member full bench, the court decided to take up the federation's review petition. But before that happened, the government sought the court's permission to change its counsel. Barrister Kamal Azfar, who had represented the federation earlier, wanted to step down. He said he had been receiving threats and his life was in danger. He was allowed to withdraw. Former law minister Babar Awan's request to be allowed to represent the federation was accepted.

After hearing the case from November 21 to 24 the court dismissed the review petition and said the government had failed to present any new evidence or matter or to point out any mistake or error apparent on the face of the record that could have warranted a re-examination of the earlier verdict.

During the hearings the court frequently asked the government as to why it was defending the black law, one that only Musharraf (and not Benazir Bhutto) had wanted.

The final day of hearing was like an anti-climax. Babar Awan wanted to introduce some documents which the court only allowed after second thoughts. When the time for reading the documents came the federation's counsel was absent. The Law Secretary started reading the papers but soon gave up, and eventually the documents were read out by the Attorney-General. The exercise proved fruitless.

The Memo affair

The case of the memo sent to the US military chief, Admiral Mike Mullen, in May by an American businessman of Pakistani origin, Mansoor Ejaz, occupied a great deal of the SC time during the final two months of the year.

Mansoor Ejaz alleged in an article in a London daily that the unsigned memorandum, in which the US was promised good rewards if it helped Islamabad in getting rid of the military top brass, had been dictated by the Pakistan ambassador in Washington, Husain Haqqani, who had also claimed that the contents had been cleared by a high authority in Islamabad. The matter was taken up by the ISI without informing the government and its chief, General Pasha, went abroad to interview Mansoor Ejaz. A strong campaign by

opposition parties and the media compelled the government to call back Haqqani and accept his resignation.

Several petitions were filed in the SC praying for ascertaining of facts about the memo and unmasking of all those involved with it. The most prominent petitioner was PML-N chief Nawaz Sharif, who described the memo affair a “dreadful conspiracy” to demonise the armed forces. He wanted the President, Haqqani, Mansoor Ejaz, the COAS, the ISI chief and foreign and interior secretaries to explain the “detestable, despicable and treacherous memorandum”. The court admitted these petitions for hearing and issued notice to the respondents for filing statements within 15 days.

Along with Nawaz Sharif’s petition six other petitions were admitted. These had been filed by Tariq Asad (Advocate), and five PML-N leaders – Khwaja Asif, Senator Ishaq Dar, Ghous Ali Shah, Mehtab Abbasi and Maj-Gen (R) Abdul Qadir Baloch.

Quite a few observers were surprised at the SC decision, more so when a letter from a Pakistani residing in Canada also was admitted. This gentleman claimed that the memo affair had put the lives of his relatives in Pakistan in danger. Even greater was the surprise when a petition asking for restraining the government from sacking the COAS and ISI chief was admitted.

Before the SC took up the matter, the parliament in a joint session adopted a resolution calling for a thorough probe into the entire range of Pakistan-US relations and the task was assigned to the Parliamentary Committee on National Security, headed by Senator Raza Rabbani.

A nine-member bench of the SC began hearing the memo case on December 01. The court created a commission under former FIA chief Tariq Khosa to inquire into the matter and report within 15 days. The President, the COAS, the ISI chief, Husain Haqqani and Mansoor Ejaz were asked to explain their position and Husain Haqqani was told not to go abroad. The court observed in its ruling that if the issuance of the memo was established action could be taken for treason under Article 6 of the constitution.

The court noted the assignment given to the parliamentary committee on National Security and observed that the committee had no constitutional backing.

Tariq Khosa declined to undertake the memo inquiry. At the same time, several PPP leaders, including Law Minister Chandio, criticized the SC for taking up the case. Former law minister Babar Awan was also reported to have passed some derogatory remarks about the SC and this became an issue.

At the next hearing the court noted that the President was the only one who had not replied to its notice. It observed that when charges were not rebutted they were usually considered to be correct. The court also sharply censured the PPP leaders, Chandio and Babar Awan, for their ‘tirade’ against it.

On December 30 the court held the memo petitions maintainable and constituted a three-member commission, to probe the matter. The commission

was headed by the BHC CJ Qazi Faez Issa and included the Chief Justices of the Islamabad and Sindh High Courts.

Husain Haqqani's counsel, Asma Jahangir, said it was a bad day for the judiciary. She declined to represent Haqqani before the new commission because she did not consider its creation proper.

The case continued into the new year and was still causing shock waves in the middle of March 2012.

Balochistan case

The SC also heard a petition praying for a direction to the federation and others to protect the life and property of the people of Balochistan.

The petition, filed by the President of the Balochistan High Court Bar Association under Article 184(3) of the constitution, prayed to the court that the respondents might be directed to protect the life and property of the people of Balochistan, and take such steps as may be necessary to control target-killing, kidnapping, and abduction for ransom. While arguing on his petition, the BHCBA head pointed out instances of law-enforcing agencies' failure to protect the life and property of citizens, including advocates, state employees, members of LEAs and citizens. He referred to the killing of Advocate Habib Jalib and the recovery of several dead bodies and attacks on the chief secretary and the IG Police and said no citizen in Balochistan considered himself safe and protected.

A four-member bench, headed by the CJ, started hearing the petition in February and directed the authorities to ensure protection of the citizens' lives and property throughout Balochistan and asked the respondents for comments.

Notices were also issued to the top intelligence agencies and Inspectors-General of Police (Balochistan) and the Frontier Corps.

On 25 February, the court observed that the situation in Balochistan was getting worse and directed the authorities concerned to take effective measures for controlling the rising incidents of target-killing and kidnapping and submit a report. The Attorney-General was asked to discuss the matter with the Prime Minister and report to the court within three days. (Hearings continued through the rest of the year and into 2012. In January 2012 the court felt a larger bench should hear the case.)

PCO Judges

The fate of the superior court judges, two of them retired, and eight sitting judges (one of the SC and the rest high court judges), who had taken oath under the Musharraf PCO on November 3, 2007, occupied the attention of the Supreme Court for quite some time.

- ◆ On January 10, the court dismissed former CJ Abdul Hameed Dogar's plea for staying the contempt proceedings.
- ◆ On February 2, the court ruled that it would frame charges against

nine PCO judges (after exempting two from the original list from contempt proceedings).

- ◆ Former CJ Abdul Hameed Dogar and SC judge Zahid Husain tendered their apologies and they were discharged.

- ◆ In May the SC announced dismissal of the intra-court appeal by seven PCO judges against its decision of Feb 02 and ruled that these judges would be deemed to have ceased to hold office with effect from April 20, 2010 (the day the 18th Amendment was adopted). (The president of the Supreme Court Bar Association declared this decision unjust). The government was asked to issue the necessary notification.

- ◆ While the government did not issue any notification, the President sent a reference to the Supreme Judicial Council seeking guidance as, according to him, the government had no power to issue notification against the five judges (two out of the seven had retired). The SC, under CJ's instructions, sent the reference back and said the five judges were not judges after April 2010. The authorities concerned were advised to show the President the court's May verdict.

- ◆ On August 04 the SC gave the government four days to issue the notification on the PCO judges' removal from their posts. The state counsel said the notification would be issued before August 09. It was, and thus ended the case of PCO judges.

Bhutto case

In the first week of April the President sent a reference to the SC chief justice seeking the apex court's opinion on the verdict against Zulfiqar Ali Bhutto that had led to his hanging.

The Law Minister told the media that the People's Party had always contested the fairness of Bhutto's trial and his "judicial murder".

When the SC took up the matter it told the government that its reference was flawed and asked it to frame specific questions. Thereupon Babar Awan, who had quit his ministerial office so as to be able to represent the federation in the case, presented five questions. In April a larger bench (11 judges) was constituted to respond to the reference.

Soon after the start of the hearing on the reference the Lahore High Court was moved to reopen the case of Ilmuddin Ghazi who had been hanged in 1920s for killing a man accused of blasphemy.

Towards the end of November President Zardari wrote to the SC CJ pleading for early disposal of the reference. The case began to be heard on December 12 and was left over for the new year.

ECP & by-elections

The SC heard a petition calling for the reconstitution of the Election Commission of Pakistan (ECP) as required under the 18th Amendment. The

CJ reprimanded the federal government for failing to fulfil its mandatory obligation for a whole year and observed that pending the completion of the ECP the electoral process should be halted.

The Attorney-General explained that the matter was being dealt with by a special committee. The court disposed of the petition with a direction to the federation to reconstitute the ECP as quickly as possible.

The court warned the government that if it did not act speedily the validity of the by-elections held subsequent to the adoption of the 18th Amendment could be challenged. These warnings were not heeded and eventually the membership of 28 legislators was suspended. The restoration of their membership had to wait till the passage of the 20th Amendment well into the new year.

SC and electoral rolls

Following a disclosure that the electoral lists used for the 2008 election contained more than 35 million bogus votes the Pakistan Tehreek Insaf president, Imran Khan, filed a petition in the SC and the court took a serious view of the matter. When the Election Commission claimed that all bogus votes had been deleted from the lists, the court called for the completion of revised lists by February 23, 2012. It declared that if the ECP failed to carry out the task by the appointed date it might have to ask NADRA to do the job. The EC asserted that it could not complete the revision of the rolls by the date fixed by the SC and the Chief Election Commissioner said the commission would fulfil its obligations according to the constitution. Both sides respected the need for peace and silence.

Karachi inquiry

After holding hearings on the suo motu case on violence and lawlessness in Karachi for more than a fortnight (August 29-September 15) the Supreme Court reserved its judgment. However, it issued some interim directions.

- ◆ The Sindh Advocate-General was asked to submit daily progress reports on cases registered for crimes committed from July 24 onwards.
- ◆ The courts before whom challans had been submitted were directed to dispose of cases expeditiously by holding trials on day-to-day basis.

In its detailed judgment, the court

- ◆ Observed that violence in Karachi is not ethnic alone but it is also a turf war between different groups to strengthen their position/aggrandizement based on the phenomenon of tit for tat with political, moral and financial support of political parties.
- ◆ Declared that the unimaginable brutalities, kidnapping and dumping of dead bodies, torture in cells, extortion, land-grabbing, and destruction of citizens' property establishes that the fundamental rights of the citizens enshrined in Articles 9, 14, 15, 18 and 24 have not been protected/enforced by the government. The federal government has also not protected the Sindh

government against internal disturbance.

- ◆ Further observed that equal chances should be provided to different communities of Karachi to participate in economic and commercial activities.

- ◆ Further observed that both the provincial and federal governments have to find solutions of the current issues as per provisions of the constitution.

- ◆ Further observed that the police must be depoliticised and strengthened.

- ◆ Further observed that in respect of banning any political party, including MQM, against whom all the interveners had voiced complaints, was not within the court's domain at that stage. It was for the government to initiate action against any political party and the court would then decide matters in accordance with the constitution.

- ◆ Further observed that the political parties should denounce all criminal elements within their ranks.

- ◆ Further observed that the boundaries of administrative units, police stations, revenue estates and electoral constituencies should be so altered as to ensure that different communities may live together.

- ◆ Further observed that there was a glut of arms in Karachi. The city must be cleansed of all kinds of weapons. All licensed arms must be registered with NADRA and public display of arms be banned.

- ◆ Further observed that there was need for a law to punish land-grabbers and encroachers.

- ◆ Further observed that all causes of delays in courts should be removed.

- ◆ Further observed a commission should be set up to assess citizens' losses during violence and due compensation paid.

- ◆ Directed that there should be no no-go areas in Karachi; police and Rangers should conduct operations across the board.

- ◆ Further directed that an independent and depoliticised investigation agency and a competent prosecution agency should be created and the government must protect the witnesses. The prosecutors must be appointed on merit.

- ◆ Further directed that the IGP shall collect facts about the disappearance/elimination of all police and other officials during 1992-96 and showing whether their families were compensated.

- ◆ Further directed that the provincial government/executive shall ensure smooth running of economic and commercial activities and shall take all necessary steps to extend protection against illegal strikes/shutdown.

- ◆ And finally directed that the provincial government will set up a committee headed by the chief justice of the Sindh High Court to monitor the situation in Karachi and report to the Supreme Court.

The SC had taken suo motu notice (August 22) of violence in Karachi

after a religious leader appealed for its intervention. It asked the electronic news channels and other media to submit within 24 hours video footage and other material on incidents in Karachi: By then the wave of killings in Karachi had claimed 100 lives in five days. Earlier, the court office had rejected a similar petition by a free-lance journalist on the ground that he had no locus standii and his fundamental rights had not been affected.

After examining the material submitted by the media the Chief Justice observed that the executive had failed to protect the life, liberty, dignity, property and freedom of the public in Karachi. He constituted a five-member bench, headed by himself, to hear the matter and issued notice to the Attorney-General to appear two days later (on August 26) and submit a comprehensive report on incidents in Karachi that had occurred during the preceding month. The Chief Secretary and the police chief of Sindh were also ordered to submit reports.

After hearing the matter on August 26 at Islamabad the court decided to hear the case at Karachi from August 29.

Wage board award

The SC rejected the newspaper employers'/proprietors' appeal against the Sindh High Court judgment whereby the validity of the seventh wage board award in favour of newspaper employees had been upheld.

The court ruled that the Newspaper Employees (Conditions of Service) Act, 1973, was not in violation of the constitution and the 2001 wage board award continued to hold the field.

The appellants had not only appealed against the SHC decision but also challenged the Newspaper Employees Act and the powers of the Implementation Tribunal for Newspaper Employees.

Corruption in Haji matters

One of the important cases taken up suo motu by the SC related to financial irregularities committed by officials of the Religious Affairs Ministry during the Haji operations, as a result of which the federal minister concerned had been sacked and arrested. At one stage, the FIA told the court that the DG, Hajj, had embezzled Rs 200 million. The court ordered the ministry to pay 700 Saudi riyals each to the 26,000 pilgrims who were not provided the accommodation facilities for which they had been charged. The federal religious affairs minister had admitted that the Hajj operation had been marred by corruption but the scale of corruption was smaller than in the previous year.

CDA venture illegal

The SC declared the Capital Development Authority's deal with Multi-professional Cooperative Housing Society for a joint project on 54 acres in Islamabad's Sector E-11 illegal. The court ordered the CDA to take over the housing project, as the agreement with MPCHS was made in violation of the law. The court had taken suo motu notice of the matter on the basis of media



Haj scam affectees were driven to despair.

reports of irregularities in the award of the contract.

Mukhtaran Mai case

The SC verdict on Mukhtaran Mai's appeal against a LHC judgment caused much disappointment to the defenders of human rights.

Four men were charged with raping Mukhtaran Mai on June 22, 2002, on the orders of a panchayat and another 10 with abetment. Booked under the Penal Code, the Anti-terrorism Act and the Hudood Ordinance, they were tried by an anti-terrorism court. The court sentenced six of the accused to death (four for rape and two for joining the panchayat) and acquitted the rest of them. In appeal against the acquittal of the 10 accused, the LHC acquitted five of the six convicts and commuted the death sentence of the sixth one to life imprisonment. Mukhtaran Mai moved the SC for enhancement of the punishment to all six of them.

The SC ((JJ Shakirullah Jan and Saqib Nisar with J Nasirul Mulk dissenting) rejected the appeals, upheld the LHC verdict and ordered that the only man finally convicted would undergo the complete length of his life sentence. The note of dissent argued that the three men who had dragged the victim to the place of crime also were liable to punishment.

A diyat deal

The SC severely criticized the agreement some policemen were reported to have made with the heir of a man they had killed in a fake encounter.

The police version of the incident was that it had gone to apprehend the robbers who had broken into the house of a retired army officer and killed him. In the ensuing encounter one Tariq was killed. Cases were registered

against the policemen, but they were allowed bail before arrest. The SC took notice of the matter and was told about the compromise and that the policemen had been released by the sessions judge.

The SC (three-member bench) asked the Punjab police chief to find out how the compromise had been effected without payment of *diyat*. The CJ deplored the fact that compromise was reached after the court had taken notice. As for a compromise without payment of *diyat* the CJ said; "It seems that police have forced the victim's family to compromise".

Justice Ramday said: "what choice does the poor aggrieved family have but to agree to a compromise when the entire police gang up to protect their companions", and added: "We are reaping the fruit of the culture of lawlessness sown by the police".

Relief to a student

A visually-impaired school student was able to get braille books free of cost after the SC had taken notice of his letter to the CJ in which he had said that he had been refused help for being a private student. In the course of proceedings the provincial governments filed, in response to the court's directive, reports detailing the steps they were taking to help the disabled.

Lahore canal

In a case that occupied the minds of architects, conservationists and heritage-lovers for many weeks, the SC allowed the Lahore canal bank road widening project subject to certain conditions. Declaring the Lahore canal, from Jallo Park to Thokar Niaz Beg and the green belt on both sides, as a public trust, the court ruled that the widening of the road must be in accordance with the plan approved by the Mediation Committee. The authorities were directed to ensure that the green belt suffered as little damage as possible and that each tree that was cut down was replaced with four new ones.

Military laws

A joint constitutional petition was filed in the Supreme Court (18 July) by Ghulam Sarwar Bhatti, Ikhlas Ahmed, Zubair Ahmad and Mushtaq Ahmed, who had been convicted for alleged attempts on the life of former President Pervez Musharraf, challenging certain provisions of the Army, Air Force and Navy Acts and requesting the court to order the government to re-examine all cases decided under these laws from F.B. Ali case onward. They prayed that section 133 of the Army Act and some of its other provisions be declared ultra vires for being violative of Articles 2-A, 4,5,9,10,10A and 25 of the constitution and also in conflict with Articles 175 and 203. They argued that section 2(1)d introduced in the services acts vide Defence Services Law (Amendment) Ordinance, 1967, bringing civilians within the jurisdiction of military laws, was liable to be struck down for being violative of Article 8 of the constitution.

The petition was returned by the Registrar's office on the ground that no

fundamental right of the petitioners had been affected.

Wide area covered

The many serious cases death with by the Supreme Court during the year included the Reko Diq case about mining rights in Balochistan and the case of corruption in the National Insurance Corporation Ltd.

- ◆ The SC also examined the case about the writing off of bank loans (Rs 239 billion till 2009) and asked the State Bank to issue a circular to all banks to file record of loans written off since 1971. A commission comprising Justice (R) Jamshed Ali Shah was probing the matter.

- ◆ Suo motu notice was taken of alleged corruption in Pakistan Steel Mills (sale of products at heavily discounted prices, causing a loss of Rs 22 billion), passed strong strictures on FIA (the investigating agency) and ordered the appointment of a new CEO.

- ◆ The SC held that the law-enforcing agencies had no authority to take over buildings of public institutions, particularly educational institutions. Acting on a petition by the residents of a village in Rahimyar Khan district the court ordered the Rangers to vacate the agricultural college they had occupied.

RPP cases

The SC came down hard on Rental Power Producers for their failure to fulfil their contractual obligations. The court ordered the Reshma Rental Power Company to deposits Rs 4.5 billion along with mark-up the same day. The company had received Rs 4.5 billion more than two years earlier as mobilisation advance and had failed to deliver.

Earlier the court had asked Tecko, another RPP company, to pay back the advance it had received.

Federal Ombudsmen

The SC admitted for hearing (November 14) a petition challenging non-appointment of a Federal Ombudsman, whose post had been lying vacant for a year. The petitioner said about 50,000 cases were lying in the office pending disposal. The court asked the government to respond within 15 days.

SC declines to intervene

The SC declined to take up a petition (June) against the allotment of plots by the National Police Foundation to several people, including a former CJP, on concessional terms. The court advised the petitioner to approach some other forum.

Atiqa Odho case

A strange case taken note of by the SC related to the discovery of two bottles of liquor in well-known artist Atiqa Odho's baggage at Islamabad airport (June). The customs staff had let her go unharmed. Acting on media reports

the court ordered the customs to register a case against her. Hearings continued throughout the year.

The SC also

- ◆ Ordered removal of encroachment from parks.
- ◆ Upheld the right of Geo Super TV channel to telecast the cricket world cup matches.
- ◆ Called for the payment of minimum wages to employees.
- ◆ Ruled against the employment of civil servants on contract.
- ◆ Took suo motu notice of irregular allotment of 4,000 pilots by the Capital Development Authority.
- ◆ Sought government's views on 686 illegal appointments in Port Qasim Authority (90 pc of the appointees belonged to two constituencies of Karachi.)
- ◆ Ordered registration of cases against those responsible for flood losses.
- ◆ Ordered replacement of the Sindh IGP and Rangers' chief after taking notice of the killing of a young man by Rangers in Karachi.
- ◆ Demoted 879 functionaries in the Sindh Police who had received shoulder promotion.
- ◆ Sought explanation from provincial governments for their refusal to run community schools.
- ◆ Sought a report on pollution in Manchar Lake.
- ◆ Took suo motu notice of non-payment of salaries to Pakistan Railways employees.
- ◆ Ordered the Election Commission to register eunuchs as voters.
- ◆ Ruled that the proposed decision to wind up the Basic Education Community Schools was without lawful authority and asked the National Commission on Human Development to continue running these schools. Later on the government was told to pay salaries to the staff.
- ◆ Took notice of torture on a detainee at a Lahore police station, admonished the IGP for making a false statement, took the SSP concerned to task for filing a wrong reports. (He was made OSD by the IGP).
- ◆ Sought report on Pakistan Railways land occupied by Rangers, Frontier Corps or other agencies/companies
- ◆ Ordered completion of old vehicles' examination within a month.
- ◆ Sought a report on registration of birth of children whose parents were not known.
- ◆ Took suo motu notice of the accident to a bus on the motorway, near Kallar Kahar, in which 39 people, including 34 students from a private school in Faisalabad, had perished, and called for compensation to the victims' families.

Detention set aside

The Islamabad High Court set aside the orders of detention against nine

men who had been acquitted by the LHC. Charged with involvement with the assassination of a senior army officer and possession of explosives/detonators, they had been convicted by a magistrate. The sessions judge upheld their conviction but they were acquitted by the LHC in appeal. Thereafter they were ordered to be detained by Deputy Secretary FIA/Interior, who, their counsel argued, was not competent to order their detention.

Judges abducted

Mr Jan Mohammad Gohar, District and Sessions Judges, Sibi and Mr Mohammad Ali Kakar, Civil judge, were abducted in Jafarabad district on 27 February while they were driving to Usta Mohammad town to attend a ceremony. There was widespread protest by judges and lawyers.

The abductees were recovered after 10 days from Jhal Magsi area. The authorities said no ransom had been paid for the two-judges' release. Their abductors released them when a gang of criminals was rounded up and two abductees belonging to Sindh were recovered.

Lawyer returns

Advocate Agha Shah, who had disappeared while travelling from Dera Murad Jamali to Sibi, in Balochistan, on February 13, returned home after more than four months. He had been appearing in cases of disappearance before the Balochistan High Court. His family told friends that he was not in full control of his senses and was physically very weak. The Bar president confirmed that Agha was unable to talk and did not reply to his questions.

Frivolous

During the year the superior courts received a number of petitions that bordered on the frivolous.

- ◆ The LHC was moved to see the Chief of the Army Staff made the Supreme Commander of the defence forces.
- ◆ The SC was petitioned to stop media propaganda against the military. The petitioner, a former Deputy Attorney-General, named Pemra and a few channels/analysts as the culprits.
- ◆ An advocate describing himself as a legal adviser to an Anti-Car-Lifting Association moved the apex court to establish a judicial commission to control the menace of car lifting.

Raymond Davis Case

One of the cases that caused great storms concerned a US citizen, Raymond Davis, who was arrested in Lahore after he had killed two young men, Faheem and Faizan, on a busy road. He had been described as a contractor working with the US embassy. However, the US government claimed he was a diplomat and thus enjoyed immunity. This claim was contested by the Punjab authorities and the Foreign office was divided. Eventually he was brought to trial before



The Raymond Davis case caused much public anger.

an Additional Sessions Judge. Soon after his indictment for double murder and possessing illegal weapons, the case came to a close following a back-door compromise. A lawyer appeared in the court and declared that the heirs of the deceased Pakistani men had accepted a compromise with Davis and received Rs 200 million as *diyat*. The court acquitted Davis and disposed of the case of illegal weapons by imposing a fine of Rs 20,000. Soon afterwards Raymond Davis was flown out of Pakistan.

Quit notice

The CJ LHC asked (July 12) the Punjab Chief Minister to remove corrupt patwaris or quit his office. The Lahore DCO was told to communicate the court's advice to the Chief Minister. The CJ also sought details of assets owned by the city's *patwaris*, naib-tehsildars and teshildars. The revenue department was described as the most corrupt department of the government.

At the end of the year no count of the patwaris sacked was available. The chief minister was in his office, as firmly ensconced as ever.

Policemen sentenced

An Anti-Terrorism Court in Faisalabad sentenced to 32 years' rigorous imprisonment each seven police officials, including two DSPs and three inspectors. They had been tried for thrashing Sahiwal lawyers and trespassing into the bar premises. The complainant, the Sahiwal Bar President, had also alleged that the accused had thrown some inflammable material on the lawyers causing burns to 28 of them. The court dismissed this allegation.

The incident had occurred on May 11, 2007 when the lawyers took out a torch-bearing rally in solidarity with CJ Iftikhar Mohammad Chaudhry after

his removal from office by General Musharraf.

Reform proposals

LJCP

The Law and Justice Commission, at its meeting on June 4, took note of the practice of giving small girls and women in marriage to resolve feuds under jirga/panchayat orders. The LJCP secretariat was directed to suggest amendments in the relevant laws so that stern action could be taken against the offenders.

The commission recommended repeal of the Federal Court Act, 1937, as it had become redundant.

It also recommended amendments to the Law and Justice Commission of Pakistan Ordinance, 1879, to include the CJ of the Islamabad High Court as a member, to empower the commission to sign MoUs with foreign commissions for research, and to provide for allocation of funds for provincial judicial academies.

The commission approved the rules to regulate the functioning of the District Legal Empowerment Committees to provide legal aid to poor litigants.

NJPMC decisions

The two-day (March 26-27) meeting of the National Judicial Policy-Making Committee (NJPMC), headed by Chief Justice Iftikhar Mohammad Chaudhry, took the following decisions:

- ◆ All courts in the country were directed to decide cases instituted after January 1, 2009 by March 31, 2012. The Chief Justice of the Supreme Court asked the chief justices of the high courts to monitor the performance of the district judiciary regarding disposal of old cases. The courts were also to be asked to submit fortnightly reports about disposal of these old cases.

- ◆ The committee took notice of complaints of corruption against judicial officers and the court staff and received reports of the actions taken by the high courts in this area, including the sacking of a number of officers. Reaffirming Its policy of zero tolerance for corruption, the committee asked the high courts to take firm action, through improved mechanisms, against anyone who had a bad reputation or possessed assets beyond his ostensible means of income. The high courts were also requested to supervise the working of Inspection Teams and their actions against the corrupt and inefficient officials. A three-member committee was set up to review the working of criminal district coordination committees.

- ◆ The committee observed that the working of special courts and administrative tribunals was not upto the mark. Their functioning had to be monitored by high courts to ensure they met litigants' expectations.

- ◆ As regards the various factors hindering dispensation of justice, including non-submission of challans, non-production of under-trials and delays



The jirga rule was not challenged.

in investigation, it was decided that the registrars, MITs, home secretaries of the provinces and directors of reclamation and probation should meet every month to monitor and improve the working of their institutions.

- ◆ Taking note of the pathetic conditions in jails the committee stressed the need for constructing new jails. The federal government was asked to expedite the construction of a prison in Islamabad.

- ◆ A review of the judiciary's work since the National Judicial Policy was enforced in 2009 showed that the courts (district judiciary to the SC) had decided 4,935,731 cases while the number of new cases was 4,572,690 (493,041 less than the cases decided).

The two-day meeting of the NJPMC in May expressed the view that as a result of faulty and half-hearted investigation in criminal cases, non-submission of challans, and non-production of under-trials in courts the overall conviction rate had been falling and dispensation of justice was impeded.

The committee asked the federal and provincial governments to establish Police Complaint Authorities as envisaged in the Police Order. The IGPs were asked to ensure that challans were submitted within the stipulated period and the defaulting officials were properly dealt with. Although the problem of non-production of under-trials in courts had been addressed to some extent, the committee asked the sessions judges to ensure production of detainees in courts on the due dates. The committee also recommended regular monitoring of criminal justice issues at the district and provincial levels.

Taking a serious view of the vacancies in 10 out of the 11 Anti-Terrorism Courts in Sindh the committee asked the provincial government to fill all such posts within a fortnight.

Appreciating the progress made by the LHC on the long delayed cases of some prisoners at the Adiala Jail, the CJP asked the high court CJs to direct all

sessions judges to transfer five oldest cases from each jail to their roster on monthly basis for fast track disposal.

While reviewing the data on jails the committee noted that the policy of speedy disposal of cases had led to a decline in the jail population. However there was a need to set up cottage industries in jails and to take effective measures to control the spread of diseases such as hepatitis and HIV Aids.

Judicial conference

The National Judicial Conference held in Islamabad in April made a number of recommendations to the National Judicial Policy Making Committee (NJPMC). These included:

- ◆ A multidimensional approach must be adopted for further improving the implementation of (judicial) policy. Dialogue between bench, bar and other stakeholders should be encouraged by creating a sense of ownership about the policy. A trickle down impact of the policy would be substantive justice rather than focusing on mere disposal of cases.

- ◆ Public interest litigation would be more successful if separate benches of judges were established to hear the human rights cases for a specified time, if the SC adopted procedural rules to channelise cases, the legal fraternity was enabled to report cases of human rights violations to high courts and preliminary inquiries were held before taking suo motu action.

- ◆ The bench and bar should work in a friendly atmosphere while maintaining a professional distance along with dignity, appreciation of and respect for each other. Periodic inter-professional learning workshops should be organized.

- ◆ The measures of deterrence, prevention and education should be applied to counter corruption

- ◆ The bench and bar should jointly formulate and propose credible amendments in the existing laws/rules for ADR (Alternative Dispute Resolution).

- ◆ There is a dire need for reformation of jails to provide such an environment to the convicts that after serving their term they should be reintegrated into society as responsible and law-abiding citizens. The jail manual provisions must be fully enforced. Women and juveniles should receive due care.

- ◆ Plagiarism and counterfeiting should be treated as theft, deception and robbery. Counterfeiting medicines, syringes, healthcare devices, diagnostic kits and other related medical equipment should be declared serious offences against humanity with enhanced punishment.

- ◆ The curriculum of legal education should be so designed that it should just not be skill based but should also pave ways for the rise of future legal jurists. A council or committee comprising all the stakeholders should be

constituted with the responsibility of formulating a National Legal Education Policy.

◆ State-of-the-art and contextually relevant information technology must be used to solve the widely known problems of the justice system. The National Judicial Automation Committee should be empowered to play a leading role in conjunction with justice sector IT experts both in public and private sectors.

Cases on religious grounds

Three sentenced to death for blasphemy.

According to information available to HRCP, three men, all from Punjab and all of them Muslim, were awarded death sentence under 295-C, the main blasphemy provision, during 2011. They are.

1. Malik Rafique, of Ahmadpur Sharqia, under 295-C; February
2. Malik M. Ashraf, of Jhelum, under 295-C and 298; also awarded 10 years' imprisonment; March.
3. Abdul Sattar, of Talagang, under 295-C; June.

The four other persons whose cases were decided during the year, all under 295-B (desecration of the Holy Quran) and awarded long prison terms, all Muslim and all belonging to Punjab, are:

1. M. Ishaque, of Gujranwala, life imprisonment.
2. M. Shafi, Multan, imprisonment for 40 years and fine Rs 200,000.
3. M. Aslam, Multan, son of M. Shafi at # 2, imprisonment for 40 years, fine Rs 200,000.
4. Faisal Aslam, Lahore, life imprisonment.

Died in prison

Three persons (all Christians) charged with offences against religion – one convict, two under-trials – died in prison.

- ◆ David Qamar, serving life-term, in Central Jail, Karachi.
- ◆ Shaukat, facing trial under 295-B, District Jail, Lahore.
- ◆ Aslam Masih, facing trial under 295-B, District Jail, Lahore

The data available at HRCP shows that 26 new cases of offences against religion were reported during the year. In one of these cases, a grade 8 girl student, Faryal Masih (Christian), from Havelian, was not charged. She had inadvertently put a dot on the Urdu word 'naat' at the wrong place. Though spared a trial, she was expelled from the school.

The number of persons named in the 25 new cases was 28 – six of them female – and in seven cases the accused were charged under sec 295-C (insulting the name of the Holy Prophet (PBUH)). The particulars of these cases are as

follows:

Cases against Muslims

Sr	Name	Province	Distt/ City	U/S. PPC	Allegation
1.	M Samiullah (Student)	Sindh	Karachi	295-C	Used derogatory language against the Prophet (PBUH) in answer to a question in examination.
2.	Shafique	Punjab	Okara	295-C, 295-A,	Hoisted a flag bearing holy symbols and tied up with a shoe shelf.
3.	Yaqoob	Gilgit	Gilgit	295-C, 298	Uttered derogatory remarks against the Prophet (PBUH)
4.	Adnan Rafique	Punjab	Lahore	295-C	Sent a derogatory message
5.	Manzoor	Punjab	Lahore/ Kahna	295-B	Burnt Quran pages
6.	Ms Samina	Punjab	Rahim Yar Khan	295-B	Burnt Quran pages
7.	Ms Khalida Parween (Mentally challenged)	Punjab	Nankana	295-B	Burnt the Holy Quran
8.	Ghulam Mustafa	Punjab	Multan	295-B	Insulted the Quran
9.	Ms Alia	Punjab	Rahim Yar Khan	295-B	Burnt the Quran pages
10.	Saiful Mulook	KPK	Hangu	295-B	Desecrated the Holy Quran
11.	M. Shah	KPK	Kohat	295-B	Insulted and burnt the Holy Quran
12.	Liaquat	Punjab	Qasur	295-B	Desecrated the Holy Quran
13.	Unknown	Balochistan	Quetta		Insulted the Quran
14.	Ghaus Mohammad	Punjab	Naushera Virkan	295-B	Not clear
15.	Mohamamd Aslam	KPK	Ghazipur	295-B	Insulted the Quran
16.	Ms Noor Elahi	Punjab	Vehari	295-B	Insulted the Quran

Sr	Name	Province	Distt/ City	U/S. PPC	Allegation
17.	Gul Zaman	KPK	Peshawar	295-B	Desecrated the Holy Quran
18.	Adil Rashid	Punjab	Lahore	295-B	Insulted the Quran
19.	Amjad	Punjab	Sialkot	Not clear	Not clear
20.	Ms Samreena (Wife of Amjad)	Punjab	Sialkot	Not clear	Not clear

Cases against Christians

Sr.	Name	Province	Distt/City	U/S. PPC	Allegation
1.	Anwar Masih (Father) Farhat Masih (Son)	Punjab	Gujranwala	295-B	
2.	Babar Masih	Punjab	Chichawatni	295-C	Uttered derogatory remark about the Holy Prophet (PBUH)
3.	Khurram Masih (Husband) Mst Bano (Wife)	Punjab	Lahore	295-B	Used Quranic pages to lit a fire for cooking
4.	Sajjad Masih	Punjab	Gojra		Sent derogatory remarks against the Prophet (PBUH)

Cases against Ahmedis

Sr.	Name	Province	Distt/City	U/S. PPC	Allegation
1.	Rana Sajjad Ahmad (Student)	Punjab	Khushab	295-C	Insulted the Prophet (PBUH)
2.	Basharat Ahmad	Punjab	Gujrat	295-B	Threw a book containing scriptures in Arabic

Ahmedis killed

Six members of the Ahmediya community were reported to have been murdered during the year, most of them apparently for their belief;

1. Ms Mariam Khatoon (36 years) District Layyah, Tehsil Chubara, shot

dead on December 5, 2011 by a party that tried to seize her land by force.

2. Rana Dilawar Husain (42) teacher, Sheikhpura, attacked by two unknown motorcyclists in his school.

3. Bashir Ahmad, shot dead.

4. Nasim Ahmad Butt, (55) Faisalabad, shot down on Sept 04, 2011.

5. Mabroor Ahmad, Nawabshah, shot down on July 11, 2011.

6. Rana Zafarullah, Sanghar, shot down on March 18, 2011, outside his home.

Death penalty

The moratorium on the execution of the capital punishment enforced by the present government in 2009 remained in force throughout the year and nobody was hanged. HRCP continued its drive for statutory abolition of the death penalty. While organising rallies across the country on October 10, 2011, the Abolition of Death Penalty Day, HRCP expressed gratification that 1,040 days had elapsed since the last hanging in Pakistan and renewed its call to the government to formally join the ranks of the abolitionist states.

New cases

Meanwhile, the data available at HRCP showed that in 2011 the number of convicts awarded death sentence declined by 12 p.c. over the 2010 figures. The details are as follows:

	2011	2010
No of cases in which conviction was possible	210	232
No of convicts awarded death	313	356
	(M. 307)	(M. 349)
	(F. 6)	(F. 7)

Offences committed by convicts (in cases noted and the 2010 figures in brackets), murder 161 (187); kidnapping for ransom 9(14); murder in robbery 11(11); drug trafficking 9 (11); murder after rape 7 (7); murder after kidnapping 5 (8); rape 2 (1); NA2 (2); other crimes 1 (0); blasphemy 3(1). Total cases 210 (232).

The forums awarding capital punishment were (2010 forums in brackets): courts of sessions 157 (171); Anti-terrorism courts 42 (54); Anti-narcotics courts 2 (0); military courts 2 (0); local courts 4 (4); LHC 0(1); Not available 3 (2). (Total cases 210 (232))

Recommendations

1. *The statement that all institutions of the state should function within their constitutional limits has become a cliché that is more often than not respected in breach than in compliance. The executive must realize that it has*

44 *to accept the judiciary's decisions and the judiciary must see as much merit in judicial restraint as there could ever be in judicial activism.*

2. *There is a limit to which the superior courts can undertake the cleaning of the government's stables and the recent experiences in this area have revived the argument for a revamping of the hierarchy of judicial forums. There is an urgent need to debate the desirability of creating a separate constitutional court, reducing the burden on the Supreme Court by making the high courts the final courts of appeal in many cases, and setting up effective accountability mechanisms at both federal and provincial levels.*

3. *There is an urgent need to pay heed to two recommendations of the 2011 National Judicial Conference in particular. The first recommendation says that a trickle-down effect of the judicial policy and its aim should be securing of substantive justice rather than focusing on a mere disposal of cases. And the second suggests a wholly new paradigm for public interest litigation and exercise of the suo motu jurisdiction.*

4. *The bench-bar relations need to be reviewed not only for mutual good but also with an eye on the inviolable interests of the people. A bar that moves so close to the judiciary as to lose its distinct identity may be as undesirable as the one that casts itself permanently in an adversarial role.*

5. *It is time the possibility of abolishing the death penalty by law was given serious consideration*



2. Enforcement of law

**State of
Human
Rights
in 2011**

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

While the number of terrorist attacks and casualties in those attacks declined in 2011, militancy, growing lawlessness and ethnic, sectarian and political violence exposed the government's inability to ensure security and law and order for people in large parts of the country.

The persistent and increasingly bloody violence in the country's financial capital Karachi claimed hundreds of lives and only seemed to be getting worse in a city where the political parties and crime mafia were believed to have joined hands to pursue their respective agendas.

In addition to crime in Balochistan, the ethnic and sectarian undertones of conflict in the province and the government's inability to find political solutions to essentially political matters made matters worse. Sectarian attacks and clashes were reported from many parts of the country. Attention was not given to poverty, acute economic inequalities and other social reasons for crime, which seemed out of police control in urban and rural areas alike. The law and order situation was particularly precarious in all big cities with crimes such as armed robbery and kidnapping for ransom, frequently reported. The law and order authorities' ability to alienate themselves undermined efforts to gain people's support in fighting crime and the stubborn refusal to use scientific techniques to investigate crime meant that many probes went nowhere.

Extrajudicial killings were reported from all parts of the country in a large



Hate mongers spilled blood at will.

number and lack of effective accountability mechanisms meant that action was only taken when the superior judiciary took interest in the matter or the excesses were covered by the media. Police and security forces, militants and insurgents and drone attacks were blamed for most of the extra-judicial killings in Pakistan in 2011.

Despite efforts by the government for a number of years now, human traffickers seemed to be able to operate without too

much difficulty and contributed to the death of scores of people who sought to leave the country in search of a better future.

Military operations in FATA and the situation in Balochistan kept many parts of the two regions more dangerous than others.

Karachi violence

Violence in Karachi exploded intermittently and inexplicably throughout the year, with July and August the most violent months. As many as 1,715 people were killed in these sudden flare-ups in 2011. People were confined to their houses for weeks in some areas and in others members of ethnic minorities sold properties to move to areas where their ethnic community was in majority. HRCP regretted that the solution to the strife in Karachi was seen only in the context of retaining coalition partners, and not as a tragedy of human lives being lost every day. It called upon the government to take measures to find a lasting solution to the bloodletting in the port city.



Karachi: Violence exposed children to heartache.

An HRCP fact-finding mission that visited Karachi in July to look into the causes of the violence in the city learned that criminal mafias and political patronage of criminals had contributed much to lawlessness in the city. Leaders of some political parties said in meetings with the HRCP mission that weapons and reliance on criminal elements had become such a feature of the political scene that only those having these tools would be able to contest the next elections in Karachi. Political parties using the ethnic card to further their interest also played a part in polarisation of the city. *[See the section 'HRCP Stands']*

Steps to de-weaponise the city were not taken despite repeated calls by the people. In the absence of effective measures, the peace of the city remained at the mercy of the mischief makers and frequent bouts of violence were

expected to continue into the new year.

Killings in Karachi violence in 2011

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
115	69	206	131	106	161	355	284	57	73	77	81	1,715

Kidnapping for ransom

Kidnappings for ransom were reported from all big cities. In Karachi the incidence of this crime was said to be at a decade high.

There was a marked increase in such kidnappings in Karachi. As many as 125 cases of kidnapping for ransom were registered in Karachi, the highest in a decade. In 2002, 25 cases were registered in 2003, 33 people, in 2004, 39, in 2005, 39, in 2006, 28, in 2007, 64, in 2008, 92, in 2009, 85 and in 2010 this number was 112.

The actual number of cases was bound to be higher as many families declined to register cases and resented police interference for recovery of victims.

In addition to the established criminal syndicates specialising in such kidnappings, new ones, affiliated with terrorist/militant organisations, also became active.

Kidnapping for ransom also remained rife in Balochistan where members of the Hindu community held several protest rallies to condemn targeting of members of their community by the kidnapers.

As many as 93 incidents of kidnapping were registered with the police but again the actual figure was believed to be considerably higher.

Extra-judicial killings

Extrajudicial killings by various elements continued in the country in 2011. Both state and non-state actors were held responsible. According to media reports, police personnel were the most active actors in the area of extra-judicial killing. Such killings also occurred in US drone strikes in FATA, as well as in attacks targeting ethnic and religious minorities by extremist militants or insurgents.

According to media reports, there were 74 drone strikes in the country in 2011. As many as 517 people were killed in these attacks. The drone strikes in 2011 were fewer in number and in terms of casualties than the previous year, when 134 strikes had claimed the lives of 957 people. That could partly have been on account of a hiatus in strikes twice during the year. First when alleged CIA operative Raymond Davis was detained in Lahore for the murder of two Pakistani citizens in January and latter following the November 26 NATO airstrikes on Pakistan's military's posts along the border with Afghanistan.

There is no way of independently verifying claims but human rights

activists have reported significant civilian casualties as a result of the strikes. Women and children were also reported to have been killed in some strikes. According to media reports, which were also often not first-hand accounts, many people killed in drone strikes in FATA were civilians. Pakistan insisted that it had not authorised the strikes but made no efforts to raise the matter internationally despite observations by international law and UN experts that drone attacks were manifestly illegal.



Dr. Baqir paid the price for being truthful.

In Balochistan, there were reports of recovery of the dead bodies of at least 173 people who were said to have been picked up by security forces personnel. *[See the chapter 'Jails, Prisoners and Disappearances']*

A number of cases of target killing of settlers and members of minority communities were reported. Baloch insurgents often claimed responsibility for the former category and sectarian terrorist groups for the latter. Many of the settlers were daily wage workers and barbers. More than 100 members of the Shia community were also killed extra-judicially during 2011.

Target killing and abduction and murder of political activists were reported, mainly from Balochistan and Sindh. Extrajudicial killing in Karachi was a class apart in its brazen nature and frequency. *[See the section on violence in Karachi]*

Killings and other excesses by police

Police encounters largely remained euphemism for extrajudicial killings. Use of lethal force remained the defining characteristic of police encounters in 2011. According to media reports, one person was killed in a police encounter every 26 hours during the year. A police encounter occurred every 34 hours on average. In the year under review, at least 254 police encounters took place across the country. As many as 337 suspects were killed in these encounters and another 71 were injured. As in previous years, the number of suspects captured alive after encounters remained very low by comparison. As many as 117 suspects were arrested following police encounters in 2011. Fifty-seven policemen were killed and 98 were injured in these encounters. In as many as 142 encounters, in which neither a policeman was killed nor injured, as many

as 237 suspects were killed and another 51 injured. (HRCP is not in a position to determine how many of the encounters were genuine and where the police had no option but to kill a person. It just wishes to point out that in a large number of encounters the use of force was so manifestly excessive that it merited closer scrutiny. Statistics alone suggest that capturing suspects alive was not a priority, even when they might not have constituted a risk to the lives of policemen. Besides, police killing suspected criminals in encounters, media reports also highlighted illegal detentions and torture in police custody. Scores of cases of recovery of illegally detained people from police custody were reported.

Lies and cover-ups

A number of extrajudicial killings were so brazen and brutal that they caused nationwide outrage.

These included the killing of five unarmed Chechens in Kharotabad, near Quetta, by police and the paramilitary Frontier Constabulary (FC) personnel on May 17. The security personnel initially claimed that the five, including three women, were Al Qaeda-linked would-be suicide bombers, who had been killed after an exchange of fire. The Quetta police chief later claimed that the five had been killed in a bomb explosion and that hand grenades, other explosives and detonators had been found on them. However, later it emerged that the five victims were unarmed. The uproar occurred after video footage showed the security forces personnel shooting the Chechens, and there was no sign of an explosion. The Chechens had reportedly wanted to approach the FC checkpoint to complain about police forcing them to pay a bribe. However, the police contacted the FC authorities and said that the five persons heading their way were suicide bombers. The Balochistan government ordered a judicial inquiry into the killings headed by a judge of the Balochistan High Court. The



Rangers' way of restoring the writ of the state.

judge rejected the Balochistan advocate general's request for in camera proceedings. The tribunal ordered suspension of all police and FC personnel who had taken part in the Kharotabad killings. Earlier, the Quetta police chief was also stripped of his assignment. A number of witnesses who deposed before the inquiry tribunal claimed being harassed. A photojournalist who recorded his statement before the tribunal complained of intimidated and being followed by men in vehicles with tinted glasses. The cab driver who had driven the five victims to the post told the tribunal that he had lied in an earlier statement that the victims were armed because the police had threatened to arrest him unless he stated that the victims were armed with hand grenades and were shouting Allah-o-Akbar (God is great). Police surgeon Dr Baqir Shah, who had conducted post mortem examination on the bodies, informed the tribunal that the five victims had died of bullet wounds and in a grenade or bomb explosion. Later the same day unidentified men beat up the surgeon, who said that he had been punished by policemen for deposing before the tribunal.

The Senate formed a special committee to probe the matter. The NA Committee on Human Rights also formed a fact-finding committee. The committee called the killing sheer violation of human rights and demanded that the personnel be punished publicly. Members of the committee demanded cuts in the budget of the security forces.

The judicial tribunal submitted its findings to the provincial government in June. Initially, the provincial government said that the inquiry report would remain classified. However, the Balochistan chief minister stated 24 hours later that the report would be made public. The judicial inquiry found four police and FC officials responsible for the killings and for "excessive use of force". However, the parts of the report made public did not suggest any action against those found responsible.

On December 29, Dr Baqir Shah was assassinated in a targeted killing in Quetta. HRCP expressed deep regret that despite known threats and an attack on him earlier, Dr Shah had not been provided protection by the authorities. HRCP said that Dr Shah's killing demonstrated once again the impunity with which death squads operated in Balochistan.

Murder caught on tape

The murder of an unarmed youth in a public park by paramilitary troops in Karachi on June 8 caused national outrage. Initially, the media reported that paramilitary Rangers personnel had killed an armed robber who was identified as Sarfraz Shah. However, a cameraman of a private TV channel made a video of the shooting, which was aired by several news channels. The video showed a man in civilian clothes grabbing Sarfraz by his hair and dragging him over to a group of Rangers. Sarfraz pleaded with Rangers personnel as one of them pointed a gun at his throat, while another asked the troops to aim lower, at his legs. A Rangers personnel kept pushing Sarfraz away, apparently because he did not want to shoot him at a point-blank range. Sarfraz was shot as he fell

backwards. As he lay screaming in pain in a pool of blood and repeatedly asked to be taken to a hospital, the Rangers ignored his pleas and stood around him rather than rushing him to a hospital. He was taken to a hospital more than half an hour after the shooting and died soon after. The doctor who treated him said that he was 'almost dead' on arrival on account of excessive bleeding from gunshot wounds.

Amid widespread condemnation, the government removed the Sindh Rangers chief and the chief of the Sindh police following an order to that effect by the Supreme Court.

Six Rangers personnel and a civilian were charged with Sarfraz's murder and tried by an Anti-Terrorism Court. On June 12, the court sentenced to death the Rangers constable who had shot at Sarfraz and killed him and awarded life imprisonment to five other personnel and a civilian. Each of the convicts was fined Rs 200,000 and ordered to pay a compensation of Rs 100,000 each to the family of the deceased. The convicts said they would appeal.

As with the killing of two brothers by a mob in Sialkot in 2010, it was the video footage that incensed the nation and the conviction was handed down within one and a half months. The media also played a part even though efforts were made to cover up the crime. These included threats extended to the doctor to depose that the Sarfraz was alive when he was brought to the hospital. The

Torn between mother's love and police's fear

In May, judicial inquiries into two similar encounters by the police in Faisalabad district determined that both alleged encounters in which six men were killed were staged. The killings had taken place in police shooting on October 26 and December 5, 2010. The government had ordered an inquiry by a judicial magistrate following protests by civil society. One of the victims was alleged to have been killed at the behest of a provincial minister because of political difference. The minister denied the charge. In her deposition, the mother of the deceased said her children lived abroad and her husband had died and that there was no need for an inquiry and she would not object if police officials were exonerated. The inquiry report said the post-mortem of the deceased contradicted the police story of an exchange of fire and showed that the deceased had received nine injuries, his skull had several fractures and there was a blood clot in his brain. There were three stitches on his head when the body was brought for post mortem. The report indicated that the deceased had been beaten up severely. The judge noted that the deceased's mother had maintained her son's innocence but was afraid of the police. He found six policemen responsible for the extra-judicial killing.

cameraman who had shot the video started receiving threatening phone calls, and was so fearful for his life that he went into hiding in another city.

Abuse of power and resort to extrajudicial killings by law enforcement and security agencies was not confined to any one region or province of the country.



Sarfrash Shah begged for his life to be spared.

Two days after the killing of Sarfrash, on June 10, police in the eastern city of Lahore, in the Punjab province, shot at and killed a young man, Shahbaz Butt, allegedly in an exchange of firing during a robbery attempt. The family vehemently protested the police claim and stated that police had detained Shahbaz at the store and tortured and killed him in custody. According to the autopsy report, Shahbaz was shot at eight times from a close range. The Punjab chief minister requested the Lahore High Court (LHC), the highest judicial forum in the province, to hold a judicial probe into the killing. The LHC chief justice took suo motu notice of the case and stated during the course of the hearing that the police would not be allowed to play with people's lives. The Punjab police chief appeared before the LHC and stated that the four policemen believed to be involved in the killing, including a deputy superintendent of police (DSP), had been arrested and a police team constituted to investigate the incident. The police inquiry concluded that the encounter had been staged and that the police had executed Shahbaz in their custody.

The LHC ordered the police chief to file a report on all police encounters since 2010 and constitute a committee to verify previous encounters in the province. It further ordered the IGP to set up a forum to redress the grievances of victims of fake encounters.

In June, the Punjab police chief formed a 10-member board with the stated aim of checking staged encounters. The board had been formed on the direction of the Lahore High Court chief justice. It consisted only of policemen. The head of the board was also to head the Inspection and Vigilance Cell (IVC) already established in 10 regions of the province. Families of those killed in staged encounters could approach the IVC or the board for holding a probe. Complaints could also be filed with the board regarding past police encounters.

The Sindh government informed the SC in January that the provincial

government had sanctioned Rs 500,000 for the heir of each of the three victims of a fake police encounter in Khairpur district. The court was informed that the policemen responsible had been sacked and were being tried for murder.

In February, six policemen in Mianwali district of Punjab were booked on charges of premeditated murder for killing two men in a fake encounter. The action was taken after relatives of the deceased blocked a main road in protest.

Terrorist attacks

As many as 44 suicide attacks were reported across Pakistan in 2011, claiming the lives of 669 people as against 1,159 deaths in 67 suicide bombings in the previous year. Twenty-seven of these attacks occurred in Khyber Pakhtunkhwa, killing 438 people. Most of the casualties were civilians.

In all, at least 1,887 incidents of attack by militants, nationalist insurgents and sectarian-related violence were recorded. These claimed the lives of 2,307 people and injuries to 4,341 others across Pakistan. As many as 643 terrorist attacks were reported in FATA, the highest for any region in the country, followed by Balochistan (615), Khyber Pakhtunkhwa (497) Sindh (75, including 56 in Karachi), Punjab (28), Gilgit Baltistan (24) and Islamabad (3).

Attacks on military installations were also reported including the one on Pakistan Navy's airbase in Karachi in May that demonstrated that the terrorists retained the ability to strike despite military operations and crackdowns.

Conflict zones

In the conflict zones, where the military or paramilitary forces were facing off militants, the focus was on defeating the militants by military force and curbing crime, restoration of the law order did not appear to be as much of a



Suicide attackers targeted a paramilitary training facility in Charsadda.

Making up after murder

In January, the Supreme Court (SC) criticised an agreement between police and the heirs of a man killed in a staged police encounter in Sialkot and ordered the Punjab police chief to find out how a compromise was reached without the payment of *diyat* (blood money) and compensation to the victim's family. The chief justice deplored the fact that the compromise was reached even after the court had been assured that strict action would be taken against those involved in fake police encounters. He said that it appeared that the police had forced the victim's family to compromise. The three-member SC bench expressed concern that the accused policemen had been given bail before arrest and could influence the investigation.

priority. In Khyber and Kurram agencies of FATA sectarian tensions and attacks forced the minority Shia community to fend for itself. The Hazara Shias of Balochistan, who did not give any cause for offence to anyone and did not believe in taking up arms were visited by repeated massacres by banned sectarian groups that appeared to have no problem in moving about despite the litany of security check posts in Quetta and other big cities of the province. [See the chapter 'Freedom of Thought, Conscience and Religion']

Human trafficking

Pakistan is a country of origin, transit and destination for human trafficking. There is also believed to be considerable internal trafficking. In December, the interior minister said that Pakistan's name had been removed from an international watch list in connection with human trafficking because of efforts of the Federal Investigation Agency (FIA) towards curbing the trafficking.

He made the statement only 10 days after HRC had called upon the government to probe how at least 170 Pakistanis from Balochistan ended up on a vessel of human traffickers that sank off the coast of Indonesia. At least 55 young men from Balochistan's Hazara community perished in the accident.

Human trafficking was also reported to be big business in some districts of Punjab from where a large number of residents had gone abroad. The change in the financial situation lured others to follow suit at any cost, even by relying on human traffickers.

Threats to NGOs and HRDs

Amid a general deterioration in the law and order situation and increasing lawlessness, all citizens were exposed to crime, but aid and NGO workers and human rights defenders were often specifically targeted because of their work. Rights defenders and journalists in the field also faced threats in their efforts to tell stories that vested interests wanted to remain untold. Three human rights

defenders associated with HRCP were killed in 2011 for raising their voice for promotion and respect for rights. Several NGO workers were abducted and journalists killed. The perpetrators remained unscathed almost without exception. [See the chapters 'Freedom of Expression' and 'Freedom of Association']

Recommendations

1. *Quite apart from respecting human rights, the authorities must know that it makes good sense to have the people on their side in the fight against crime. The police need to be reined in and their image needs a major makeover if the people are to start trusting and helping the law enforcers. Every single injury or death in a police encounter must be probed without the family asking for it. Compensation for the victim must be awarded in addition to punishment for the perpetrator wherever any excess is identified. All manners of extrajudicial killings must be vigorously pursued to ensure accountability.*

2. *The government must think beyond appeasement and find a way out of the vortex of violence that Karachi and Balochistan have become. Without focusing on ridding the port city and indeed the country of the abundance of weapons, law and order restoration will remain elusive. Political means of conflict resolution should be given a chance in Balochistan. Across the board de-weaponisation must be accompanied by credible commitments by the state to protect the people so that they do not have to keep weapons to do that themselves.*

3. *In its keenness to curb lawlessness, the government must guard against reliance on one-dimensional strategies. Use of force or stringent punishments for criminals would only go a little way without addressing acute poverty, economic inequality and other social causes of crime.*

4. *More must be done to ensure protection for human rights defenders, civil society activists and journalists because of the importance of their contribution to society and in view of the heightened risks they face on account of their work.*

5. *A robust campaign should be launched to sensitise the people to the risks that reliance on human trafficking can lead to.*

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

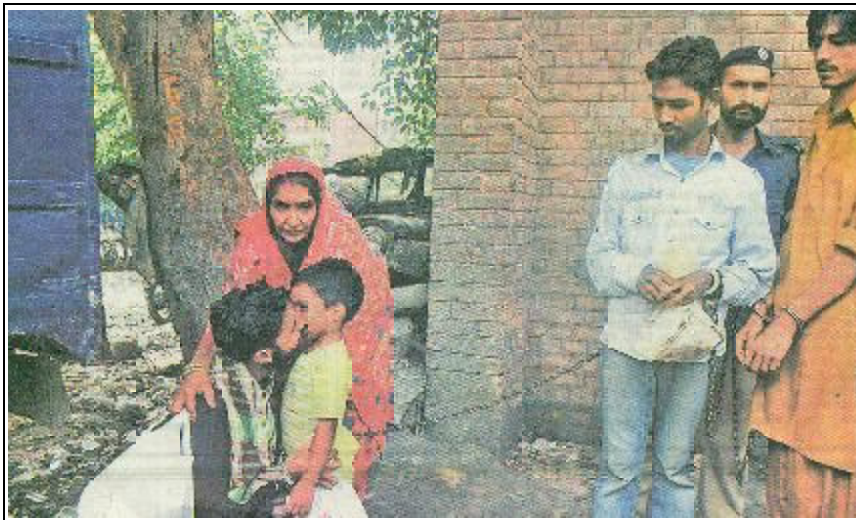
Prisons across the country remained overcrowded and the penal system

beset with corruption, poorly trained prison staff, torture, prisoner abuse and weak accountability mechanisms.

As in earlier years, much of the prison population comprised under-trial prisoners. The preference for custodial sentences swelled prisoners' numbers as many remained jailed for the sole reason that they could not afford to pay the small fines that stood in the way of their release. Almost every time members of the judiciary visited a penal institution, many detained for petty offences were reported to be released. If there were more jail visits by judges, a good number of others who should not have been detained in the first place would certainly have won their freedom. Lack of fuel or vehicles to transport under-trial prisoners to courts kept the accused confined in jails without sentence.

In overcrowded jails it was next to impossible to keep convicted hardened criminals and under-trials or first-time offenders separate. This did not bode well for reforming the inmates. The decision of building more detention facilities was presented as the panacea to overflowing prisons, but the strategy ignored the fundamental issue. Prison population could not be reduced without taking under-trial detainees to courts for trial, considering non-custodial punishments and bringing a change in courts' inclination to deny bails more often than not.

Cramped conditions compromised any attempt at prisoners' reform. There was almost no focus on rehabilitating the released prisoners. The interior minister conceded in the National Assembly in February that use of narcotics, weapons and crime were common in prisons. Fights often broke out among detainees or between prisoners and prison guards. Several riots in jails across the country were reported. The more serious ones occurred in Hyderabad,



In the district courts: A family meeting.

Dera Ghazi Khan, Sukkur, Larkana, Kohat and Gilgit prisons. At least seven prisoners were killed and 40 injured in the Hyderabad jail riot as the authorities tried to take control of the prison from inmates protesting the suspension of gas and electricity at the prison. The authorities were accused of sending riot police in when negotiations with the inmates were underway as well as of using excessive force. After the riots, 400 prisoners were shifted to other jails in the province.

Torture and abuse remained common in prisons and many incidents came to light. In April, a medical report on the order of a court in Gujranwala concluded that a 17-year old inmate had been sexually assaulted in prison. The victim refused to identify his tormentors for fear of reprisal.

The medical examination of an inmate in a prison in Vehari district revealed that he had been tortured by jail officials. A court had ordered the medical examination. The injuries included a skull fracture.

In April, the president signed into law a bill that entitled under-trial prisoners to statutory bail if they were charged with any offence that was not punishable by death and had been in detention for one year.

All provincial prison chiefs informed a Senate body that because of access to cell phones in prisons, hardened criminals ran their networks from jail and militants routinely threatened police officials, but the prison authorities were not being allowed to install jammers in the prisons by Pakistan Telecommunication Authority. Jammers were later installed in parts of at least some prisons. The Senate Functional Committee on Human Rights observed that keeping inmates in excess of authorised capacity was a human rights violation.

The high incidence of death among inmates continued and at least 92 detainees died in prisons across Pakistan in 2011. At least 99 prisoners were reported to have been injured.

Pakistan has probably the largest death-row population in the world, although there has been an informal moratorium on executions since late 2008. As many as 313 more people were added to the 8,000-odd population of death penalty convicted in the country in 2011.

The phenomenon of enforced disappearance continued in 2011 despite the Supreme Court's continued hearings. The highest number of victims of enforced disappearance was again reported from Balochistan, but the practice was clearly taking root in Sindh as well. In Balochistan, the dead bodies of 173 victims of enforced disappearance were recovered.

Bursting at the seams

The prisons across Pakistan remained overcrowded in 2011 also. Of the 32 prisons in Punjab, all but two had inmates in excess of authorized capacity.

Against the total holding capacity of 21,527 prisoners, 53,402 inmates were detained in the province's jails. The number of inmates in prisons in Gujranwala (3,869 instead of the allowed 913), Sheikhpura (2,456 instead of 590) and Multan (1,015 instead of 229) was more than three times the allowed maximum. In eight other prisons, the number of inmates was more than twice the sanctioned capacity. As many as 65 percent (35,215) of the prison inmates in Punjab were yet to be convicted and were detained under trial.

The highest number (6,175) of death penalty convicts from any region in Pakistan was in Punjab, amounting to more than 11 percent of the overall prison population. There were 852 women in the prisons in Punjab, 27 of them were on death row.

Prisons in other provinces were also crowded but nowhere as much as in Punjab. In Sindh, the 26 prisons held 13,931 prisoners at the end of the year, against the capacity of 10,560. As many as 10,865 inmates in the prisons in Sindh were under trial. There were 330 death row prisoners in Sindh, one of them a woman. In all, there were 120 women prisoners and 307 juvenile prisoners in Sindh. All except 40 juvenile inmates were under trial. Thirty-three babies were also confined in Sindh's jails along with their mothers.

Although the jails in Balochistan were meant to hold a maximum of 2,758 inmates, and there were 2,563 prisoners, but five of the 12 prisons still had more prisoners than the authorised capacity. There were 19 women and 83 children in Balochistan's prisons. As many as 1,387 inmates were convicted and the rest under trial and 106 inmates were on death row.

In Khyber Pakhtunkhwa the prison population was almost as much as the allowed capacity of nearly 8,000 but some prisons were still over-crowded.

In five prisons in Gilgit Baltistan, there were 277 inmates against the sanctioned capacity of 1,340, but in two jails the prisoners' number was still over 50 percent more than the capacity.

Prisoners took extreme measures to draw attention to their plight. In November, an inmate of a prison in Timergara went on a 14-day hunger strike to protest the fact that he had been in the judicial lockup for 18 months but his trial had not started. He was given food through a pipe to save his life.

Decisions such as keeping death-row prisoners out of death cells and allowing conjugal visits were not implemented. Death row prisoners in Peshawar's Central Prison threatened a hunger strike till death if the authorities did not shift them from the death cells to other barracks, as was required under a law passed in 2010.

Healthcare for prisoners

Healthcare facilities remained woefully inadequate in prisons. It often took orders of a high court to take the most obvious initiatives for prisoners' well-

being. In October, the Sindh High Court (SHC) directed the provincial secretaries of the finance, health and planning and development departments to provide medical and screening facilities for HIV/AIDS and hepatitis in all prisons of the province. It had been claimed that the provincial government had diverted funds of the Sindh AIDS Control Programme towards schemes for rehabilitation of the flood-affected people, reportedly to the detriment of the programme to control AIDS/HIV and hepatitis in prisons.

In December, the SHC chief justice asked the finance department not to sit on the money that had been set aside to complete a ward at Civil Hospital, Karachi, where prisoners were supposed to be treated if they needed hospitalisation.

Meeting in July, the National Judicial Policy Making Committee expressed serious concern over the growing number of inmates with contagious diseases and asked for segregation and provision of medical treatment to them. The committee resolved that prisoners suffering from these diseases should not be allowed to donate blood to prevent the spread of diseases.

Mental health facilities in prisons across Pakistan were almost non-existent. The Karachi Central Prison where around 3,700 prisoners were detained had one psychiatrist and no medical officer. The Hyderabad Central Jail had one psychiatrist for nearly 1,700 prisoners, the Central Prison in Peshawar had 156 prisoners, two psychiatrists, two psychologists and four nurses, Sukkur prison had 1,022 prisoners with no psychiatrist, but two medical officers, while the Turbat prison had 81 prisoners with no psychiatrist or psychologist, but one medical officer.

In some of the positive developments, a number of literacy centres were set up in prisons in Rawalpindi and Sahiwal districts of Punjab to impart education and vocational training to prisoners. The initiative was planned to be expanded to other jails in the province. As many as 344 inmates of Lahore Central Jail appeared in masters and bachelors exams in June. One thousand inmates of the Sahiwal prison were said to have appeared in primary and middle examinations. In Karachi Central Jail, an exhibition was held to showcase the paintings by the prisoners.

Free legal aid and ruffled feathers

While access to legal aid for poor prisoners remained a challenge, bar councils and some NGOs provided free legal services to those who could not afford it. The office of a well respected legal aid organisation in Karachi, headed by a former chief justice of the Sindh High Court, was ransacked by lawyers, who announced a complete boycott of court proceedings till other offices of such NGOs were removed from prisons. The lawyers were apparently upset that because of the NGO providing free legal aid, the inmates felt no need to

engage their services. The NGO later announced closure of its offices at the prisons.

Troubled waters

Such have been the ties between Pakistan and India over the years that inadvertent border crossings or a brief visa overstays can lead to years in prison for either country's citizens in the other. The two countries kept arresting each others' fishermen on the charge of fishing inside the territorial waters of the other country. The two countries routinely released detained fishermen, sometimes in 'gestures of goodwill' towards each other.

In April, Pakistan released 89 Indian fishermen, while another 252 remained detained in Pakistan. Of these, 212 were under trial, while 40 others had completed their detention period and were awaiting their release orders.

India released 39 Pakistani prisoners the same month. In July, India released at least 87 Pakistani fishermen. The fishermen were captured between November 2010 and January 2011 for allegedly entering Indian waters in the Arabian Sea.

In September, it was reported that 200 Indian fishermen were detained in Pakistani jails and a similar number of Pakistani fishermen detained in India.

The two countries could develop a mechanism to facilitate swap of prisoners and ensure that instead of arresting the fishermen and confiscating their boats, the maritime authorities simply warned them and pushed their boats back to their countries if the fishermen were not involved in any other offence. But in the absence of a marked improvement in bilateral relations, clear marking of the maritime frontier or equipping fishermen's boats with gadgets to identify maritime borders, the plight of the two countries' fishing



Pakistani prisoners after being released from detention in India.

communities seemed set to continue.

The death penalty status quo

As many as 313 people were sentenced to death by various courts in 2011, including six women. Over half of them (161) were convicted of murder. Others faced charges such as drug trafficking, kidnapping for ransom and rape. Three persons were given capital punishment for blasphemy. For the second year in a row the number of convictions exceeded 300. No headway was made on the promise the federal government had made in 2008 to convert the death penalty for all but the most serious offences into life imprisonment. The informal moratorium on executions since December 2008 remained in place and none of over 8,000 convicts was executed. The death row prisoners constituted over 10 percent of the prison population in the country.

The courts briefly started issuing warrants for execution of death penalty convicts in January. A notification by the president in August 2010 had stayed executions until the end of that year. In January 2011, a judge in Sukkur district in the Sindh province issued warrants for hanging a death penalty convict on January 12. Death warrants were also issued for a convict in Sargodha district of the Punjab province, who was to be executed on January 26. HRCP urged the government to withdraw the warrants and extend the moratorium. The execution of the convicts was deferred pursuant to the issuance of another notification by the president. The president incrementally extended the stay on executions until December 31. HRCP urged the government to expedite the work to turn the informal moratorium on execution into a permanent one. A petition was moved in Supreme Court calling for abolition of the death penalty, and arguing that it was a violation of the Constitution. The matter was yet to be heard when the year came to an end.

Death penalty in Pakistan (2004-2011)

Year	Convicted	Executed
2004	455	21
2005	362	52
2006	445	83
2007	319	134
2008	237	36
2009	277	0
2010	356	0
2011	313	0

HRCP continued to call for abolition of the death penalty. HRCP marked



Paintings by detainees in a Karachi jail.

December 10, the International Day for the Abolition of the Death Penalty, by holding rallies across the country to raise awareness for its reasons to demand an end to the capital punishment in Pakistan and to commemorate 1,040 days since the last execution in Pakistan and asked the government to erase the death penalty from the statute books.

Enforced disappearances

Pakistan has come a long way since incidents of enforced disappearances, i.e., abduction and unacknowledged detention of citizens by security and intelligence agencies, first began to be recognised as a pattern around 2004. Today, the practice is acknowledged and condemned as manifestly illegal and the courts no longer shy away from hearing petitions from families seeking judicial intervention to trace their loved ones.

The Supreme Court continued to hear petitions against enforced disappearance filed by the Human Rights Commission of Pakistan and other petitioners. In a hearing in August, the Supreme Court ordered the government to complete the composition of the Commission of Inquiry on Enforced Disappearances and fill the post of its chairman, which had been vacant for nearly two months. In September, the court was informed that a former judge of the Supreme Court had been made head of the commission.

Giving details of the work of the commission on missing persons, the additional attorney general informed the court that of the 392 cases with the commission, 104 people had been traced while 96 did not fall under the category of missing persons and 138 people were still untraced. As these proceedings continued new cases of enforced disappearance also kept coming to the surface.

[See the chapter 'Administration of justice']

The missing persons' families continued to request the Supreme Court to hear the cases and called the commission ineffective.

During the year, HRCP was able to verify 62 cases of enforced



Hunger strikes did not win freedom for the disappeared in Balochistan.

disappearance. As many as 35 of these disappearances occurred in Balochistan. Of the cases in Balochistan, dead bodies of 17 missing persons were later found, 16 persons remained missing and only two were released. Most of the 35 persons had gone missing from two districts of Balochistan, Turbat (19) and Gwadar (7), while two each had gone missing from Hub and Mastung.

The disturbing trend of the previous year of bodies of missing persons being found in deserted places continued. In 2011, dead bodies of 173 people stated to have been missing were found in Balochistan.

The disturbing trends were not confined to Balochistan. In Sindh, 20 persons became victims of enforced disappearance, mainly activists of nationalist parties in the province. The whereabouts of nine of the activists were traced, four were freed from detention and seven others remained missing. Most of these people were picked up from Larkana (5), Nawabshah (4) and Badin (3) districts.

The most disappointing aspect of the enforced disappearance saga remained the lack of punishment for any state functionary for involvement in the illegal practice, which could have provided the deterrent and the impetus to curb disappearances.

The Adiala eleven

Towards the end of the year, details emerged of a case which was symptomatic of the mysteries and callousness associated with enforced disappearances. This case referred to the abduction of 11 men by intelligence agencies in May 2010. The men had been acquitted of a number of terrorism

charges, including plotting of an attack on the military headquarters, and were ordered to be released from Rawalpindi's Adiala prison. The families of the 11 men moved the Supreme Court saying that the 11 men had been handed over to intelligence agencies by the prison authorities. The agencies denied custody of the men until December 2010 when they claimed that the men had been arrested by the army from a terrorist camp in an 'operational area'. In 2011, three of the 11 men died in unexplained circumstances—on August 15, (Muhammad Aamir), December 17 (Tahseen Ullah) and 18 (Said Arab). They were in the acknowledged custody of the military authorities before their death. The lawyer of the families had expressed the fear in his petition that the lives of the detained men were in danger. (The body of a fourth man, Abdus Saboor was found in Peshawar in January 2011 and a probe started into the circumstances of these casualties.)

Recommendations

1. *The penal institutions are bursting at the seams with an ever increasing prison population, much of it not even convicted. It is high time to consider non-custodial sentences, implementation of the law on statutory bail, and abandoning the inclination to lock people up at the slightest excuse.*

2. *India and Pakistan should learn to treat each other's prisoners with more compassion and reach agreements on mechanisms to avoid long prison terms for the citizen of one country in the other for minor offences.*

3. *Along with making the informal execution moratorium formal the government should proceed with implementing its promise of abolition of the death penalty. It must explain to the people its reasons for the decision to start an open discourse and get public opinion on its side. The government must immediately abolish the death penalty for offences where such a measure would not be contentious.*

4. *The courts must no longer be satisfied with the recovery of the missing persons but should identify and put on trial the perpetrators. Short of that the abhorrent practice cannot be overcome.*

5. *The government must show its unambiguous abhorrence of incidents of involuntary disappearance by ratifying the International Convention for the protection of All Persons from Enforced Disappearances.*



3. Fundamental freedoms

**State of
Human
Rights
in 2011**

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)

The freedom of movement faced many challenges in Pakistan in 2011, with restrictions in many parts of the country, mainly as a consequence of violence by non-state actors and the government's failure to afford adequate protection to the people. Military operations against extremist militants in northwest Pakistan forced tens of thousands of people to abandon their homes in search of safety. The government flirted with the idea of introducing additional requirements for travel to India which were not implemented after being slammed as a bid to make travel to India more difficult. Inordinately prolonged delays in issuance of passports also added to woes of the citizens planning to travel abroad and thus impinged on their right to leave the country. Citizens continued to be barred from leaving the country by inclusion of their names in the Exit Control List (ECL), a list of people prohibited from traveling



Islamabad: Preparations to deal with a rally.

abroad for one reason or another. The Interior Ministry claimed putting in practice rules for regulating the ECL in order to prevent arbitrary restrictions. However, individuals whose names were placed on the ECL often claimed victimisation.

Escalation in ethnic, sectarian and political violence and crime feuds made parts of Karachi, the financial capital of the country, virtual no-go zones for large sections of the population. Ethnic violence and targetting of religious minorities had the same effect in parts of Balochistan, where not only people deemed to be ‘settlers’ in the province were targeted but also members of religious minority communities, particularly Hazara Shias, murdered in brazen and frequent targeted killings. The Hazara community in Quetta, the provincial capital, felt compelled to settle in two localities in the city amid frequent incidents of targeted killings. The biggest hurdle to freedom of movement in Khyber Pakhtunkhwa and parts of the Federally Administered Tribal Areas (FATA) appeared amid military operations against Taliban-linked militants as the authorities asked the population to vacate their settlements and migrate to safer locations. The internally displaced persons expressed apprehensions about returning to some areas, mainly in FATA, because they feared reprisal attacks from militants, although the security forces claimed to have restored the writ of the state.

Objections to foreign travel

In February, the Interior Minister stated that in addition to valid passports and visas, obtaining a no-objection certificate (NOC) from the authorities would be mandatory for all artists, journalists and students planning to travel to India in the future. The minister stated that the decision was made “in the interest of

Pakistan's security and to safeguard its prestige". He did not elaborate. The government faced serious criticism following the announcement. The move was slammed by civil society as a device to curb freedom of movement and regulate citizens' travel abroad. The decision was quietly reversed.

Another NOC

The target killing of members of Shia community, especially the Hazaras in the Balochistan province, continued this year too.

The Shia community found journey through the province to Iran for pilgrimage of revered sites increasingly perilous and cumbersome. In September, the government's top lawyer in the province informed the Balochistan High Court that the government had made it compulsory for pilgrims going to Iran to obtain no-objection certificates (NOCs) from the government so that security could be provided to them. The BHC was hearing a case related to the September 20 attack on a bus carrying Shia pilgrims to Iran which was attacked in Mastung district of the province and 29 pilgrims were shot dead. In October, the interior minister directed the authorities to regulate the visit of Shia pilgrims to Iran and ensure their protection.

Rather than investing efforts in improving overall security or apprehending and punishing the killers, the government's decision to regulate the pilgrims' travel was seen as a short-term measure. It made the citizens' right to travel abroad conditional to official nod, and also ignored the issue of apprehending and bringing to justice the perpetrators of these killings.

Passport woes

Excessive delays in issuance of passports proved a hindrance for those who wished to go abroad. Regular passports, which were supposed to be issued within 12 working days, were often delivered more than a month later and at times took several months. Urgent passports, which cost twice the normal fee, were issued after 15 days or more instead of the stipulated five working days. Hundreds of thousands of applicants had to wait for weeks and months for their passports in early 2011. In April, it was reported that the number of pending passport applications was in excess of a quarter of a million and no regular passport had been issued in the country since February 9. People found themselves to be effectively forced to pay the fee for urgent passports to keep to their travel schedules.

The authorities stated that that delay was caused after several machines used for issuing machine-readable passports broke down. There were also reports that the government had run out of the special illumination paper used

in making passports. In mid-April, the government assured the people that prompt issuance of passport would begin soon but problems remained.

Delays at other times of the year were believed to be caused by a variety of reasons such as official apathy, corruption and once because National Database and Registration Authority (NADRA) denied access to passport authorities on account of non-payment of its fees.

In addition to long delays, the citizens complained that passport offices in various districts were hubs of corruption, bribes were demanded for allowing admission to the offices and people at the mercy of passport agents found no meaningful remedial forum. In June, authorities raided several passport offices in a crackdown against so-called passport agents, private individuals who for a fee found ways to expedite the passport acquisition process.

The interior minister called for clearing the backlog of pending passport applications a number of times. In April, the prime minister called for the Interior Ministry to clear the backlog for issuance of passports and national identity cards for local and overseas Pakistanis but delays persisted.

Exit Control List

The arbitrary use of the Exit Control List (ECL) to prevent individuals from travelling abroad continued in 2011, despite formulation of rules by the Interior Ministry the previous year that were supposed to regulate the inclusion of a person's name on the ECL. Media reports suggested that the names of some individuals were included because of political vendetta.

In January, the name of the state minister for ports and shipping was placed on the ECL soon after he quit his cabinet position. He stated in the National Assembly that his name was included in the ECL on the verbal instructions of a bureaucrat and that the prime minister had later got his name removed from the ECL.

Under the rules formulated in 2010, ECL restrictions could only be placed on those involved in massive corruption or misuse of power causing financial loss to the government; or on government employees involved in a financial crime where large government funds were embezzled or institutional frauds committed. Names of hardened criminals involved in acts of terrorism, conspiracy, heinous crimes threatening national security and key directors of firms with tax default or liabilities of Rs 10 million or more could also be placed on the list.

However, as in previous years, in 2011 also it was not uncommon for travelers to find out only as they were about to board a flight that they could not do so as their name had been included in the ECL. The ECL was apparently

made available only to the airport authorities and was not available even on the website of the Interior Ministry or that of the Federal Investigation Agency (FIA). Little was done to make the ECL accessible to the people or inform the person concerned.

Industrialist brothers Zakir Ibrahim Dadabhoy and Shakir Ibrahim Dadabhoy challenged the inclusion of their names in the ECL before the Sindh High Court (SHC) and contended that nothing had been communicated to them prior to adding their names to the list. In April, an SHC division bench ordered that cost would be imposed on the federal interior ministry for abdicating public duty if it placed anyone's name on the ECL in the future without informing the person in advance. In September, the SHC warned the State Bank of Pakistan (SBP) against recommending names for the ECL at the behest of financial institutions, which it called taking shortcuts to "force a customer to surrender to their demands which are either sub-judice before a court or otherwise".

In September, a judicial panel probing a US raid in Abbottabad in which Osama Bin Laden was killed barred all citizens related to the probe from going abroad without official permission.

In the same month, the interior minister reportedly ordered that anyone whose name was included in the ECL must be informed within 48 hours of such inclusion, to enable him to challenge the inclusion if he wished to do so.

Those who alleged political victimisation on account of inclusion of their names in the ECL included Shahzain Bugti, grandson of late Nawab Akbar Bugti, Sardar Yar Muhammad Rind, the lone opposition member in the Balochistan Assembly, Moonis Elahi, leader of the Pakistan Muslim League-Quaid and Nabeel Gabol, a minister who had briefly fallen out with the federal government.

Banned entry and gagging orders

As in previous years, ahead of the Shia mourning month of Muharram which started in late November, the government barred at least 600 clerics from various districts across Pakistan and stopped hundreds more from making any speeches during Muharram, in a bid to prevent sectarian violence. Of these clerics, 103 were barred from Bahawalpur, 68 from Hassan Abdal, 46 from Sargodha, 37 from Jhang, 33 from Muzaffargarh, 30 from Sialkot, and 27 from Lahore, among others. Shortly before the beginning of Muharram, the Sindh government banned entry of 135 clerics from three provinces (93 from Punjab, 31 from Khyber Pakhtunkhwa and 11 from Balochistan) for 60 days. The ban was imposed under the Maintenance of Public Order Ordinance 1960 in order to maintain law and order and prevent sectarian violence in the

province, according to the Sindh Home Department.

Those facing entry ban included a member of the Punjab Assembly elected from Chiniot and the leader of the opposition in the Senate.

However, despite the litany of gagging orders and entry bans to prevent hate speech and violence, not one cleric so barred was charged or prosecuted for any activity that justified the ban in the authorities' views. This lack of interest in prosecuting mischief-mongers was interpreted as the government doing only the bare minimum to keep peace and lacking the resolve or the ability to take on those promoting hatred and violence on the basis of belief.

Karachi's killing fields

The lingering ethnic and political violence, turf wars and frequent breakdown of law and order in Karachi, the country's most populous city, aggravated markedly in 2011. Violence by armed groups linked with political parties and crime mafia grew ever more intense, often during turf wars and claimed the lives of at least 1,715 people in 2011. Increasing outbreaks of violence often prevented people from leaving their houses for days. Ethnic tensions between Pashtuns and Urdu-speaking population of Karachi, often at least partly instigated by political parties' turf wars, led to areas with dominant population of one ethnic group becoming no-go zones for those from rival ethnic groups. Throughout the year there were sudden surges in target killings and arson attacks, fuelling a sense of insecurity among people and preventing them from moving about freely. *[See the chapter 'Law and Order']*

At times, the people found access to conflict zones blocked by the security forces. This happened mainly in FATA and in some parts of Balochistan and



Karachi: Grief and anger at target killings.

Khyber Pakhtunkhwa. This made the work of journalists and civil society organisations in those areas more difficult than it should have been.

Balochistan

A violent insurgency, targeted killings, abductions and pervasive violence across Balochistan undermined the people's right to freedom of movement and to a free choice of their residence. Security checkpoints and security forces' operations against dissidents, threats and killing of 'settlers' in the province and targeted killings of Hazaras in Quetta—forcing most Hazaras to relocate to just two localities of Quetta—and members of religious minorities fleeing the province in search of safety all combined to make for a dismal scenario.

Ethnic minorities were particularly targeted by militants, who threatened 'settlers' from other provinces to leave Balochistan. Houses of 'settlers' were often marked with red ink, which was seen as the final warning for them to leave the area. The families then left almost instantly to stay alive. Many did not even wait to sell their properties before they fled, an HRCP fact-finding mission to Balochistan in 2011 learned. It was believed that sometimes those managing property businesses also had the houses marked to scare the owners to sell their properties at throwaway prices. Intimidation, abductions and killing of 'settlers' increasingly made parts of Balochistan no-go areas for them.

Some communities were worse affected than others. Members of the minority Hindu community were increasingly targeted in the province. Radical extremists were believed to be responsible. Abductions, for ransom and otherwise, and target killings led to a heightened sense of insecurity among the Hindu citizens. There were reports of many Hindu families fleeing Balochistan and the country on account of security threats. *[See the chapter*



The families of missing persons had no rest.

Prisoners in a war zone

The freedom to move freely was also seriously compromised by the conflict in parts of Balochistan and the Federally Administered Tribal Areas (FATA) bordering Afghanistan. Of the seven tribal districts in FATA, movement of citizens in and out of Kurram Agency remained the most serious challenge with several attacks reported throughout the year. **[See the chapter 'Law and Order']**

In fact, perhaps the starkest failure on the government's part in securing freedom of movement for the people in 2011 was the security forces' persistent inability to dislodge the militants along Thall-Parachinar Road—the main road connecting Kurram with the city of Peshawar and the rest of the country—and make the highway safe for travel. Kurram has seen a surge in sectarian conflict between Shias and Sunnis over the past few years and the presence of Taliban militants has compounded the plight of Shias. Several roads in the agency have been closed, or travelers are deemed to be so vulnerable to attack there that local people often prefer to use a long and risky route through Afghanistan to get to other parts of Pakistan.

In April, hundreds of youth from Parachinar marched towards Parliament House in protest against continued blockage of Thall-Parachinar Road. The Interior Minister vowed that security escorts would be provided to commuters and the road reopened within 48 hours. However, problems continued to be reported throughout the year. Even after a peace deal was reached between rival Shia and Sunni factions, leading to opening of the Thall-Parachinar Road following years of closure because of militants' attacks on vehicles, attacks continued. Scores of people were killed in attacks on the main road in 2011 after the road was declared open. On March 13, militants opened fire on a passenger coach coming from Parachinar, the main city in Kurram, killing 11 people and injuring several others. On March 25, militants again killed 14 people when they opened fire on a caravan of vehicles. Several people were abducted by the militants who were released after a ransom amounting to Rs. 30 million was reportedly paid. With no let-up in violence, traffic on the highway moved in convoys with security forces escorts. The only air service operating out of Kurram was too expensive for the majority of

people who were effectively besieged.

Amid frequent attacks by militants on that road, the local residents routinely traveled to and from Kurram via Afghanistan. They went to the Afghan province of Paktia and entered Pakistan at Torkham after a long journey through the Afghan provinces of



The Swiss hostages were saved.

Logar, Kabul and Nangarhar. Travelling through parts of Afghanistan to reach Pakistan presented its own hazards for Kurram residents. In August, five Pakistani nationals, including a woman, from Kurram were abducted in a bordering district of Afghanistan when they were on their way to Parachinar. The abductors demanded Rs six million in ransom for their release. Their bodies were found a week later.

‘Freedom of Thought, Conscience and Belief’]

Means of movement

In addition to security concerns, escalating fuel cost and frequent cancellation of train services by the cash-strapped and poorly managed state-owned railways seemed to magnify the distances. Trains running several hours behind schedule became a norm, while several scheduled trains could not begin their journey or had to finish the journey midway on account of unavailability or malfunctioning of locomotives. This also deterred the passengers, forcing many to opt for more expensive travel by road. The state-owned Pakistan International Airlines also found it difficult to operate flights on time. Delays and cancellations were frequent and flights operating on time made news. Growing costs of fuel and vehicles and complete absence of inter-city public transport deprived the people, especially the poor, of affordable means of travelling. Private transport hiking fares with near monthly increase in fuel costs added to the people’s plight as incomes failed to keep pace with the rising travel cost. Protecting the poor from the impact of fuel price hikes—which even made travel to and from work difficult for the poor—did not appear

to be a priority.

Bonded labour

Labourers in debt bondage were among groups who faced the most severe restrictions on their right to freedom of movement. Although bonded labour is illegal under the law, exploitation of several million workers in debt-bondage by their employers continued during the year under review. The practice remained widespread in the agriculture sector in Sindh and in brick kilns in Punjab and elsewhere. The victims were prevented from escaping or seeking employment elsewhere by armed guards and the fact that their families were often held hostage. *[See the chapter 'Labour']*

Recommendations

1. *Citizens' right to freedom of movement must not be restricted without valid reason even in the name of security. It is the government's responsibility to ensure that people have the liberty to move about freely without fear and adequate steps must be taken to ensure this.*

2. *The use of the ECL for political victimization must end as it is contrary to the principles of democracy; its use should be restricted to criminals only, if there is sufficient reason to believe that they would attempt to escape to avoid justice.*

3. *The government needs to practically bring relief to those forced to restrict their movement due to threats from non-state actors—whether in Balochistan, FATA, or in Karachi. The writ of the state needs to be established in these areas.*

4. *Special efforts must be made to ensure implementation of laws against bonded labour as the most vulnerable sections of society find themselves in conditions of virtual slavery.*

5. *Security must be provided on the Thall-Parachinar route so that it remains open for residents at all times. Elements launching attacks on the road should be proactively dealt with.*

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)

2011 was a difficult year not only for religious minorities in Pakistan but also for those advocating their rights and protection. The assassination of Punjab Governor Salman Taseer and Federal Minister for Minorities Shahbaz Bhatti showed how dangerous commenting on the blasphemy law or perceptions of sympathy with anyone accused of blasphemy had become in the country. There were clear indications that faith-based violence and violations of rights were on the rise in Pakistan both in terms of geographical area and scale. Violence and intimidation of those accused of blasphemy continued as the government distanced itself from any move to reform the relevant law and surrendered space to extremist elements.

The plight of minorities in Balochistan continued and abductions for ransom and target killings were frequently reported. Incidents of violence were reported from parts of Sindh where a culture of tolerance towards other religious faith had long been praised for preventing violence against non-Muslims. Parallels were drawn with Balochistan where Hindus living for centuries had faced target killings and increasing abductions for ransom to such an extent in the last few years that many had opted to leave Pakistan.

Several incidents of forced conversion of non-Muslims, many of them Hindu, girls to Islam were also reported in Sindh. Non-Muslims were not the only ones who suffered, some of the most horrendous acts of violence during the year targeted minority Muslim sects, mainly Shias.

Members of minority communities criticised lack of effective representation in parliament and inaccurate count of their communities' population. A separate law on Hindu marriages that had failed to materialise because of lack of official interest remained bogged down in 2011 because of differences within the community on matters of detail.

As incitement to violence against members of religious minorities continued, organised efforts to curb that emerged briefly during Muharram in the form of gagging orders for clerics known for preaching hatred. The attempt to curb the use of mosque loudspeakers to spread hatred did not prove very effective.

HRC Working Group on Communities Vulnerable because of their Beliefs, which was constituted in 2010 and comprised representatives from non-Muslim communities and minority Muslim sects, expressed concern over the gradual aggravation in the situation for the minorities.

Sectarian violence

At least 389 people were killed and 601 injured in incidents of violence

targeted against various Muslim sects in 2011. These included five suicide attacks believed to have sectarian motives, in which 77 people were killed and 179 injured. The flashpoints included Karachi, Lahore, Hangu and Nowshera districts of Khyber Pakhtunkhwa, Quetta and Mastung in Balochistan and Khyber and Kurram tribal districts in FATA. The suicide bombings included one in Lahore targeting a Shia Chehlum procession, two suicide bombings at a shrine in Dera Ghazi Khan district, a suicide attack targeting a Muharram procession in Karachi, and a suicide attack in Quetta targeting the Hazaras.

The targets in sectarian-related attacks included Shia pilgrims, mosques / Imambargahs, shrines, vehicles carrying members of the Shia community, and prayer leaders and religious parties' activists.

Target killings of Hazara Shias continued in Balochistan and the killers could not be arrested. Shia pilgrims passing through the province on their way to Iran for pilgrimage to revered sites faced increasing attacks and over 50 pilgrims were killed in seven attacks. The worst attack occurred in Mastung district of Balochistan on September 20 when militants stopped a bus carrying Iran-bound Shia pilgrims and executed 29 of them. *[See the chapter 'Freedom of Movement']*

In May, a brazen gun-and-rocket attack in Quetta targeted the Hazaras. Six Hazaras were killed and 10 injured. In October, 14 Hazara men were killed in Quetta when attackers opened fire on the bus they were travelling in. The authorities repeatedly vowed to clamp down on violence but the attacks



Shia pilgrims were massacred in Mastung.

continued throughout the year.

Hazaras killed in Balochistan in targeted attacks (2001-2011)

Year	Fatalities
2001	10
2002	3
2003	64
2005	16
2006	4
2007	1
2008	36
2009	41
2010	105
2011 (until October)	106
Total	386

A large number of Hazaras were reported to be fleeing Balochistan because of the constant threats and target killings. Some ran great risks to escape danger at home. In December, at least 55 young men from Quetta's Hazara community drowned when a boat of human traffickers carrying around 250 people capsized off the Indonesian coast. HRCF called upon the government to pay heed to the situation in Balochistan that drove the Hazaras to leave Pakistan even by risking their lives.

Several attacks took place and fatalities were reported of the Shia population in Kurram Agency, where Taliban militants had blocked the road connecting the region to the rest of the country for years. The security forces launched an operation to open the road.

Ahmedis

Ahmedis remained the target of hate speech, violence, discrimination and, when their faith was known, of social segregation. Several rallies and 'conferences' were also held to inflame passions and motivate violence against Ahmedis. Posters and wall chalking slamming Ahmedis and their faith continued to cover the walls. Small stickers with similar messages were distributed for free and pasted on and inside public transport vehicles. This occurred to such an extent that it was impossible for the authorities to not notice these campaigns and yet they failed to act.

A pamphlet was distributed in Faisalabad in June, calling Ahmedis *Wajibul Qatl* (liable to be killed) and urging Muslims to publicly kill Ahmedis and declaring such murder a pious act and jihad (holy war) that would ensure a place in heaven for the killers. The pamphlet also provided the names and

addresses of around 50 prominent Ahmedi individuals and business houses. Even though the pamphlet gave the names, phone numbers and email addresses of the publishing organisations, the authorities failed to take any action.

An Ahmedi couple who had established a private college in Dunyapur tehsil of Lodhran was hounded out of the district by extremist elements. The college launched in April 2009 had become quite successful. The competitors started a hostile propaganda campaign and used the Ahmedi faith of the owners to malign the institution. Several local clerics readily

شتم نبوت زکوٰۃ ہمارا
قادیانیت مردہ ہمارا

أَنَا خَاتَمُ النَّبِيِّينَ لَا نَبِيَّ بَعْدِي
میں خاتم نبیوں کی ہوں میرے بعد کوئی نبی نہیں آئے گا۔

یہ آواز
ناموس مصطفیٰ صلی اللہ
علیہ وسلم
کے لئے ہے

قادیانیت زہر قاتل ہے

سرکار مدینہ شتم نبویین شیخ المرزوقین حضرت محمد مرثیہ علیہ السلام کے نام اسلامان بھائیو! مرزا غلام احمد دہلوی کا شتم نبوت کا قسط اور ان کی نسل کے ایسوں کو لکھ کر بیٹے بدستار آ رہا ہے وہ کہا مسلمان سے ہو کر کھوٹا کوڑا بنے اور لوگوں کو بھلا دینے والے ان کو لڑا مٹا دو اور اسلام سے تمہیں ہٹ کر کے لوگوں پر سکت جنت کر کے آرام سے بیٹھا رہے آپ کی حیرت انگیز کہانی سونگی ہے؟ قادیانوں کی زبان کو لگا کر ان دسے گا کہ اسلام بھائیو آج ہم میں سے ہو کر آئیے ہیں جن کو کھجالت کی ضرورت ہے جو آپ کو کھڑ کر رہے ہیں جن کی سزا آگے ہے۔

ایسے لوگوں کو کھڑے پورے بازار میں گولی مارنا چاہا ہے ان کو مارنا بھی تو آپ ہے اگر آپ کام کے دن ہر جگہ کی شہادت پانچے ہیں اور آپ جگہ جگہ کے ہمنڈے کے پتے پکڑ پانچے ہیں تو آپ کو قتل شتم نبوت کا کام کرنا پڑے گا اور مرزا غلام احمد دہلوی کے نولے کے متاثر ہیں؟ ہاں ہے گا۔

لہذا اپنے غیر کو چنگائیں اور شتم نبوت کے لڑ رہا ہو کر ان کو لڑ کر کے شہادت کا رتبہ حاصل کریں

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آل پاکستان سٹوڈنٹس شتم نبوت فیڈریشن

An open licence for preaching hatred and murder.

joined the cause. Hostile posters were printed and put up all over the town, calling for a boycott of the college in particular and all things Ahmedi in general. Meetings and processions were held to demand closure of the college and conversion of the owners to Islam. The police did not act on the owners' complaint. A 'peace committee' comprising five clerics was formed, which recommended that Ahmadis should not be allowed to build any educational institution in Dunyapur and the college should be closed immediately to ensure that peace remained undisturbed. The committee observed that if the local administration did not act to close the college, it would be responsible for the law and order situation. The owners were visited by the clerics and asked to convert to Islam or face the consequences. The owners met the college staff, signed over the ownership of the institution to one of the staff members and moved to another city.

At least six Ahmadis were murdered in target killings apparently on account of their faith in 2011. They were killed in Faisalabad, Shekhupura, Layyah, Sanghar and Nawabshah districts. Naseem Butt, who was killed in Faisalabad, was one of the Ahmadis identified in the pamphlet distributed in the city in

June. The pamphlet also carried his address. Even death did not always mean that the Ahmedis were left alone. In December, 29 graves were desecrated in an Ahmedi graveyard in Dunyapur in Lodhran.

Hindus

Several incidents of violence and intimidation were reported against the Hindus during the year under review. The one that was slammed most widely was the killing of three Hindu men in a targeted attack in Chak town of Shikarpur district on Eid day (November 7). The three men were killed after a Muslim girl who had befriended a Hindu boy visited him on Diwali (October 26). That had upset some members of the local Bhayo tribe as well as activists of some banned militant groups in the area. The Hindu elders had reportedly beaten up the boy and sent the girl back to her family. They also approached the Bhayo elders and sought an amicable solution of the matter. They were assured that the issue would be resolved on the second day of Eid. The Hindu community in the area soon started receiving threats of serious consequences and had sought police protection. A police picket had been set up in the neighbourhood but the policemen were not there when the November 7 attack occurred. The three Hindu men killed were not deemed to be connected to the events of October 26 in any way. Several policemen were suspended, a senior police officer transferred, a case was lodged by the state and some arrests made. However, the police officer was transferred back soon. Families of the victims expressed dissatisfaction over the case lodged by the state and lodged one on their own. They have said that those rounded up by the police were innocent and the suspects identified by the families had not been arrested.

Civil society noted with concern that the victims were targeted in an area where faith-based violence had been relatively rare in the past. The region had a strong Sufi tradition and a long history of peaceful co-existence. It was seen as a clear sign of the local population's revulsion against the targeting of Hindus that Muslims in the area volunteered to stand guard at the entrance of the Hindu neighbourhood and reassured them. The local Hindu and Muslim populations blamed growth of madrassas and activity of proscribed militant organisations for fueling sentiments against minorities.

However, even if the mischief makers lacked popular support for their agendas of hatred, they were organised and appeared confident that they would not be punished. Activists of religious organisations besieged the local police station to pressurise police following raids to arrest suspects.

HRCP condemned the killings and said the recent spike in faith-based violence in the country "had been fuelled in no small part by a sense among the perpetrators that they have virtual immunity for murder for all intents and purposes as long as the victims are from a religious minority community."

In September, more than two dozen armed men torched Hindu property in Pannu Aqil, Sindh, after allegations that a Hindu watchman sexually assaulted



Protest against murder of three Hindus in a Shikarpur town.

a seven-year old girl from a Muslim tribe. The accused had already been arrested. The targeted community believed that extremists had used the allegation to target the shops of wealthy Hindus.

HRCP urged the government to intervene “to save the citizens from this savagery and try those who riled up and led the mob to attack the non-Muslims and heaped shame upon the nation by their barbaric actions.”

Abduction and subsequent forced conversion of Hindu girls was highlighted as an issue of concern by the community. The Sindh government promised to order a parliamentary or judicial probe in November after Hindu parliamentarians from Sindh in the National Assembly complained that women from their communities were being abducted for forced marriages and conversions. The parliamentarians were speaking in a debate regarding the recent killing of three Hindus in Shikarpur and demanded immediate government action against growing harassment against the Hindu community.

151 Pakistani Hindus sought asylum in India claiming that their lives would be in danger if they were sent back. They had been arrested for staying in India after their visas had expired. In December, the Delhi High court sought a response from the Indian government by the end of February 2012 and asked it not to deport the Hindus to Pakistan until then.

Christians

The situation of Christians, one of the biggest minority groups in Pakistan along with Hindus, was not much different from other minority communities in the country.

It was interpreted as sign of a new low in intolerance in Pakistan when the media reported that a Christian eighth-grader from Abbotabad had been accused



Christians protesting against Shahbaz Bhatti's murder.

of blasphemy for misspelling a word in her exam. The spelling error led to her expulsion from school and had the local clerics howling for her blood.

A number of Christian families were reported to be on the run after being accused of blasphemy.

In January, two Christian women were beaten up and publically humiliated by an angry mob in Lahore over apparently unfounded blasphemy allegations. The incident occurred only a few days after the killing of Punjab Governor Salman Taseer, who had criticised the blasphemy law. The two women and their family went into hiding for fear of being killed.

Although Muslims accused of blasphemy too felt compelled to go into hiding, a number of other Christian families were reported to be on the run after a family member was accused of the dreaded offence.

On April 30, hundreds of people in Gujranwala district attacked a Christian seminary, a church and houses of Christians after learning that two Christian men who had been accused of blasphemy had been released from protective custody by the police. The men were accused of desecrating a copy of the Holy Quran and had been taken into custody on April 15 to prevent a massacre like the 2009 Gojra killings of Christians. A police investigation had found the charges against the two men to be fabricated.

Hundreds of Christian families were reported to have fled the locality where the two men lived. Even Muslims residents of the area had reportedly started putting up their names and religious affiliation on their doors to avoid having their houses targeted.

Members of civil society and Christians took out a number of protest demonstrations to condemn the killing of Shahbaz Bhatti, the only non-Muslim

minister in Pakistan's federal cabinet, and demand the arrest of the killers.

Sikhs

The complaints of discrimination were common, if not identical, for the various minority groups. A prominent Sikh leader, Sardar Bishen Singh, who had served as the president of Pakistan Sikh Gurdwara Parbandhak Committee, and had been a vocal critic of the government over the treatment of the community, was reportedly threatened with dire consequences if he did not stay silent. He said that one of his cloth shops had been looted and illegal construction had blocked the way to another shop he had in Lahore. He said when he went to the police they started asking him if he belonged to India or Pakistan.

In July, the Sikh community was prevented from observing a religious festival in Gurdwara Shaheed Bhai Taru Singh in Lahore after the Evacuee Trust Property Board (ETPB) decided to deny Sikhs entry into the gurdwara on the eve of Shab-e-Barat. Around four years earlier, a group of Muslim young men had claimed that the gurdwara was built on the site of the burial place of a Muslim saint. The ETPB had allowed both communities to observe their religious rituals according to their beliefs at the gurdwara since then. However, police deployed outside the gurdwara prevented the Sikhs from congregating to commemorate an eighteenth-century saint on July 16 because the Shab-e-Barat was to be observed two days later. HRCP called police deployment to prevent the congregation shocking and entirely uncalled for and said that the ETPB had no right to ask members of a religious faith to postpone rituals of their faith inside their places of worship, or to give precedence to religious rituals of one faith over another.

Blasphemy law

At least eight people were booked under the blasphemy law, as Section 295-C of the Pakistan Penal Code is commonly called, during the year under review. Another three were given capital punishment by courts that found them guilty of the charge of blasphemy.

The events of the last year and a half that should have brought the focus firmly on the shortcomings of the blasphemy law had the exact opposite effect and discussing the law fast became a taboo. The sequence of events following the death sentence for a Christian woman, Aasia Bibi, in November 2010, led to the killing of Punjab Governor Salman Taseer in January 2011, by one of his police guards—Mumtaz Qadri—who said he had killed the governor for blaspheming by advocating clemency for Aasia and by publicly voicing his criticism of the blasphemy law. Some clerics had issued an edict against Taseer a few days earlier, stating that he had become an apostate by supporting Aasia.

The government had initially announced its intention to amend the blasphemy law and the president had ordered a ministerial review that concluded that the verdict against Aasia was legally unsound. But after protests by radical



A demonstration in favour of blasphemy laws.

elements the government had said that it did not plan to amend the law. After Taseer's murder the government stopped saying anything publicly about the law. It was criticised for not reforming the law prior to Aasia Bibi's conviction and it was pointed out that by the time it decided to act radical elements had ignited sentiments to such a degree that any reform of the law became practically impossible in the short term.

After Taseer's murder, threats grew for former information minister Sherry Rehman, who had proposed legislation to amend the blasphemy law, Federal Minister for Minorities Shahbaz Bhatti, who spoke

in support of Aasia and called a cleric's offer of a reward for her murder "immoral, unjust and irresponsible", as well as to all advocates of rationality and tolerance in general. Shahbaz Bhatti was killed in Islamabad on March 1 when his car was attacked by three gunmen. Bhatti had expressed the fear that he would be targeted after extremist clerics issued *fatwas* calling for his killing.

While Taseer's murderer was sentenced to death, he seemed to have acquired considerable following by killing in the name of religion. Rallies blocked a key road in Lahore in protest against the sentence. The Lahore High Court had ordered a ban on demonstrations on the road. However, when nurses chose to hold a peaceful demonstration on the same road they were savagely beaten by the police. [See the chapter 'Freedom of Assembly']

No headway was made in apprehending Shahbaz Bhatti's killers while images of the killer of Salman Taseer being garlanded and portrayed as a hero on his court appearances were fresh in people's mind, the judge who had sentenced the Qadri to death reportedly received death threats from religious extremists. A group of lawyers ransacked his courtroom, and extremist elements offered a bounty to anyone who killed him. He had reportedly felt compelled to go abroad, at least for a short period.

As the year came to an end, there was little chance of an early reform in

the blasphemy law.

Other concerns

In January, HRCP asked the Balochistan government to curb growing incidents of abduction of members of non-Muslim communities residing in Balochistan, which had increased the sense of insecurity and vulnerability across religious minority communities in the province.

The HRCP working group that met twice in 2011 observed that the situation of religious minorities in Pakistan had grown progressively worse. Some of its observations noted:

- ◆ The growing threats were compounded by the official failure to take measures to address them. Targeted killings, and kidnappings for ransom, violence and intimidation on account of faith had shaken the faith of religious minorities in the state's ability to effectively protect them. Members of Hindu and Hazara communities in Balochistan, in particular, had felt compelled to seek sanctuary abroad.

- ◆ The government must ensure security of life and property of all citizens, irrespective of their religious belief, and must give them real opportunities to practice their religion. Note should be taken of the fact that the disempowered segments among minority communities such as bonded labourers, internally displaced persons and lower caste members, faced greater discrimination than other members of those communities.

- ◆ Raising one's voice for the rights of non-Muslims had become more dangerous than ever.

- ◆ Despite the pressing need, adequate measures had not been taken to promote tolerance and reassure the minority communities that their concerns would be addressed. An effective forum to ensure protection for minorities from intimidation and discrimination remained missing. The National Commission for Minorities was a mere eyewash.

- ◆ No progress was made on removing discriminatory laws, including the constitutional provisions barring non-Muslims from key government positions.

- ◆ The working group expressed its reservations over a lack of effective representation of religious minorities in parliament. Parliamentarians from minority communities were nominated by political parties' heads and did not feel that they owed their seats to the communities they claimed to represent. Reservation of four seats for minority communities in the Senate was a welcome step but it would not improve representation for religious minorities if those seats were also filled in the same manner. The political parties and the government must ensure through legislation adequate representation for women from religious minorities at all legislative forums. Steps were needed on priority and before the next census to address concerns of religious minorities that their population was under-counted.

- ◆ The official efforts for promoting tolerance and mainstreaming the

minorities had not worked. The authorities must do everything within their power to persuade all citizens that the basis of equal treatment for all in the country was citizenship alone and not individuals' religious belief. Efforts to tackle faith-based hatred must begin with revising and improving the curriculum and should ensure that textbooks do not portray the superiority of one community over another.

- ◆ The authorities were yet to take measures to the satisfaction of the affected communities to ensure that there were no forced conversions and anyone coercing or pressurising members of minority communities to change their religion was prosecuted according to the law.

- ◆ The government should support the Hindu community's efforts to disseminate a draft personal law and facilitate consultations with a view to reaching a consensus on the details and promulgate the law.

Recommendations

1. *The government's oft-repeated claims of commitment to religious minorities' rights must be translated into practical steps for the protection of minorities, prosecution of hate speech without exception, and promoting tolerance and harmony by facilitating inter-faith dialogue and weeding out propaganda against non-Muslims from textbooks.*

2. *Instead of abandoning the promise of revising and improving the blasphemy law, the government should create consensus on the need to reform the law by highlighting the toll that the abuse of this law has taken on the rights of both Muslims and non-Muslims. The minority communities' effective representation in parliament must be ensured and women from these communities should also get representation.*

3. *Removing discriminatory laws, including the constitutional provisions barring non-Muslims from key government positions, must also be pursued with vigour.*

4. *Incidents such as abduction of young girls and their forced conversion and forced marriage belong to a different millennium. The government must devise ways to curb the abhorrent practice and end impunity for the perpetrators. Changes in law and public opinion must be simultaneously pursued to get the desired results. Otherwise, it might be too much to expect from a judge to determine without fear or favour the voluntary nature of conversion with his courtroom brimming with zealots.*

5. *Efforts should be made to facilitate codification of personal laws for all minority communities that want that. All such efforts should be led by the minority communities themselves.*

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

Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.

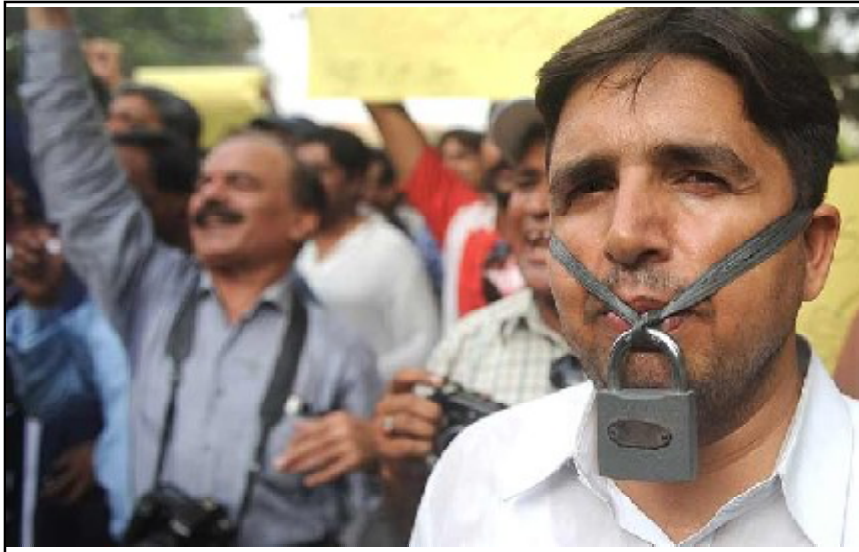
Article 19-A

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

In the year 2011, Pakistan topped in the list of the most dangerous countries in the world for freedom of expression, with at least 16 reported murders of reporters, particularly from the strife-torn areas of Balochistan, Khyber Pakhtunkhwa and the Federally Administered Tribal Areas (FATA). Not only has there been a singular lack of protection for working journalists but there has also been no follow-up on the murders and no one has been apprehended to date. This has contributed to sparse reporting from Balochistan, in particular,



Media workers protest against killings of journalists.

where there is an ongoing nationalist insurgency and military operation, and in FATA where extremist militants hold sway. Journalists from FATA have faced such threats and vulnerability that many have fled the region or quit their profession altogether to stay alive. The murder of journalist Saleem Shahzad was by far the most highlighted case of the year since he was known to be probing the alleged links between elements in the military and some religious militant outfits. His murder was also important in how the journalist community rallied together to demand justice.

Besides media men and women, threats also grew for human-rights defenders, political activists and all those whose views or association with a political group or party upset feudal, radical or religious extremist elements. Human rights defenders remained vulnerable for voicing support for human rights and three senior personnel of the HRCP were killed in Pasni, Khuzdar, and Khyber Agency in 2011. Voicing support for religious minorities' rights grew ever more risky, amid the authorities' failure to address such risks and prevent violence perpetrated by religious extremist elements.

HRCP continues to view the freedom of expression as a grave responsibility and a right not to be abused. In its view, it is not only the government that curbs such freedom and the other offenders include para-state actors, religious outfits and owners of electronic and print media. There are also other questions to address: one, what is to be the extent of media freedom, what is the purpose of demanding such freedom, and from whom does the media seek this freedom?

The electronic media in Pakistan has become particularly virulent and, in the words of one senior journalist, certainly not free of sensationalism and

sentimentality. The quality of information and the issues addressed have suffered with particular political agendas being pushed by media networks. HRCP opposed the arbitrary banning of certain foreign news channels by cable operators and asked for intervention by the Ministry of Information to uphold the right of the citizen to freedom of information and freedom of expression in general. It maintained that any grievances against broadcasters could be addressed through legal recourse.

The HRCP also took cognizance of the media's silences, in particular the absence of substantial news from the largest and most troubled province of Pakistan, Balochistan. According to an HRCP fact-finding mission to the province, national media tended to ignore or downplay the issues confronting Balochistan where an armed insurgency was underway. Local journalists and human rights defenders remained under threat from state agencies, nationalist dissidents and religious militants with middle class intellectuals being abducted and killed. This not only eroded the fabric of civil society but also meant that other issues got ignored, particularly violations of rights of women and religious minorities and culturally sanctioned forms of violence.

Pakistani journalists are also in a state of war and orders have been issued to allow journalists to carry small arms for self-defence. —Federal interior minister speaking to the media after offering monetary compensation to the family of slain journalist Saleem Shahzad.

Sequence of murderous events:

January

- ◆ Wali Khan Babar, reporter for a private television channel, shot and killed by armed attackers on a motorbike, in Karachi.
- ◆ Body of Ilyas Nazar found along a derelict road near Turbat, Balochistan. He was a copy editor of a local magazine and had been abducted 10 days earlier when he was coming from Quetta to Turbat.

February

- ◆ Senior journalist and TV anchor Talat Hussain and cameraman Haider Ali barely escaped unhurt when they were fired on in Thatta while recording a programme on the plight of flood affected people in Sindh. The attackers were stated to be a group of land grabbers.
- ◆ Muhammad Khan, correspondent of an Urdu daily, was shot and injured by unidentified men in Multan.

March

- ◆ Rana Ibrar Hussain, correspondent of an Urdu daily, shot dead in Chenabnagar, Chiniot.
- ◆ Fayyaz Qamar, cameraman for a private television channel, shot and

injured on the premises of the Punjab Assembly.

April

- ◆ Zaman Ibrahim, crime reporter of a daily newspaper, shot dead in Lyari, Karachi, reportedly by the drug mafia.

- ◆ Zarai Tarakiyati Bank Limited staff beat up journalists accompanying the Employees Old Age Benefit Institution staff in Islamabad.

May

- ◆ Ashraf Panhwar, correspondent of a local daily, shot dead in Mirpurkhas.

- ◆ Jehangir Aslam, reporter for a TV channel, was shot and injured by unidentified men on a motorbike, in Kech, Balochistan.

- ◆ Nasrullah Khan Afridi, who worked for the state-owned television channel and was a reporter for a national Urdu daily and an English newspaper, died in a car blast in Peshawar. A journalist hailing from Khyber Agency in FATA, Afridi had received threats before and was believed to be on the Taliban hit-list. Police said that an explosive device had been planted in the car.

- ◆ Saleem Shahzad, a local and foreign correspondent investigating links between elements in the security agencies with Al-Qaeda, abducted from Islamabad and later found dead near Mandi Bahauddin. An unidentified caller had initially assured the family that he would be freed within 24 hours. The murder brought home the risks journalists faced even in the federal capital and led to media persons closing ranks to demand answers. His death led to vociferous protests throughout the country by journalists and human rights activists and demands for a thorough probe amid allegations of intelligence agencies' involvement in his murder. HRCP demanded that a judicial commission be set up by the government to investigate this murder and identify the culprits. A judicial commission headed by a judge of the Supreme Court was formed, which concluded its investigation as the year came to a close but failed to identify Saleem Shahzad's killers.

June

- ◆ Asfandiyar Abid Naveed, reporter of a daily newspaper, killed and eight other journalists injured in a blast at Peshawar's Khyber Super Market. The journalists had reached the area to cover a low-intensity blast when the second blast occurred. The injured journalists included Saifullah Gul, Shafiullah, Imran Bukhari, Barkatullah Marwat, Qazi Fazlullah and Hashim Ali. Shafiullah, correspondent for a daily English newspaper, succumbed to his injuries four days later.

- ◆ Ayaz Khan, editor of a weekly magazine, was shot and injured in Karachi. He died on the way to hospital.

- ◆ Students protesting for their demands outside the Multan Press Club

attacked the press club building with bricks after an argument with journalists. A freelance sports correspondent, Jahangir Moon, was killed, seven media men injured, and the press club building and journalists' cars were damaged.

- ◆ Asif Butt and Mian Dawood, newspaper reporters, brutally beaten by a gang of human traffickers in Lahore. The accused were later apprehended and remanded into custody.

- ◆ Waqar Kiani, a stringer based in Islamabad for a London-based daily, abducted and beaten for the second time, having been previously abducted in 2008. He continued to face harassment for reporting on the cooperation between Pakistani and British intelligence agencies in the detention and interrogation of suspected militants in Islamabad.

- ◆ Police in Lahore beat Waheed Butt, a TV cameraman, as he filmed policemen torturing a 12-year-old boy after arresting him.

July

- ◆ Malik Munawwar, a political reporter for a private television network, abducted in Karachi and found dead 48 hours later in Balochistan.

- ◆ Unidentified young men tortured two journalists, Yaseen Ansari and Khalid Sardar, in Bahawalpur and shaved off their hair, moustaches and eyebrows. The journalists had responded to a call by people claiming that a group of land grabbers had taken women of their family hostage.

- ◆ Four journalists arrested and charged under the anti-terrorism law in Mianwali. HRCP protested the arrest and urged the authorities to release the journalists.

August

- ◆ Munir Shakir, who worked for a local Baloch television channel, killed in Khuzdar. He was shot dead by two motorcyclists in a market in the evening. This was the fourth killing of a journalist in Khuzdar district in one year. The other journalists killed in Khuzdar were: Faiz Sasoli, Abdul Wasi and Muhammad Khan Sasoli.

- ◆ Rehmatullah Darpakhel, reporter for a national daily, abducted in North Waziristan. He was freed in October.

- ◆ An Urdu newspaper's office building in Skardu attacked



The cost of investigative journalism.

by a gang of 15 men, guards manhandled and furniture and fixtures smashed.

- ◆ A private news channel's team comprising reporter Shaukat Khattak, cameraman Imran Khan and Anwar Khan the operator of the digital satellite news gathering truck, detained and beaten up by police in the Peshawar suburb of Hayatabad after visiting a hospital where victims of a suicide bombing had been taken for treatment.

- ◆ The crew of a private television network beaten up by unidentified armed men near the Provincial Assembly and the Peshawar High Court buildings. The crew comprised journalists Hazrat Khan Mohmand and Nisar Mohammad Khan and technical manager Gul Sher. Mohmand was hospitalised with serious head injuries.

September

- ◆ Tribal journalist Khalil Afridi wounded in Landikotal, Khyber Agency, in a grenade attack apparently carried out by Taliban militants.

- ◆ Television reporter and president of the union of journalists in Hyderabad, Muzaffar Rind and cameraman Pappan Bhatti beaten up by Rangers in Hyderabad for filming the protesting people of the Maheshwari community for being denied flood relief in Tando Muhammad Khan.

October

- ◆ Faisal Qureshi, a web editor of a London-based magazine, found murdered at his home in Lahore.

- ◆ Mahesh Kumar, editor of a Sindhi online paper, fired upon as he left the Hyderabad Press Club at night. Later, he was threatened over the phone.

- ◆ Iqbal Hussain, a journalist, was abducted from Sadah, Kurram Agency. Khyber Union of Journalists, Tribal Union of Journalists, and Peshawar Press Club demanded that the government stop playing spectator to the abductions and killings of journalists. He was released later.

November

- ◆ Javed Naseer Rind, a local journalist, found murdered near Hub. He had been missing for two months.

- ◆ Malik Rao Zafar escaped unhurt when unidentified men in a car fired on him as he rode home on his motorbike with another journalist Asif Iqbal in Nankana Sahib.

- ◆ A sub-inspector of police beat up and detained a newspaper correspondent Saleemur Rehman in Kasur.

December

- ◆ Waqaruddin, a senior journalist and member of the Hangu Pres Club,

Staying quiet to stay alive

The message that Salmaan Taseer's assassination drove home was unmistakably clear. Taseer was killed because he had voiced his opinion. The idea that Pakistan was a fairly free country where one enjoyed the right to say what one wanted stood invalidated. What also stood exposed was the powerlessness of the democratic government. In the following months, the assassination of Shahbaz Bhatti, a fatwa against Sherry Rehman as well as Javed Ghamidi and the judge sentencing Taseer's killer to death fleeing Pakistan to save their lives confirmed that the people now expressed their views at grave peril to themselves.

shot dead by assailants. Police believed he was killed due to personal enmity.

Working conditions for journalists

Despite the growing number of print and media organizations in the country, working conditions for journalists continued to deteriorate. In addition to the considerable risks, especially for field reporters, journalists often had to contend with non-payment of their salaries for months on end, and at times sudden retrenchment without any severance pay.

Few media organizations provided training to reporters to understand and avoid risks in the field. Rather than relying on the field reporter's sense of risk, usually editorial staff sitting far away in big cities decided if the risks facing the journalists freed him from covering a story. Safety gear such as bulletproof jackets and helmets were often not provided even to journalists working in conflict zones. The values of responsible journalism and professional ethics that could help save journalists' lives were not imparted to them in any systematic manner.

Ironically, while equipment such as cameras and vehicles were insured, cameramen, drivers and other support staff were not.

There were frequent accounts of media workers' exploitation, lack of job security and or denial of their economic rights. Federal and provincial union of journalists held a number of protests demanding immediate payment of outstanding dues to journalists, but several electronic and print media organizations who were clearly making profits did not relent. There were reports of scores of journalists leaving media organisations on account of not getting their salaries for months and once they left they did not know if they would ever get paid.

In a disturbing new trend, some media houses did not hire their staff directly but through ghost companies or contractors, so that the journalists were not

considered employees of the media houses. This was done apparently with a view to defeating the legal requirements for a minimum wage structure for journalists or to prevent them from organizing as unionized workers.

Freedom of expression for others

HRCP believes that the freedom of expression is not the exclusive domain of journalists and that the right remains unfulfilled as long as individuals in society are exposed to intimidation or violence on account of expressing their views. In that context, human rights defenders, political activists and liberal religious leaders faced threats and violence for speaking their mind during the year under review.

Speaking in support of religious minorities' rights remained a dangerous proposition and exposed the lack of tolerance of alternative views in society. The government's inability or unwillingness to prevent intimidation and violence towards those challenging the controversial law on blasphemy first promulgated by General Zia who made it punishable by death, with the onus of proof being on the victim, just showed how difficult it was to overturn Zia's legacy and how far away the ethos of the country had shifted from being a moderate Muslim state. To be sure, this contributed to undermining the citizens' freedom of expression and perpetuated impunity for those curtailing it.

This attitude played a big part in the murder of Punjab Governor Salmaan Taseer in January by one of his police guards for supporting a Christian woman sentenced to death on charges of blasphemy and for criticizing the blasphemy law; assassination of Federal Minority Affairs Minister Shahbaz Bhatti for calling a cleric's offer for reward to anyone who murdered Aasia "immoral, unjust and irresponsible"; and threats to parliamentarian and former federal information minister Sherry Rehman for introducing a bill in the National Assembly to amend the blasphemy law.

Javed Ahmed Ghamidi, a respected and progressive religious scholar had to flee Pakistan in 2011 after he started receiving threats for arguing that the blasphemy law was not in sync with religious commandments. Even expressions of judicial officer's views in court verdicts made life risky for judges and the government did nothing to help. The judge who sentenced Taseer's self-confessed murderer to death felt so vulnerable amid threats from extremists that he was reported to have left Pakistan with his family.

Meanwhile, those propagating hate speech enjoyed a free hand. These included a cleric in Peshawar who announced in a rally a reward of half a million rupees for anyone who murdered Aasia Bibi. A cleric at a Karachi mosque said that Sherry Rehman deserved to be killed for her role in introducing in parliament the bill to amend the blasphemy law. There were also hundreds of clerics who were barred from making speeches during the month of Muharram because of their known preference for provocative and inflammatory tirades that encouraged sectarian violence. Not only were the two clerics from

Peshawar and Karachi not prosecuted, the others barred from delivering speeches were also neither charged nor tried for anything that justified the gagging orders in the authorities' views. *[See the chapters 'Freedom of Movement' & 'Freedom of Thought, Conscience and Belief']*

Civil society also noted the reprehensible role played by some sections of the media, especially the Urdu press, in Mr. Taseer's assassination, as they repeatedly insinuated that Taseer had in fact committed blasphemy by criticising the blasphemy law and deserved to be dealt with as a blasphemer.

Quite a few 'reports' in the print media since have sought to incite violence against others working for human rights, such as Ali Dayan Hasan of the Human Rights Watch (HRW), citing in this instance HRW's critique of the blasphemy laws.

Human rights defenders faced particular vulnerabilities for voicing support for human rights and three senior personnel of HRCF were killed in Pasni, Khuzdar, and Khyber Agency in the year 2011. *[See the chapter 'Law and Order']*

The state's shortcomings went beyond indifference or mere failure to prevent the personal risks human rights defenders faced because of their work and speaking out in support of human rights. In some cases, active complicity of state agents was strongly suspected.

Media and self-censorship

Not all curbs on the media were placed by the government or by extremist elements. Looking at where the media remained silent was as important as analysing what it considered worthy of attention. Rather than reporting in an unbiased and responsible manner on major issues concerning Pakistan, the media chose to stay quiet. An HRCF working group comprising members of religious minority communities from across Pakistan, noted with concern that many sections of the media promoted extremists' agenda and even the journalists that did not do so generally imposed self-censorship out of fear for personal safety. The working group urged the need to pay attention to the media message on religious minorities' rights and the overall manner of reporting on minority issues. They noted that the discourse on religion in the media was dominated by zealots and telly evangelists who held extremist views, rather than progressive and learned religious scholars.

The journalists in Balochistan feared for their physical safety and although 'unidentified assailants' were a grave threat to working journalists everywhere, they were considerably more so in Balochistan. The journalists in the province found themselves walking a tightrope where one side accused them of being the agents of intelligence agencies and the other of being Indian agents.

At times, the risks from all quarters forced journalists in Balochistan to look for safety elsewhere. In late 2011, the US granted asylum to Malik Siraj Akbar, a journalist from Balochistan and editor of an online newspaper. Akbar,

Hazards of voicing support for human rights

In the year 2011, Naeem Sabir and Siddique Eido, human rights defenders associated with the HRCP in Balochistan, and Zarteef Afridi, HRCP coordinator in Khyber Agency, were killed on account of their efforts to promote and protect human rights. Despite repeated reminders and requests to the government by HRCP and other national and international human rights organisations, no headway was made in bringing the three men's killers to justice.

Naeem Sabir (1977-2011)

Associated with HRCP since 1998 as coordinator of HRCP's District Core Group in Khuzdar, Naeem Sabir was actively involved in promotion of human rights and reporting of human rights violations in Khuzdar. On March 2011 at around 5:00 p.m., Naeem was attacked by armed motorcyclists who shot him at least seven times at a close range before escaping. He died on his way to the hospital. Naeem was 35 years of age and is survived by a wife and a one-year-old son. He had been threatened by agents of the local government to stop the coverage of human rights abuses. A group called Baloch Musallah Difa Tanzeem claimed responsibility for Naeem's murder. The group is known to threaten anyone who registers a case with the police about disappeared persons. While the police have registered a case, virtually no headway has been made in the investigation. The HRCP chairperson wrote to the chief of Balochistan police with a request to ensure efforts to apprehend the perpetrators but to no avail.

Siddique Eido (1979-2011)

Working as the Coordinator of the HRCP Core Group in Pasni, District Gwadar, since 2000, Siddique was instrumental in highlighting human rights violations in the area. His reporting of human rights violations focused on enforced disappearances in the area. He also worked as a correspondent for a newspaper. A trumped-up case was registered against him for disturbing public peace and attacking the coast guards. He was granted bail by the trial court in Gwadar and continued working for human rights. On December 21, 2010, he appeared before the court for a hearing against him and was returning home with co-accused Yousaf Nazar along with four policemen when their vehicle was stopped by men wearing the Frontier Constabulary (FC) uniform. The two men were pulled out despite protests by the policemen. The HRCP lodged a strong protest with the provincial government but the

FC denied any involvement in the abduction. The testimony of the policemen who saw him being taken away was not taken into account. A petition was lodged with the Supreme Court and Siddique's name was added to HRCP's list of missing persons but his detention remained unacknowledged. On April 28, 2011, Siddique's bullet-riddled body was found near Ormara. He was 31 years of age.

Zarteef Afridi (1962-2011)

A widely respected teacher and a pacifist of long standing, Zarteef Afridi organized and taught in a small school in Khyber Agency and had been the Coordinator of HRCP in the tribal district for nearly two decades. With a lifetime of dedication to promoting human rights, with particular emphasis on the rights of children and women, Zarteef was known in the area as a man of integrity and one who applied his political principles to his personal life. To his credit, not one of the students in his school ended up supporting militancy in the region and all of them went to become educationists and pacifists like their mentor. Zarteef campaigned to set up girls' schools and adult literacy centres for women. He was instrumental in setting up seven centres with 30 students each between the ages of 16-65 that have now been going on for a number of years. He believed in women's right to vote and actively participated with the women of his family in the elections. Zarteef also set up at least 15 NGOs and community based organisations in Jamrud, the main city in Khyber Agency, to promote child rights and good governance and to help stem the tide of recruitment of boys and young men by militant groups. More recently, he was instrumental in persuading a progressive industrialist to set up a school for displaced children from Khyber Agency in Peshawar. Zarteef vociferously advocated for the Federally Administered Tribal Areas (FATA), of which Khyber Agency is a part, to fall within the purview of Pakistan's laws and extension of the Political Parties Act to this region. It was this and his campaigning for women's rights at informal *hujras* or the evening gatherings of men that maligned him further in the eyes of the militants. Zarteef, who stood to guard so many people's rights, found no defender when he was gunned down by militant groups on the morning of December 8, 2011, in Saparay as he rode his motorcycle to school. In his death, civil society and the children and women of the area lost a tireless defender, but as his brother commented, "Zarteef was not an individual but an institution and that will never die."

on a fellowship at a university in the US, had applied for asylum in August following reports he received of kidnappings and killings of fellow journalists and friends in Balochistan. “I never wanted to leave my country, but I don’t want to become a martyr either,” he was reported to have said.

The threats made journalists cautious and selective in what they reported. Print and electronic media both avoided issues such as target killing, enforced disappearance, concerns over control of natural resources, excesses against settlers by insurgents, and the law and order situation was not adequately discussed.

Many field reporters in the province were not even full-time employees of newspapers and were treated as casual workers. The newspapers proprietors thus did not feel obliged to own, train or watch out for them, nor offered compensation if they were injured or killed in the line of duty. In the circumstances, the journalists tried to avoid anything that could compromise their physical well being and glossed over core political and social issues.

An HRCP fact-finding mission to Balochistan noted the importance of the media in keeping the people of Pakistan informed about the state of affairs in the troubled province.

It reiterated the view that the national media’s coverage of Balochistan remained inadequate and stressed that it needed to allocate more print space and airtime to the issues confronting Balochistan. The mission said that coverage of Balochistan issues needed to be made part of the national coverage.

During the year under review, HRCP commemorated December 10, the International Human Rights Day, as a day of solidarity with the people of Balochistan in support of their aspirations to realize their rights. Besides calling upon the government to improve the security situation, HRCP stressed the need for civil society and the media to address more closely the public issues and play their role in ending the silence on human rights violations.

Reporting from conflict zones

The sense of vulnerability and the threats faced by journalists from FATA remained among the most grave hazards anywhere in Pakistan. Many had relocated to parts of Khyber Pakhtunkhwa or chosen to join other professions because of the risks associated with practising journalism. The tribal journalists had seen so many of their colleagues slain and harassed that they were generally terrified and traumatised. There were only a few reporters in the conflict-hit region who had not received threats of “serious consequences” on account of their work and had to constantly grapple with the impossible task of simultaneously trying to avoid upsetting sensitivities of the militants and the authorities in their reporting.

In 2011, Karachi experienced recurring cycles of vicious violence and journalists located there faced security challenges in reporting on violence



Salim Shahzad in conflict zone: Did he pay for that?

that is usually associated with conflict zones.

An HRCP fact-finding mission that visited Karachi at the height of violence in Karachi in July 2011 found the journalists fearful of reporting from areas affected by violence. Only a few TV channels had provided their reporters with flak jackets and there was no security for most of them. The journalists stated that the city had been divided along ethnic lines and they feared all ethnic groups equally and found it extremely difficult to move from an area dominated by one ethnic group to the next where another ethnic group was concentrated. A journalist who managed to pass through a Pakhtun community area was looked on with suspicion by the Mohajir community and vice versa, the mission was informed. Risks to journalists can be gauged from the fact that three of 16 journalists killed in Pakistan were murdered in Karachi, while a fourth one was abducted from Karachi and his body found in Balochistan.

Wage Board Award

Many journalists believe that a minimum wage structure for journalists is indispensable to protect their economic rights and interests.

In October 2011, a decade-long legal challenge for the implementation of the 7th Wage Board Award was decided in favour of journalists when the Supreme Court dismissed all appeals and upheld a decision of the Sindh High Court.

The SC had been hearing a number of petitions by newspaper employers challenging the vires of the Newspaper Employees (Condition of Service) Act 1973 under which the wage boards were constituted, and praying for setting aside the May 31, 2011 Sindh High Court (SHC) verdict of upholding the 7th Wage Board Award. The verdict was supported by the government and the federal minister for information pledged a commitment to play the role of a

The plight of witnesses

Three journalists who exposed the grisly excesses by security forces personnel in two separate incidents in 2011 had to go into hiding to escape threats to their lives. The footage of the two incidents had caused an outrage across the country and led to demands to reign in the security forces.

Abdul Salam Soomro and Zahid Khokhar, working for a television news channel, had made video footage of the gruesome custodial murder of an unarmed young man by the Rangers in Karachi. They received death threats for making and distributing the incriminating video.

Jamal Tarkai, a Quetta-based journalist who had submitted the footage of the cold-blooded murder of five foreigners by police and Frontier Corps personnel in Kharotabad, near Quetta, told a judicial tribunal probing the killing that police had arrested him because he had given a statement against them. He said that he had been detained for an hour and subjected to torture. Later, he had received threats from an unidentified caller that he had made a big mistake by handing over the footage and photographs to the tribunal. The three journalists' experience was symptomatic of the difficulties media persons faced from state and non-state actors alike across Pakistan.

The interior minister and the National Assembly's Standing Committee on Human Rights ordered security for the journalists. **[See the chapter 'Law and Order']**

bridge between newspaper proprietors and employees.

Regulating the right to freedom of expression

While the media mostly continued to work unbridled, particularly privately owned television channels, the government-owned authorizing body, Pakistan Electronic Media Regulatory Authority (PEMRA) did its best to reign in the wild ones. The organisation was embroiled in much publicized internal management issues and litigation in the Supreme Court with a private news group where the verdict went against it.

The annual activities of PEMRA included the introduction of an Ordinance in January according to which there was not to be any discussion over the media of cases before the courts. In the same month, a newspaper network reported that fines of one million rupees each were levied on two television channels for airing the interview of Mumtaz Qadri, the self-confessed murderer of Punjab Governor Salmaan Taseer. The PEMRA chairman denied this and

asked the newspaper to apologise and to publish a contradiction.

A private TV channel moved the Supreme Court against PEMRA to assert exclusive rights to air the cricket World Cup and to prevent the government-run PTV from doing that. The Supreme Court upheld the petition. In January, there was a crackdown on 15 illegal cable networks in Okara and in Islamabad.

In February, the National Assembly Standing Committee on Information and Broadcasting directed PEMRA to curtail broadcasting of many Indian TV programmes. All channels were allowed to screen 10 percent foreign programmes but most of them went past that limit and aired only Indian shows. According to the standing committee, this was having an adverse effect on young viewers and exposed them to “Indian cultural values”.

Some illegal FM radio channels and television networks were issued notices in Punjab and Khyber Pakhtunkhwa.

The federal minister for information declared that the government was moving towards making PEMRA an autonomous body, although no results could be seen by the end of the year.

In February, PEMRA issued notices to television channels airing cricket matches without rights. This led to a strike by cable operators. In the same month, the government stated that it would include journalists among those who needed a no-objection certificate for foreign travel in the interests of national security. The decision was not implemented until the end of the year.

In May, the Punjab government imposed a ban on government employees from giving interviews over the media and for information to be conveyed through officers of the information department. In the same month, a Journalist Welfare Bill was presented before the Parliament.

In June, notices were issued to Geo News, Dawn News, Dunya and News One for telecasting anti-national sentiments. In an explanatory note, it was stated that the investigative reporting and talk shows on these channels questioned the character and the competence of the armed forces, thus endangering national interests and incorrectly influencing public opinion in a breach of professional ethics.

In September, PEMRA and the Intellectual Property Organisation of Pakistan (IPO) took joint action against piracy in the electronic media. In the same month, 10 channels were banned and fined for illegal healthcare-related advertisements. PEMRA also took notice of television shows where satire was fast turning into defamation of character of public figures. The media retaliated by accusing the regulatory body of having no sense of humour.

In October, journalist and parliamentarian Sherry Rehman moved the Right to Information Bill to make government functioning transparent and accessible to the public.

In November, the Pakistan Telecommunication Authority (PTA) sought a ban on the use of over 1,600 presumed ‘derogatory’ or abusive words in text messages. Mobile phone operators were supposed to filter SMS content for

banned words. While the list contained many expletives, a number of words that were to be banned included names of diseases, terms used by particular minority groups, and common words from the English language. The move was slammed by all quarters before sanity prevailed and the decision was apparently abandoned.

In November, the Punjab chief minister issued instruction for enacting a law for access to information to promote transparency in provincial government activities. The chief minister also gave approval for amendments to Motion Pictures Ordinance 2002, and Press, Newspapers, News Agencies and Books Registration Ordinance 2002. The Senate referred the Journalists Protection and Welfare Bill 2011 to the standing committee for information and broadcasting.

In late November, cable television operators took BBC World News and other foreign news channels off air for broadcasting “anti-Pakistan” material. The ban came after BBC aired a documentary questioning Pakistan’s commitment to tackling Taliban militancy. The government denied that it had put pressure on the operators to impose the ban. HRCP criticized the ‘unofficial’ ban as arbitrary, futile, and a violation of citizens’ right to information and freedom of expression. It noted that that the government had not acted to prevent this arbitrary blocking of foreign news channels and stated that other options, such as legal recourse, could be exercised in case of any grievance against the broadcasters. The ban was challenged in the Sindh High Court in December and transmission of the blocked channels resumed soon afterwards.

Recommendations

1. *Considering that several parts of the country are facing conditions of civil war, particularly in Balochistan, and parts of FATA and Khyber Pakhtunkhwa, it is important to ensure the safety of journalists and human rights activists. It is critical that special measures are taken to ensure that they do not become targets in the crossfire. To honour that commitment, the Right to Protection Bill passed in parliament needs to be approved.*

2. *Journalists may need to form their own regulatory bodies to ensure responsible journalism and greater respect for professional ethics.*

3. *The authorities must not wait any longer in curbing extremist opinions promoted by some print and electronic media organisations that influence public opinion against individuals and their right to freedom of expression.*

4. *The government regulatory bodies need to improve on their credibility and impartiality to rein in the electronic media that is completely in the grip of cable operators with no checks on piracy and excessive advertising.*

5. *The Right to Information Bill needs to be passed by all provinces to make governments responsible and accessible to the public.*

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*

The governments in Pakistan, both democratic and dictatorial, have generally not been very generous when it has come to freedom of assembly. This has been so often because large crowds of people have gathered in the form of protest rallies or long marches against the government.

As in previous years, restrictions on freedom of assembly in 2011 amounted to prohibition or disruption of peaceful assembly. The people increasingly used public gatherings to draw attention towards their pressing concerns. They held rallies and demonstrations to protest abject poverty, lawlessness, acute gas and electricity shortages, drone attacks and NATO strikes on Pakistani border posts, to name a few. In Balochistan, rallies also demanded recovery of missing persons, and an end to killing of Hazaras and members of religious minority communities. The ways of protest ranged from burning tyres to self-immolation attempts, although protests on the main thoroughfares or camping outside key government buildings were considered to be the most effective ways to get the attention of the media and the government.

At times public gatherings were outlawed by imposing curbs on assembly,



Peshawar: Students protest against NATO attacks.

but more often they were broken up by baton-wielding policemen. The police were in an impossible situation when it came to the people blocking roads to demand their rights. They were asked to negotiate with bands of protesters who did not trust the government's word and vowed not to budge until their demands were met there and then. When persuasion failed, which was often, the police reverted to the use of batons and tear gas shells to break up the rallies.

According to media monitoring by HRCP, at least 12 people were killed and 343 injured in police action to break up public gatherings or in attacks by non-state actors as a result of the authorities' failure to protect the people's right to peaceful assembly. As many as 38 policemen were also injured in clashes with protesters. According to media reports, the police arrested at least 1,525 protesters, often for blocking roads or violating provisions of law regarding restrictions on public gatherings. At least 4,962 people were booked on various charges following protests and sit-in, many of them under the anti-terrorism law.

If the frequency of the protests is taken as a measure of dissatisfaction of the people, there is plenty of cause for concern for the government at the federal and provincial levels. How those responsible for law and order chose to deal with these gatherings as well as the increasing tendency of the people to vent their frustration by resorting to violence at the slightest provocation were equally critical matters that remained unaddressed.

The people seemed convinced that their voices would never be heard without protest. They told journalists that elected representatives and senior government officials had no empathy for them because they themselves were immune from the problems that affected the common man. They said that the government officials and the rulers did not need to agitate in the streets because

their concerns were noted and addressed without that. The citizens publicly voiced their opinion that rioting was the only way to communicate with the government. It did appear that making enough noise was an important prerequisite to getting the government's ear and once that first hurdle was crossed the government was inclined to hold negotiations with the protesters. If protesters were injured, killed or arrested in the police action, their list of demands expanded to include compensation, withdrawal of cases and the release of detained protesters.

Given the extent of the power outages and the people's exasperation and their notions of how to get the authorities' attention, it was a surprise that the number of these protests was not higher in 2011. The official interest in resolving long pending conflicts, such as one between the administration and workers of the Karachi Electric Supply Company or the demands of landless tenants in Punjab, was tardy or non-existent.

Freedom of assembly was denied by imposing curbs on public gatherings for weeks and months. Although it was usually done on the pretext of maintenance of public order or to ensure security, the action was often considered to be taken to prevent rallies that criticised and exposed the government's inability to guarantee the people their basic needs and rights.

Freedom of peaceful assembly

The right to peaceful assembly was not equally available to all citizens. In some parts of the country such gatherings were difficult to hold because of threats of terror attacks or curbs on assembly on the pretext of maintenance of public order. In other areas such assembly was possible but those calling for the rights of women, or religious minorities were at greater risk. Shia religious gatherings, which had been peaceful without exception, remained at great risk of attack from extremist militants and the state's ability to provide adequate protection remained questionable.

Before holding public rallies permission from the district administration was required. Sometimes permission was granted and at other times it was not. Denial could be challenged in courts. Law and order and sometimes public inconvenience were cited as reasons for not allowing large gatherings. Spontaneous assemblies could be held except in areas where gathering of four or more persons were banned in the name of maintenance of public order. In December, politician Imran Khan moved court after the government denied him permission to hold a rally at the Quaid-e-Azam's mausoleum in Karachi. The rally was allowed after a court order.

The fact that several political parties were able to hold big public meetings in Khyber Pakhtunkhwa was an important development, because threats of terror attacks had rendered such political gatherings impossible in recent years. Such rallies were held in a number of districts of the province not only by the

ruling Awami National Party but also by Jamaat-e-Islami, Jamiat Ulema-e-Islam and Tehrik-e-Insaaf, among others.

Curbs on the right and use of force

In some cases police had to act because a public gathering was violent, while in others the protesters only turned violent after the police used force against them. But in many instances the public gatherings were peaceful and did not give any reason to justify the police brutality that ensued. The disturbing trend of booking and trying protesters under the provisions of the anti-terrorism law rather than the conventional criminal law continued.

Below are some of the instances where the authorities either failed to protect the right to peaceful assembly or used police to disrupt public gatherings.

Jan 11: One person was killed and 14 others injured when police fired on a rally against prolonged electricity outages in Bannu.

Jan 11: A teacher and five students of Islamia College Peshawar were injured when the students and the police clashed. The students were protesting against the college administration and pelted policemen with stones, who responded by firing tear gas shells.

Jan 19: Police used batons to disperse students protesting the sacking of two teachers at the University of Education, Lahore. Scores were briefly held.

Jan 23: Several activists of Saraikistan National Movement were injured when their protest rally against the government was attacked in Kot Mithan, by activists of a political party.

Jan 28: Jamhoori Watan Party leader Shah Zain Bugti was put under house arrest for three months in Quetta to prevent him from launching a march to highlight the plight of Bugti tribesmen displaced from Dera Bugti. He was detained under Maintenance of Public Order Ordinance.

Jan 29: Three activists of Muttahida Qaumi Movement were injured when unidentified men opened fire on a rally in Karachi.

Feb 5: Three activists of Sunni Tehrik were injured when unidentified men shot at a rally in Karachi.

Feb 5: At least 20 college students were injured in Toba Tek Singh when police attacked them with batons and tear gas.

Feb 6: Rawalpindi police baton-charged protesters who attempted to block a key road to protest registration of a case under blasphemy and anti-terrorism laws against them after a clash with a rival Muslim sect a few days earlier. Thirty protesters were briefly taken into custody.

Feb 15: Police in Karachi shelled Lady Health Workers (LHWs) protesting outside the Karachi Press Club with tear gas and baton-charged them as they tried to walk towards the Governor's House over delay in payment of their

salaries and demand for regularisation of service. Five LHWs were arrested and several injured. The LHWs were reported to be demonstrating peacefully when the police attacked them.

Feb 17: Police used batons and water cannon to break up a rally of Sindh Education Department contractual employees as they attempted to march towards the Chief Minister's House in Karachi. The employees were demanding payment of outstanding dues and regularisation of service. A dozen protesters got minor injuries. The contractual employees again tried to march to the Chief Minister's House the following day when the police fired tear gas shells on them after the authorities failed to dissuade them from marching on. On February 25, police again charged the workers with batons when they tried to move to the Sindh Assembly to press for their demands. Fourteen contractual employees were injured and 19 arrested when they attempted to march on the Chief Minister's House again on March 21.

Feb 17: Police in Thatta, Sindh, lodged cases under Anti-Terrorism Act (ATA) against 390 people, including three parliamentarians and political activists, on charges of taking out a procession, displaying firearms, and blocking a highway. Those charged were asking the government to release water into the riverine network of Sujawal sub-division where people had been facing acute shortage of drinking water and water for irrigation since the floods of 2010.

Mar 15: Police in Karachi charged a rally of teachers with batons and water cannon to stop them from marching to the Chief Minister's House. The teachers were marching to draw attention to their demands. Twenty teachers were injured and around a dozen were briefly taken into custody.

Mar 16: Police in Faisalabad baton-charged people blocking a road to draw attention to the suicide by the widow of a man killed by US national Raymond Davis in Lahore earlier in the year. Two protesters were injured. Citizens rallied in several other cities across the countries on this day to protest the release of Davis following a reported *Diyat* settlement with the families of the men he had killed. 15 protesters and four policemen were reported to be injured in scuffles in Lahore. Scores were briefly detained.

Mar 18: The police in Lahore arrested 77 government officials, including Provincial Management Service Association (PMSA) office-bearers who had gathered in the Punjab Civil Secretariat premises to protest the arrest of two colleagues when they were distributing pamphlets announcing a strike of PMSA officials.

Mar 19: At least 16 people, including six policemen sustained injuries after a clash in Nowshera between police and flood-affected people protesting against non-delivery of cash assistance ATM cards. Police used tear gas to

disperse the protesters, who started pelting policemen with stones in response. The police then charged the protesters with batons, injuring 10 people.

Mar 24-28: Police in Ghotki booked 700 people and arrested 100 under the Anti-Terrorism Act after a sit-in by Lady Health Workers (LHWs) on National Highway on charges of blocking the road. Hundreds of LHWs had blocked the road for several hours to draw attention to their demand for regularisation of their contractual employment. At night, the police baton-charged the participants of the sit-in and fired tear gas shells, leaving several LHWs injured. HRCP strongly condemned the police violence on peaceful demonstrations of Lady Health Workers in Karachi and elsewhere in Sindh and called upon the government to release all detained LHWs, provide medical treatment to those who were injured and withdraw the cases registered against them.

Mar 26: At least seven teachers of Institute of Business and Management Sciences, Agriculture University, were injured when police in Peshawar baton-charged and fired tear gas shells on them as they tried to stage a demonstration in front of the Governor House. The teachers were demanding regularization of their service and payment of their salaries that had not been paid for three months.

Mar 28: Police in Khanewal beat tenants demanding ownership rights on land they had been tilling for decades with batons and fired tear gas shells at them to prevent them from continuing a long march to Lahore where the tenants wanted to raise their demands. The marchers also included women and children. One man was killed and several were injured in the police action. Scores of tenants were arrested. Police had dug up trenches and blocked roads by placing containers on them in order to prevent the march. The district administration imposed Section 144 curbs in Khanewal, barring assembly of five or more



Lady health workers take cover after police fire tear-gas shells to disperse them.

persons in the district. The curbs on assembly were later extended until April 26. HRCP expressed concern at registration of cases against the tenants under the Anti-Terrorism Act and said that the blatant use of force against unarmed tenants was uncalled for when the police had already blocked the roads. HRCP demanded that the authorities must immediately acknowledge detention of every tenant in custody, inform the family and the tenants' organisations about the place of their detention and produce them in court at the earliest if there were any charges against them. HRCP also noted that the police had established checkpoints outside villages of tenants and emphasised that the authorities should listen to the tenants' demands and desist from harassing them.

Apr 13: The political administration in Tank arrested 568 Khasadars as they staged a protest in front of the office of Tank Frontier Region's assistant political agent against withholding of their salaries for four months. Salaries of all class IV employees belonging to the Bhattani tribe of FR Tank had been withheld under the collective responsibility clause of Frontier Crimes Regulation. The action was taken after the tribe failed to help the administration recover two abducted contractors of Frontier Works Organisation (FWO).

Apr 14: Protesters upset over unannounced electricity load shedding staged sit-ins and blocked a main road in Karachi by burning tyres. The police resorted to baton-charge and fired tear gas shells at the protesters after failing to persuade them to disperse.

Apr 20: Over 100 employees of the Oil and Gas Development Company (OGDC) who had been recently reinstated were arrested for protesting and staging a sit-in at the company office to demand release of their salaries withheld for five months. The Islamabad police said a case would be lodged against the workers for besieging the OGDC office and creating a 'law and order' situation.

Apr 21: Sheikhpura police registered a case against dozens of protesting relatives of a man allegedly killed due to torture by a policeman. The case was lodged on charges of inciting violence and blocking a road. The policeman accused had already been arrested.

Apr 26: Twenty-four students and six teachers of Federal Urdu University in Karachi were injured when Rangers personnel used batons and fired in the air to end their demonstration. The students were protesting against the university administration for electricity suspension during academic hours.

May 4: Two young men were killed by policemen during a mass demonstration against prolonged electricity outages in Gujar Khan Tehsil of Rawalpindi district. The deceased were 24 and 14. Several people were injured as well, including police personnel. Enraged protestors torched government offices, vehicles and a judicial lock-up and stormed the office of the deputy superintendent of police (DSP). The government transferred three police officers for 'mishandling' the protest demonstration. A request was also made

to Lahore High Court for a judicial inquiry into the violence. The government announced Rs 500,000 as compensation for the heirs of each of the two deceased. Cases were registered under the provisions of Anti-Terrorism Act and other laws against over 2,000 protesters for blocking the traffic and violence. Five protesters were arrested. Charges were framed against eight protesters in late September.

May 5: Islamabad police beat up protesters who blocked GT Road to protest against electricity and gas load shedding. Several protesters were arrested.

May 5: Protesters in Lahore blocked a road to draw attention to unannounced electricity suspension. Police fired in the air and used batons and tear gas against the protesters, who attacked and ransacked an office of the local electricity supply company. Police registered cases against over 100 protesters and arrested several of them.

May 16: A crowd of marchers on a key thoroughfare in Karachi protesting against prolonged electricity load shedding were tear-gassed by the police after an hours-long standoff that caused a severe traffic gridlock.

May 22: Police in Nawabshah baton-charged passengers staging a sit-in against long delays in departure of trains. Two people were injured.

May 25: A man participating in a protest against electricity outages in Karachi was killed when he was hit by a stray bullet. Police had tried to break up the protest by using batons and tear gas.

June 3: Tear gas shelling and baton-charge by Islamabad police failed to prevent hundreds of residents of Kurram Agency from reaching the Prime Minister's Secretariat intersection and blocking it for several hours to slam the authorities' inability to end the siege of Kurram by Taliban and opening the Parachinar-Peshawar Road.

Jun 11: At least four persons were injured in Lyari, Karachi, when unidentified men threw a grenade at the participants of a rally held to protest against the killing of two young men in an allegedly staged encounter by Rangers personnel.

Jun 14: Eight protesting doctors were injured and 70 arrested after Quetta police resorted to firing and tear gas shelling to prevent them from staging a sit-in near Chief Minister's House. The doctors were demanding a raise in salaries and benefits. Later, on the doctors' petition, an additional sessions judge ordered the authorities to lodge a case against the provincial health minister, the health secretary and police officials for using violence against the protesting doctors.

Jun 14: Rangers personnel in Mirpurkhas beat up six men as they were



Karachi: Policemen thrash protesting PIA employees.

on their way to join thousands of protesters demonstrating against water shortage in the area.

Jun 22: Islamabad police charged hundreds of employees of National Commission of Human Development (NCHD) with batons and tear gas after they started to march towards Parliament House. The employees had been staging a sit-in in front of Parliament House for three days to demand reversal of the decision regarding the devolution of the NCHD or winding it up. The protesters said that they had tried to move towards the parliament because public representatives had remained silent spectators despite their protests. Over 40 NCHD employees were arrested, and several including women workers were injured in the police action.

Jun 30: Police in Battagram baton-charged political activists gathered at a main intersection to protest against electricity load shedding. A dozen protesters were injured and 25 arrested.

July 2: The Khanewal district police chief suspended five policemen from service after they beat up a group of women demonstrating against police for implicating one of their relatives in a criminal case.

July 4: Two people were killed and 32 injured when police in Mianwali clashed with people protesting against electricity load shedding. The protesters were marching toward a nearby nuclear power plant and said that even though the plant generated 1,000 megawatts of electricity, the district's need of no more than 100 megawatts was not met and they were subjected to electricity load shedding for up to 20 hours a day. Media reports suggested that the protesters had also scuffled with policemen. The district police chief and several

policemen were also among those injured. Cases were registered under Anti-Terrorism Act and other laws against 42 nominated and 800 unidentified accused. HRCP slammed registration of cases against four journalists under the anti-terrorism law and expressed serious concern over reports that one of the arrested journalists had been tortured and mistreated in custody. The findings of a judicial inquiry in October held the protesters and unidentified foreign elements responsible for the killings and violence. The 45-page inquiry report praised the police for protecting the country's nuclear assets.

July 12: Protests by vendors and labourers in Lahore against shifting of a fruit and vegetable market to another location were met with police using tear gas shells and firing in the air. The protesters were demanding that as per a court order more time should be given to them before shifting the market and the necessary facilities should be provided at the new site before relocation. The administration used heavy machinery to demolish shops and stalls. The protesters blocked the road, beat up and injured 18 policemen, set one truck on fire and damaged another. Over 100 protesters were arrested and cases were registered against at least 200 others.

July 16: Several people were injured when police in Peshawar resorted to tear gas shelling and baton-charge to break up a protest on GT Road against electricity load shedding.

July 17: Two people were injured in Karachi when police used tear gas against peaceful protesters who had come out on a main road to protest electricity load shedding.

July 20: Two protesters and a policeman were injured when an angry mob took to the streets to protest against electricity outages in Gujranwala.

July 22: Police in Dina, Jhelum, registered cases against 60 people for blocking GT Road in protest against electricity load shedding. Some of those booked said they would not seek bail because they believed that peaceful protest was their right.

Aug 4: One person was killed and another injured when the police in Peshawar opened fire on protesters while they were trying to take out a rally and block a road in order to protest against electricity load shedding.

Aug 6: Six people were injured in Turbat when the security forces used tear gas and baton-charge to disperse a demonstration against electricity load shedding.

Aug 6: Twenty people, including women and children, were injured in Sargodha when police fired and used baton-charge on demonstrators blocking a road against a search operation to arrest the people allegedly involved in



Police used baton charge on rain affected poor in Sanghar.

attacking an electricity company office.

Aug 7: Police baton-charged protesters and briefly detained several of them in Multan to break up a demonstration against electricity load shedding.

Aug 11: Two protesters were killed and five injured in Hunza when police opened fire as nearly 200 people were protesting during the Gilgit Baltistan Chief Minister's visit to the area. The protesters were demonstrating in order to highlight delays in payment of compensation to families displaced by a landslide in Attabad in early 2010. The killings were followed by massive protests and attacks on government offices. At least 33 people were arrested in a crackdown against the protesters, while the policemen accused of the killings were yet to be arrested. HRCP noted with concern reports of mistreatment of some of the arrested political and civil society activists in police custody.

Aug 25: Police in Lahore beat up paramedical staff of public hospitals who were demanding their rights outside the chief minister's residence in Lahore. Two paramedics were injured.

Sep 12: Three students were injured when the security forces personnel opened fire on protesters demanding a helicopter service for the citizens from Parachinar, in Kurram Agency, to Peshawar as the militants frequently attacked convoys travelling on the road connecting Kurram to the rest of the country.

Sep 17: Two people were killed and another eight injured in Sinjhiro, Sanghar district, when security guards of a Sindh Assembly member opened fire on flood affected people protesting against non-provision of aid to them.

October: Hundreds of people were arrested across Punjab in the first

week of October as that province and others erupted in violent protests against unscheduled electricity load shedding for up to 20 hours a day. The already exasperated protesters who took to the streets turned violent after the police used their usual crowd control methods. The protesters blocked main roads and attacked offices of electricity companies. The gap between electricity demand and supply at the time had touched 8,000 megawatts, nearly 50 percent of the country's power needs. The people were incensed that steps had not been taken to address the short, medium and long-term electricity needs. The arrested protesters were often charged under provisions of the Anti-Terrorism Act. An anti-terrorism court judge in Lahore sent around 200 arrested protesters to jail on a judicial remand on October 3, denying the authorities' request for remanding the protesters to police custody for investigation. The judge remarked that it was unfair of the police to say that the protesters were terrorists.

Oct 8: Police broke up a demonstration in Chiniot by allegedly kicking and beating up women who were protesting against the killing of a relative in firing by a police constable. The women had placed the body of their deceased relative in front of the office of the District Police Officer (DPO) when the police turned violent. The police were reported to have said that all members of the deceased's family were criminals and there were hundreds of cases registered against them.

Oct 15: Four people were injured in Ghalani when Levies personnel opened fire on tribesmen blocking the main Peshawar-Bajaur Road against prolonged



Police baton-charge parents protesting against increase in school fees.

power cuts in Mohmand Agency. Six protesters were taken into custody. The local political administration had ordered the Levies personnel to open the road after failing to persuade the protesters to end the protest.

Oct 15: Lady Health Workers staged protests and sit-ins in a number of cities over non-payment of their salaries since June. In Lahore, police baton-charged the protesters when they attempted a sit-in outside Governor's House. At least six women workers fell unconscious because of the beating.

Oct 27: Five retired employees of Telephone Industries of Pakistan (TIP) were injured and 12 arrested when police assaulted a protest demonstration of over 300 former TIP employees who had blocked a road and demanded the release of their pension.

Nov 1: A crowd of students protesting in Lahore against delay in finalization of their exam results was baton-charged by police before being assured by the authorities that the result would be finalized by the end of the working week.

Nov 24: Police baton-charged nurses of public hospitals in Lahore as they marched to the Punjab Assembly building. They were demanding better pay and perks and refused to send their representatives into the assembly building to take up their demands with the government. They were insisting that the negotiations should take place in front of TV cameras as they did not want to be "fooled again". As the nurses marched on The Mall, traders pelted them with eggs. Several nurses were injured in the baton-charge, while cases were registered against 500 nurses for violating Section 144 curbs by protesting on The Mall, and against 18 traders for throwing eggs on protesters. The media also reported disruption of electricity supply and deployment of police at nurses' hostels to prevent them from joining the protesters. HRCP censured the merciless beating of nurses by police. It reminded the government that the police action was manifestly ruthless and disproportionate to any 'hazard' the nurses were deemed to be causing and added that it mattered little whether the attackers were policemen or policewomen.

Dec 19: Several people, including five policemen, were injured when protesters blocking roads to slam debilitating gas shortages clashed with the police in Rawalpindi and Islamabad.

Dec 25: In Ayun village of Chitral district police resorted to firing in the air to disperse the people protesting against illegal logging in the forest. Fifty protesters were arrested.

In some instances action such as announcement of holding of inquiry or suspension of some junior level police official were taken after use of excessive force against protesters was taken up by the media or civil society. But such



Lahore: Police attacked protesting nurses with batons.

actions were often not institutional and were taken on orders of a senior elected representative, such as the chief minister or a cabinet member. Such matters generally were not vigorously pursued and the derelict policemen were usually let off the hook quietly.

Abuse of the right

The increasing tendency of participants of public gatherings aimed at highlighting their concerns to engage in violence and vent their anger by destroying public and private property was a matter of concern. While there were legitimate reasons for these protests, the rallies on roads often added to the problems of the people, and there were scores of reports of ambulances stuck for hours in gridlocks caused by protesters rallying on main roads. Calls were made to restrict public gatherings to designated areas in order to provide a peaceful atmosphere to the business community and avoid traffic jams. In several main cities, louder became the clamour for designating venues for public gatherings and preventing demonstrations on roads to avoid traffic jams, disruption of business activities and threats to law and order.

In Karachi, an NGO moved the Sindh High Court to ban rallies and public meetings on national days and on main roads in Karachi. In the last week of 2011, the SHC sought comments from the federal and provincial governments. The petitioner demanded that public meetings must only be held at designated places. Traders at the Aabpara market in Islamabad also demanded a ban on public meetings there, stating that the meetings not only created traffic jams but also affected business activity.

In September the Punjab government informed the Lahore High Court that rallies and processions had been banned from July 1 on Mall Road, the favourite venue for demonstrations in Lahore. In future, protesters were to be allowed rallies at Nasir Bagh if their numbers were less than 1,000 and in Attique Stadium if the number was higher. The court asked the district

administration to talk to media organisations and request them to stop covering protest rallies on The Mall. The court was hearing a petition by Mall Road traders who had contended that the administration needed to act to save them from millions in losses they suffered for every day that protest rallies kept the road blocked. The court had also expressed concern over traffic jams caused by rallies on the key artery.

Despite the ban on rallies on The Mall, the authorities made no effort to stop activists of religious parties and madrasa students from marching on the road on October 1. They had gathered there to lodge their protest hours after a court sentenced to death the killer of Punjab Governor Salman Taseer. Ambulances were also stuck for hours in the consequent traffic jam. While hundreds of policemen were present on the scene there were none of the trademark tactics, including batons and tear gas, which they usually employed for crowd control.

On November 30, the Lahore High Court relaxed the Section 144 restrictions on rallies on The Mall for one day to enable the lawyers to stage a protest against NATO attacks on two Pakistani border posts.

Following a protest by nurses on The Mall in November, the traders association moved a contempt of court petition against the authorities for failure to implement the ban on rallies. The court sought comments from the government and also asked the petitioner to include the media as a necessary party in the contempt petition. The matter was adjourned until January 2012.

Activists of a religious organisation, Sunni Tehrik, protesting in Lahore in February against a statement by Pope Benedict beat up a sub-inspector of



Police baton-charge supporters of a religious group during a protest.

police who reasoned with them to let an ambulance stuck in the rally pass through. This led to a clash between the police and the protesters. Following the clash, the protesters broke into a police station and took the policemen hostage for hours. They demanded that a case be registered against the sub-inspector.

Recommendations

1. *There is an urgent need to reassure the people that the government will listen to and address their concerns without the people resorting to agitation or violence. They should also be persuaded that designation of specific places for public gatherings is meant to facilitate the people, and is not a ploy to make the protests disappear from the public view.*

2. *Vengeful and strong-arm tactics must not be used to punish those who participate in public gatherings to draw attention to their problems.*

3. *Concepts such as crowd control are alien to those assigned to deal with protesters. If there have been any efforts to train the police in crowd control they have not led to any visible change in how peaceful gatherings are tackled. Both organised training and institutional mechanism for accountability for violations must be put in place.*

4. *Efforts should also be made to protect the right of peaceful assembly from interference by non-state actors. The political and religious gatherings should be provided adequate protection in particular.*

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.

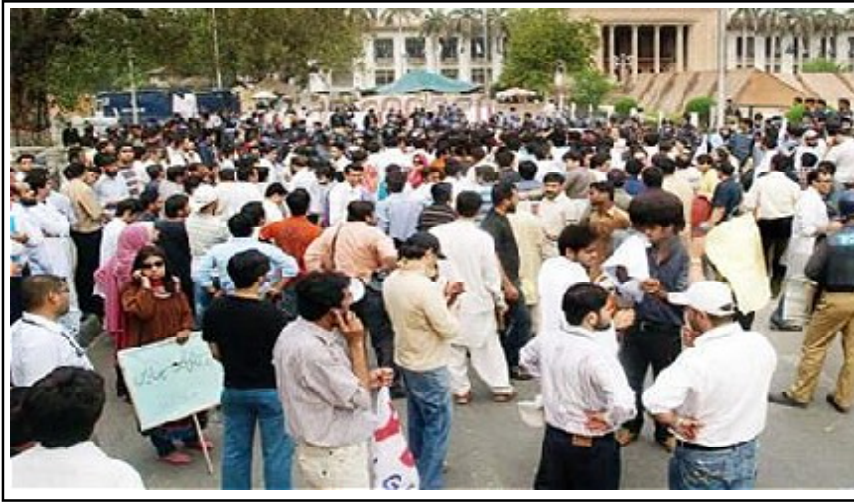
No one may be compelled to belong to an association.

Universal Declaration of Human Rights

Article 20(1,2)

The right to freedom of association faced challenges from unfriendly laws, strong-arm tactics of several organisations such as intelligence agencies, police and paramilitary forces, and militant groups, and a general failure of the government to provide a favourable environment.

The main advance in 2011 was the extension of the Political Parties Act to the Federally Administered Tribal Areas (FATA), which enabled political parties in Pakistan to formally work in the region and for political parties to be formed in FATA for the first time. Apart from that, there were few other positive developments regarding the freedom of association in Pakistan in 2011. The right of labour to form trade unions was still non-existent in FATA. Elsewhere in Pakistan, certain labour laws contributed to limiting the freedom of association for workers. The failure of the state to create conditions for enjoyment of the right without violence, intimidation and interference of



Doctors protested for a long time in Lahore.

employers also added to the challenges. The opposition to workers' organising themselves was not confined to labourers in factories alone, even senior government officials were arrested and intimidated when they went about demanding their rights by agitating under the banner of their associations.

In theory, there was no longer a ban on student unions in colleges and universities across the country. But nothing more than rhetoric was on display on the government's part to revive elected students unions at educational institutional of higher learning or to protect students from violent assaults by groups of hooligans associated with political parties, who had a stranglehold on public colleges and universities.

While legitimate political, student and workers' organisations faced difficulty in operating, the banned militant groups demonstrated their resilience and the government's inability to enforce the ban on them. Criminal and militant groups targeted human rights defenders and activists of civil society and non-governmental organisations (NGOs). A number of NGOs faced threats, attacks and abductions from militant groups.

Political parties in FATA

By extending the Political Parties Act to the Federally Administered Tribal Areas (FATA) in August, the government introduced a reform that could become the first step towards properly integrating FATA with the state system in the rest of Pakistan.

The move was groundbreaking because since the British colonial era a conscious effort had been made to keep FATA away from political movements and influences. The propensity of the authorities to view FATA as a strategic space rather than a region inhabited by people who could aspire to fundamental rights had also continued for the 64 years since Pakistan gained independence.

It was this continuation of the status quo, underdevelopment, alienation and isolation of the population and an oppressive system of governance that contributed to the breeding of violent crime and religious militancy in FATA, turning large parts of it into no-go areas.

FATA with over three million population had a total of 12 National Assembly and eight Senate seats. Since adult franchise was extended to this region in 1997, its parliamentarians were elected on a non-party basis and had virtually no authority to legislate for their constituents. In the absence of the Political Parties Act, the political parties in Pakistan could have a de facto presence in FATA, but their candidates could not contest elections as these parties' representatives and were considered to be 'independent candidates'. The extension of the law to FATA paved the way for political parties to be formed and operate legally in FATA for the first time.

HRCP considers extension of the law to FATA a positive step to bring the area into the national mainstream. However, conducting political activities involves the implementation of fundamental rights such as the right to association, freedom of expression and the right to access information. These rights, which are enshrined in the constitution of Pakistan, can be realized through higher judiciary in the country. However, FATA is out of the jurisdiction of the higher judiciary, and a mechanism for enforcement of the fundamental political rights remains absent.

Denying the right to workers

Workers continued to protest that their right to organize in associations and unions at the national level had been compromised by the 18th Amendment to the Constitution that gave legislative authority on the subject to provinces. They said that the amendment denied legal entity and the right of freedom of association to national industry-wise trade unions, which violated a fundamental right enshrined in Article 17 of the constitution of Pakistan, pertaining to freedom of association and collective bargaining as well as the international obligations undertaken by the government of Pakistan. Workers and trade unions continued to call upon the government to retain labour legislation at the national level because national legislation was necessary to fulfill international commitments such as those under the ILO Conventions No. 87 & 98 and the provisions of the United Nations Declaration of Cultural and Economic and Social Rights 1948. The 18th Amendment's effect on the workers' right to constitute unions at the national level was challenged in the Supreme Court.

In Punjab the right was undermined by some provisions of the Punjab Industrial Relations Act of 2010. The law abolished the workers' right to form a union in an establishment that employed less than 50 workers, in violation of International Labour Organisation (ILO) Convention 87 and Article 17 of the constitution. Workers' representatives protested that the provision had deprived

labour at over 4,000 brick kilns in the province of the right to form unions under the law. The law reducing the number of outsiders in a union's executive from 25 percent to 20 percent was slammed as a bid to rob the unions of opportunities to derive strength from society wherever a union lacked expertise. The law also abolished an earlier tripartite mechanism of workers, employers and the government for resolution of labour disputes. One of the biggest concerns raised by workers' organisations was that by abandoning the principle of collective bargaining, the law had allowed the management to deal directly and individually with workers and exposed the workers to exploitation. [*See the chapter 'Labour'*]

There were reports of employers doing what they could to prevent formation of trade unions at their establishments. In January, the media reported that a handicapped labourer working with a stone grinding machine in Gujranwala was allegedly thrown into the grinder and killed by three contractors because he planned on establishing a trade union.

There were also reports of powerloom industry owners in Faisalabad intimidating labour unions that were stated to be small and weak. It was also reported that union leaders were implicated in criminal cases to harass them. Workers' representatives said that they did not get any support from the government to exercise their rights and felt that the labour had been abandoned.

In November, civil society condemned a total jail term of 490 years awarded to six labour leaders of Labour Qaumi Movement (LQM) in Faisalabad district, Punjab by an Anti-Terrorism Court (ATC).

LQM is an organisation of powerloom workers and the six men—Akbar Ali, Babar Randhawa, Fazal Elahi, Riaz Ahmed, Aslam Malik and Asghar Ali—had been facing charges connected to leading a strike in July 2010 for better wages. The charges included ransacking and burning a factory, which the six vehemently denied throughout the trial and claimed that they had been persecuted for crossing the ruling political party during elections.

Civil society expressed concern and regret that while militants and sectarian terrorists were routinely acquitted by ATCs, the labour leaders had been tried under the anti-terrorism law and given such a harsh sentence. Workers' organisations held protest demonstration against the verdict and demanded the release of the six men and decided to raise funds to provide financial assistance to the families of the jailed powerloom workers and leaders.

Several cases of target killing of trade union leaders were reported. Pakistan International Airline (PIA) workers union chairman was shot dead in Karachi on July 16 and the union's Khyber Pakhtunkhwa chapter head shot and killed in Peshawar on July 21. They had organised protests to demand protection of workers' rights. The killers were not arrested.

A Water and Power Development Authority (WAPDA) union leader was shot at and injured in Jhang in February.

As the financial situation of the main state-owned enterprises worsened,

workers' associations had to be ever vigilant to safeguard their members' rights. The unions of Pakistan Railways employees, lady health workers, teachers and nurses were prominent among those who organised major protests to press for their demands. It took prolonged protests by the Karachi Electricity Supply Company (KESC) workers for the management to withdraw a decision taken in January to sack over 4,000 employees, but the matter was not resolved.



The PTCL workers waged a long struggle.

FATA remained a no-rights zone for workers and the constitutional rights and Pakistan's international commitments on allowing freedom of association to workers did not apply there.

Scores of incidents of the police using violence against rallies and protests by workers' organisations were reported by the media. Office-bearers of trade unions and workers' organisations were booked following demonstrations, occasionally under the anti-terrorism law.

In March, one person was killed and scores injured when police in Khanewal district beat with batons landless tenants and fired tear gas shells at them in a bid to prevent them from continuing a long march to Lahore where they wanted to raise their demands. The tenants had been demanding ownership rights of the land they had been tilling for generations. Cases were registered against the tenants under the Anti-Terrorism Act and scores were arrested. Police later established checkpoints outside villages of tenants and conducted raids to apprehend the tenants associated with the body that had organised the march, particularly its office-bearers. *[See the chapter 'Freedom of Assembly']*

Also in March, police in Lahore arrested at least 77 government officials from the provincial civil service (PCS), including Provincial Management Service Association (PMSA) office-bearers, as they were protesting on the Punjab Civil Secretariat premises. PMSA office-bearers alleged that in a bid to foil their protests, the police and the authorities had contacted the family members of women officers participating in the protest and advised them to prevent their relatives from protesting further. Police teams also allegedly visited

the rented houses of women officers believed to be active in organising protests and made inquiries. The landlord of one of the women officers allegedly asked her to leave the accommodation as he did not want police visiting his house. The media reported in March that the government had suspended a PCS officer in Gujrat on charges of instigating other officers to strike. It was also reported that the officer had earlier been transferred and stopped from attending a course mandatory for his promotion.

Difficulties for journalists' organisations

While journalists' organisations did not face any debilitating legal restrictions on their formation, their efforts to ensure a secure working environment for journalists did not yield results. These organisations raised their voice against growing violence against journalists, impunity for the perpetrators and other concerns of media workers. In June, they voiced concern over repeated attacks on journalists and rallied together in force after the abduction and murder of journalist Saleem Shahzad. They staged a sit-in outside Parliament House and refused to leave until a judicial probe was ordered into the killing. Their wish was granted but the probe findings did not lead to identification or apprehension of the killers, or reductions in threats to journalists in any way.

The problems for journalists and journalists' organisations in Pakistan were nowhere as acute as they were in FATA and in the conflict-hit areas of Balochistan. Journalists found it difficult to work amid near daily threats from both the authorities/security forces and the Taliban as they wanted news coverage of choice and resented reporting that was critical of them.

Press clubs had mushroomed in FATA in recent years and there were at least 12 across the conflict-hit region at the end of the year. But journalists organising themselves to strive for a safe working environment had not had much impact. As many as 12 journalists from FATA had been assassinated because of their work during the past 10 years, according to the president of the Tribal Union of Journalists (TUJ). Several journalists had been abducted as well. The TUJ repeatedly called upon the government to ensure security for journalists in FATA. The role of journalists' associations was all the more significant in FATA because rights regarding the freedom of expression and access to information in Pakistan did not extend to FATA.

The attitude of owners of media organisations also compounded the plight of the TUJ members as out of about 240 journalists working in the tribal areas 40 percent did not get salaries. Many journalists had been forced to leave the area and reported on FATA from Peshawar.

In October, the Balochistan Union of Journalists staged a protest demonstration in Quetta over threats to journalists in the province from militants and banned militant groups. They demanded the government and security



2011 saw 16 journalists killed in Pakistan.

agencies ensure security for journalists performing professional duties. On the day, black flags were hoisted at the buildings of most press clubs in Balochistan.

Journalists or media organisations did not have to be in zones of conflict to be at risk. In Multan, students protesting for their demands outside the Multan Press Club attacked the press club building after an argument with journalists. A freelance sports correspondent was killed, seven media men injured, and the press club building and journalists' cars damaged. [*See the chapter 'Freedom of Expression'*]

A decade-long struggle of journalists' unions in Pakistan for implementation of the Seventh Wage Board award received a boost in October when the Supreme Court dismissed all appeals against a Sindh High Court decision rendered in May and ordered implementation of the award. However, the reluctance of most media organisations to implement the award for newspaper workers remained unchanged.

Vacuum in educational institutions

Despite the promise made by the prime minister in 2008, at the end of 2011 things were no closer to emergence of elected student unions in educational institutions of higher learning. Quite apart from ensuring the freedom of association in educational institutions, the government failed to maintain a peaceful atmosphere there.

In the name of student unions, armed hooliganism affiliated with student wings of religious-political parties reigned supreme and regularly roughed up perceived competitors or anyone who publicly objected to or challenged their heavy-handedness in any manner.

The University of Punjab was among the institutions worst affected where



Madrassa students clash with traders, forcing them to close their shops.

the government failed to take action despite several reported incidents of violence against students by armed hooligans affiliated with a religious political party. In June, HRCP expressed alarm at the intimidation and harassment of students and teachers at the Punjab University Philosophy Department by activists allegedly belonging to the same group. Over two dozen young men, at least five of them carrying firearms and the rest armed with rods and sticks, attacked a boys' hostel of the university and dragged students of the Philosophy Department out of their rooms and severely beat them up. At least seven students were injured and two had to be hospitalised, including one who was thrown down from the first floor. A vice-superintendent of the hostel, who was held at gunpoint throughout the over one hour long attack, and a guard were also injured. HRCP expressed concerns over a pattern of violence and intimidation against teachers and students for which the same group had been blamed. A week earlier faculty and students of the Philosophy Department at the same university had held a protest against violence by the student wing of the religious political party that had tried to disrupt that protest and had beaten up university guards and abused and threatened female students and teachers. In November, two male students were roughed up by activists of the same group with university guards looking on. That led to protests by students and faculty. In October, when the university authorities had refused to give the group permission for a political congregation, the provincial government prevailed upon them to allow this to take place and declared a day off for students. In December, there was a major clash on the Punjab University campus between two groups of activists when one tried to organise a commemoration day in Muharram. More than 60 students were injured as police authorities refused

to intervene and one group accused them of fanning sectarianism on the campus.

Towards the end of the year, HRCP also expressed concern over the law and order situation in the universities of Sindh and in particular at the Sindh University Jamshoro. The concern focused on intimidation of teachers by students groups supported by different political parties.

HRCP expressed regret over the display of weapons on campuses and advised the government that unless immediate measures were taken the students might start thinking that the only way for them to protect themselves against attacks by hooligans was by acquiring weapons themselves. HRCP also stressed that one way of re-introducing self-governance in educational institutions of higher learning could be revival of elected student unions in colleges and universities. [*See the chapter 'Education'*]

Other associations

Although many militant organisations remained outlawed and their activities banned in Pakistan, every once in a while the main ones could be seen campaigning for funds or continuing operations under changed names. The government did not appear unduly perturbed over the failure to rein in the banned groups.

Associating with aid agencies, human rights organisations and non-governmental organisations (NGOs) in general grew more dangerous and workers of many such organisations faced threats, attacks and abduction.

In April, a car bomb explosion near the offices of two NGOs in Quetta left two employees injured.

Eight Pakistanis working for American Refugee Committee were abducted from Pishin district, Balochistan, on July 18. They were released in October after being detained by the abductors in the Tribal Areas.

In August, an American development consultant was kidnapped from Lahore.

In December, an international NGO's worker was shot dead in Karachi in what the police called a target killing.

Aid workers in Pakistan also feared that a fake CIA polio vaccination scheme meant to track down Osama Bin Laden had compromised the operations of aid agencies and threatened the safety of genuine aid workers and endangered extensive programmes to help Pakistan's poor.

The work of human rights defenders, particularly those working on the rights of women and minority communities, also became more dangerous. The assassination of Punjab Governor Salman Taseer and Federal Minister for Minorities Affairs for voicing support for a blasphemy law convict exposed the risk that those espousing minorities' rights ran. Three district coordinators of the Human Rights Commission of Pakistan were also killed in 2011. [*See*

Recommendations

1. *The state must ensure de-weaponisation and end to violence in all educational institutions and generally create conditions where the right to freedom of association can be enjoyed in its true spirit rather than by armed hooligans masquerading as student unions. Incidents of violence at educational institutions must be dealt with on priority and in a transparent and unbiased manner. Short of that, mere rhetoric will not lead to the desired result of re-introducing self-governance in educational institutions.*

2. *Domestic legislation that departs from or contravenes human rights guarantees under the constitution and Pakistan's obligations under international instrumentals must be revised and improved in consultation with the stakeholders.*

3. *Concerted efforts should be made to ensure that FATA does not remain a zone outside the bounds of the constitutional right to freedom of association. Such rights for workers, students, political activists and all segments of society must be ensured and effective mechanisms to enforce the right in case of denial must be provided.*

4. *As with many other rights, the lack of efforts to raise awareness about freedom of association among the right-holders and the general populace has contributed to denial of this right. Measures to correct this situation must be taken urgently.*



4. Democratic development

**State of
Human
Rights
in 2011**

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 elected government was about to complete its fourth year in power as

the year 2011 came to an end. Despite some friction between institutions and fears of the executive taking on the judiciary, that was something worth valuing. However, deficiencies of the government were aggravated by the persistent trouble it had to put up with on that front. The political scene was dominated by increasing wrangling among political parties. The political parties lining up to rid Pakistan of its problems did not bother to share with the people their vision of how they were going to stem the systemic rot.

Serious questions were raised on whether the institutional framework for free and fair elections was in place. The fact that around 45 percent of the registered votes were determined to be bogus underlined the scale of the challenge. Violence in politics grew more intense, especially in Karachi. It was feared that violence would become even more pronounced ahead of the general election and only those who could call upon a well armed cadre would be left in the electoral fray.

The political process, which is much more than mere continuation of an elected government in power or holding of elections, remained largely undeveloped and deficient. Dialogue within the country became more difficult in general and the stage was left empty for extremists.

Advocates of democracy repeatedly reminded the government and the political parties that poor governance and economic disarray were weakening support for democracy, that people's participation in the democratic process left a lot to be desired and that the citizens should be engaged to strengthen the democratic dispensation.

There was a lack of democratic behaviour and political participation in political parties. Within these parties there was only one-way traffic, from top to bottom. The leadership of political parties did not feel compelled to explain to their workers what position they were taking on issues and why. Political parties' workers usually learned about their parties' activities and stance through



Political activists protesting in favour of their demands in Karachi.

media reports, rather than being kept informed through interaction within the party or constituency-level meetings. HRCP believed that this state of affairs had a lot to do with the long years of military rule in the country, which weakened political parties and undermined the political culture, debate and accountability within the parties.

Avenues that could serve as nurseries of peaceful democratic activities stayed closed in 2011 also, including the local government system, elected student unions and internal elections in political parties. No headway was made on holding local government elections, nor an agreement reached on what was to be the sketch of the local government system in the country.

The population census was further delayed and the house enumeration exercise in 2011 demonstrated the difficulties that lay ahead. The main impediments to the holding of free and fair elections became evident in by-elections in 2011. These included votes bought and sold, use of violence and terror, banning of women's right to vote, use of huge amounts of money on election campaigns and other violations of election rules. These infractions, particularly barring women's right to vote, went unchallenged by the political parties and the Election Commission. In the face of an Election Commission that was unwilling to play its role, the candidates and political parties pushed the boundaries of what they thought they could get away with.

HRCP continued to demand that state institutions, political parties and voters fulfilled their responsibilities to ensure a functioning democratic system as well as fair and transparent elections. The commission urged civil society and conscious citizens to persuade political parties to include the human rights agenda in their manifestos and remain vigilant to ensure that the promises in the manifestos were kept.

Flawed voters' list

The irregularities in the voters' list and voters' registration came under close scrutiny and some hope emerged that flaws in the lists may at last be addressed. However, at the end of the year it appeared that the process would take many more months, if not longer.

In March, it was reported that the Election Commission of Pakistan (ECP) had found 37.18 million bogus votes (around 45 percent of the registered voters) in the 2007 electoral rolls, which had been used for the 2008 general election. The bogus entries were unearthed after the ECP tallied its data with that of the National Database Registration Authority (NADRA) and 37.18 million votes out of a total of 81.21 million registered votes could not be verified, as they were either duplicate / multiple or bogus entries. These included 2.14 million people whose computerised national identity cards (CNICs) were declared invalid for various reasons, 2.49 million duplicate entries of CNIC holders, 6.469 million duplicate entries of old / manual NIC holders, while another 11.05 million entries made on the basis of manual NICs whose record did not



Students, traders and political parties organised rallies against the USA.

exist in NADRA's database.

After the verification process, NADRA added another 36,520,000 voters from its CNIC database, making the total number of eligible voters 80,547,753. These new votes were to be verified in a door-to-door verification exercise.

The Supreme Court which had been hearing a petition against flaws in the voters' list ordered the ECP to remove the bogus votes and prepare error-free lists. In December, the ECP informed the court that there had been a delay in finalising voters' list on account of the recent floods in the Sindh province, an epidemic of dengue fever in Punjab, and deteriorating law and order situation in Balochistan. The ECP also said that the Sindh Assembly had adopted a resolution extending the period for completing the process in the province. The ECP sought time until June 2012 to finalise the voters' list. But the court asked the ECP to honour a deadline of February 23 the latter had suggested in July 2010. "There will be bloodshed if the next general elections are held on the basis of bogus votes as no political party will accept the results," said the Supreme Court chief justice, who headed a three-judge bench hearing the petition against irregularities in the voters' list.

In November, the Supreme Court ordered the ECP to add the names of eunuchs to the voters' list. The court had been hearing a case for the rights of eunuchs and also directed the authorities to expedite the procedure of issuing CNICs to eunuchs.

In late December, the Supreme Court ordered the federal government to come up with a detailed response within 15 days to a separate petition requesting

the granting of voting rights to overseas Pakistanis.

Even though names of a large number of eligible citizens remained off the voters' list, voter registration got a boost in the militancy-affected tribal areas as over one million people obtained CNICs, which were mandatory for registration as a voter. Access to relief goods and cash assistance were among the factors that motivated the tribesmen to allow female family members to obtain CNICs. Social safety schemes like Benazir Income Support Programme also encouraged women to get CNICs.

Unlike other tribal agencies, the authorities planned to display electoral lists for the people of South Waziristan and Orakzai agencies at internally displaced persons' camps in Tank and Dera Ismail Khan districts where a large number of displaced people from the two agencies were residing in camps or in rented houses.

Parliament at work

During the third parliamentary year (March 2010-March 2011), as many as 73 percent of questions asked by National Assembly members (MNAs) on the floor of the house remained unanswered. The average attendance of MNAs in the National Assembly sessions during this period was 66 percent. The house met for only three hours a day on an average during the 98 days that it remained in session during the third parliamentary year. The ratio of laws passed compared to presidential ordinances was 30 to 9, or 3.33 laws for every ordinance. *[See the chapter 'Laws and Law-making']*

Women in parliament

Women constituted 23 percent of the National Assembly's 340 members. Of the 77 women parliamentarians, 60 were elected on reserved seats and 17 through popular vote. The speaker of the house was also a woman.

Of the 3,339 questions raised in the assembly in the third parliamentary year, more than half (1,685) were asked by women. On an average, 22 questions were submitted by each woman MNA, almost four times higher than men. During the third parliamentary year, women parliamentarians put up 2,458 parliamentary interventions. Although 43 women members came up with less than 10 interventions, including 18 who failed to participate in any form of parliamentary activity the remaining 34 contributed almost half of the parliamentary business. Ten women parliamentarians made 100 interventions each. All but one of the 10 had been elected on reserved seats and all but one belonged to the Pakistan Muslim League-Nawaz.

The directly elected members accounted for eight percent of the participation of all women MNAs, although they constituted 22 percent of the parliamentary strength of women in the assembly. During the third parliamentary year, 136 members, 37 of them women, moved 130 call attention

notices. Women MNAs joined their male colleagues in submitting 108 notices.

Analysis of the 115 private member's bills submitted from June 2008 to August 2011, according to the National Assembly website, showed that women parliamentarians had been the most active legislators, introducing 70 percent of the private member's bills.

Left out

Some segments of society such as religious minorities, women and nationalists in Balochistan did not participate in the political process, or were not effectively represented, for various reasons. The steps required to facilitate or ensure their participation generally remained missing and where some measures were considered they lacked both focus and urgency.

Minorities

Representatives of various religious communities at the HRCP Working Group on Communities Vulnerable because of their Beliefs highlighted their concerns about lack of effective representation for religious minorities in parliament and regretted that the minority communities' parliamentarians pursued their political parties' agendas instead of working to address the issues of their communities. Rather than being directly elected, members of religious minorities were nominated to parliament by political parties' heads. The working group said that parliamentarians nominated in this manner often sought to please the party head rather than serving the minority community, which the parliamentarians did not deem their electorate. They noted that four senators from the minority communities were to be elected to the Senate in early 2012. Earlier, unlike the provincial and national legislative assemblies, members of minority communities did not have representation in the Senate. The four seats



The minorities had many reasons to protest.

had been reserved for them under the 18th Amendment. The working group apprehended that as with lawmakers from minority communities in the national and provincial legislature, these senators would also have their first loyalty to the party and not to the religious minority community they claimed to represent.

They also complained that none of the parliamentarians from minority communities had been involved in the meetings and deliberations for drafting the 18th Constitutional Amendment.

Women

In addition to women in many parts of the country lacking national identity cards, which are mandatory for casting vote, women were barred from exercising their right to vote in by-elections in at least two instances in 2011. Not allowing women to vote is a violation of election laws as well as the rights guaranteed in the constitution. It is also a penal offence.

According to media reports, under an agreement among all contesting parties, women were barred from casting their votes in by-elections on a provincial assembly seat in Shangla district of Malakand division. There were 14 polling stations specifically designated for women, but Election Commission officials stated that not a single vote had been cast there. The District Returning Officer said that the Election Commission officials held talks with the local elders and political parties' representatives to persuade them to allow the women to vote, but did not succeed.

The National Commission on the Status of Women demanded a thorough probe and called upon the Election Commission to declare the elections void,



Women joined the protests against corruption.

but no action was taken.

This was not the first time that political parties and candidates had connived under an agreement or otherwise to keep women from exercising their right of franchise. The phenomenon has been witnessed again and again in local government elections, general elections and by-elections, mainly in parts of Khyber Pakhtunkhwa, although incidents have been reported in other provinces too.

In November, in a by-election for a provincial assembly constituency of Kohistan district of Khyber Pakhtunkhwa, only men participated in the voting. Media reports said that a jirga held ahead of the polling day had decided not to allow women voters to turn up at polling stations, calling their participation against tribal tradition.

HRCP remained convinced that the perpetrators of these schemes were emboldened by lack of firm action by the Election Commission. HRCP reminded the political parties and the Election Commission that election results that reflected the will of only half of the electorate could not be considered free, fair or democratic.

Nationalists in Balochistan

The violence in Balochistan made political activities difficult and to some extent irrelevant as the leading Baloch nationalist parties were not represented in the provincial and national legislatures on account of their boycott of the 2008 elections. However, they had representation in the Senate, the upper house of parliament. A former senator from Balochistan Nationalist Party (BNP) said that extrajudicial killings of Baloch leaders, political detention of their leaders and activists, and political victimisation had prevented them from fielding candidates, running election campaigns and mobilising public support.



The killing of the Hazara Shias continued.

A look at the situation in the province at the end of 2011 showed that few concrete measures had been taken to improve the environment for the next elections.

Changes in FATA

In August, the president extended the Political Parties Act to the Federally Administered Tribal Areas (FATA), enabling political parties to formally engage in political activities in the region and to nominate candidates to contest elections. HRCP welcomed the extension of the law to FATA but considered more steps needed to be taken to facilitate political activities, especially a mechanism to ensure implementation of fundamental rights such as the right to association, to freedom of expression and to access information. Enforcement of these rights was at the whim of the local administration as FATA was outside the jurisdiction of the higher judiciary in Pakistan. Extending the jurisdiction of the federal and provincial courts to FATA and enabling its elected representatives, and not bureaucracy, to manage governance in the region were steps that HRCP considered vital for reform to take root and give a sense of political participation and ownership to the people.

After extension of the Political Parties Act, the FATA Civil Secretariat designed a code of conduct for every tribal agency for holding political rallies. A political party had to seek prior permission from the respective political administration for holding public meetings in any agency of FATA. A surge in political mobilisation was expected in the area and some rallies were held in Bajaur, Mohmand and Khyber agencies by religious political parties. [*See the chapter 'Freedom of Association'*]

Census

After a delay of three years, the first phase of the national census finally kicked off in April with the initiation of the house-listing operation. In the housing enumeration, each household was counted along with the family's head. The exercise was to provide a baseline for the population census, which was expected in August or September, but did not happen until the end of the year.

Internal displacement and the destruction of hundreds of thousands of houses in the previous year's floods complicated the exercise.

As population figures were linked to planning, service delivery, the sharing of resources and legislative representation, various groups demanded deferring or extending the deadline to ensure that households were not left uncounted. It was stressed that data from the exercise was crucial for future planning and that inaccurate data was as bad as no data. The government was credited and censured in equal measure for persisting with the first phase of the census—praised for not delaying the exercise further and criticised for going ahead with the household count before displacement had ended.

In Balochistan, nationalist political parties said that the people rendered

homeless by a military operation and floods of 2010 would be missed in the house-counting exercise. They also said that the census would be unacceptable in the presence of millions of Afghan refugees in the province, many of whom had reportedly acquired Pakistani national identity cards. In Sindh, the nationalists stressed that unless the count was delayed a large number of people displaced after the floods would be left uncounted.

Tribal elders from the conflict-hit parts of South Waziristan also demanded that the exercise should be deferred until the displaced population had returned home.

Questions were raised about the enumerators' capabilities and training in Punjab. In Sindh, a census commissioner for the province was notified only after the housing census had begun. Enumerators sought the help of security forces in at least three tribal agencies because of security concerns.

In its deliberations in 2011, the HRCP Working Group on Communities Vulnerable because of their Beliefs, which comprised members of religious minority communities, disputed the figures of the non-Muslim population of Pakistan based on the previous census and complained that their population was not accurately reflected in official statistics. The working group felt that ahead of the next census efforts should be made to ensure that the minority population was not under-counted.

The machinery for free and fair elections

Doubts remained on the ability of the institutional framework to ensure free and fair elections. These doubts were reinforced by the ECP's consistent failure to act on well-documented and flagrant violations of election laws. HRCP demanded that the Election Commission of Pakistan was revamped and made autonomous and independent of the government's influence.

Towards the end of the year, civil society organisations opposed a bill—



Scuffles were common during polling for Azad Jammu Kashmir elections.

Killing with impunity

In one of the most brazen incidents of violence against political workers, three activists of the Jeay Sindh Muttahida Mahaz (JSMM) were murdered in Sanghar, Sindh, in April. A fourth died of his injuries in a hospital later.

The three JSMM activists were killed on April 21 when more than a dozen armed men attacked their vehicle with firearms in Sanghar. The attackers, some of them in security agencies' uniform, later on set the activists' car on fire. A fourth activist in the car received serious burn injuries and died in a hospital in Karachi on April 30.

An HRCP fact-finding mission highlighted police callousness and possible complicity in the killings and called upon the Sindh government to immediately hold a judicial probe into the brutal murders and bring the killers to justice. The HRCP mission concluded that the four political activists were killed in a premeditated manner, either by security forces personnel or in collusion with them. The mission received reports of police failure to help the only JSMM activist who had survived the initial attack, as he pleaded to be rescued from the burning car. In fact, policemen had allegedly tried to prevent the local people from rescuing the activist by telling them that he was a terrorist. The fact-finding team noted that at least some of the attackers were stated to be in official security agencies' uniforms, police took their time to get to the crime scene and failed to prevent the escape of the attackers and only half-hearted attempts had been made to investigate the crime. The HRCP mission noted that the assailants had attacked the activists' car without provocation and made sure that none of them survived. The car was torched to ensure that evidence of the grisly killings was destroyed. HRCP shared the mission's concern that the carnage in Sanghar had the potential, and might well be an attempt, to create tensions between the native Sindhi and the settler population in the province. The Commission said that serious measures were all the more crucial amid fears that that might be the beginning of Balochistan-style killings in Sindh. No headway was made in arresting the killers until the year's end.

Explosive issues

In March, an independent member of the Gilgit Baltistan Assembly threatened to blow up the assembly building if he was not inducted in the cabinet as a minister. The parliamentarian claimed that he had been promised a cabinet slot earlier by the former governor of the region.

The Members, Election Commission (Oath of Office, Salary, Allowances, Perks and Privileges) Bill 2011—introduced in the National Assembly seeking to fix the term of members of the Election Commission of Pakistan (ECP) at two years, compared to five years for the chief election commissioner. The ECP itself had recommended that the term of the office of its members should be five years. It was apprehended that a shorter tenure would be a hurdle in smooth functioning and independence of the ECP.

The 18th Constitutional Amendment had increased the term of the office of the chief election commissioner from three to five years. Under it, four full-time permanent members of the Election Commission had been appointed for the first time in the country's history. Earlier, serving judges of the high court acted as part-time members of the ECP. However, consolidating those gains seemed difficult as the year ended. The increasing polarisation and rigidity of stances of the main political parties made the consensus required for key appointments such as the chief election commissioner difficult.

In December, the ECP decided to implement the constitutional bar on dual nationality holders to contest election for the national and provincial legislature. The Election Commission directed returning officers to obtain a declaration on oath from all the persons filing nomination papers for an election to a seat in the parliament or a provincial assembly in that regard.

Local government

In 2011, official resistance to democratic local government continued and little progress was made towards reviving the local government system that was wound up in December 2009. All provincial governments that had advocated devolution of power from the centre to the provinces refused to devolve power to local governments as the third constitutional tier of government.

In addition to an apparent lack of commitment, absence of accurate electoral rolls was also a hurdle in holding local government elections.

In August, the prime minister said that LG elections might be held in the country in 2012 after the finalisation of computerised electoral rolls.

In September, the Khyber Pakhtunkhwa senior minister said that local government elections were likely to be held in the province in 2012. He said



Sindhis came out against the local government system.

that the Khyber Pakhtunkhwa Local Government Bill had been pending with the committee concerned and once it was adopted local government polls would be held.

In November, the Sindh government notified revival of the old 1979 Commissionerate system in place of the local government system. However, as the year came to a close, lack of consensus on a proposed local government law by the main coalition partners in the Sindh government seemed to be a persistent hurdle in holding local government elections. While the provincial government tried to argue that the 2001 local government system was not being revived because of several flaws, efforts to remove those flaws or to introduce a replacement remained absent.

The Punjab government had dissolved the local bodies in the province in February 2010 and appointed government officials in place of elected representatives. Local government funds were used by these government-appointed administrators. In October 2010, the provincial government had postponed local bodies elections by a year. In December 2011, the Punjab government deferred local bodies elections once again through the Punjab Local Government (Second Amendment) Act, 2011.

A petition filed in the Supreme Court in 2009 against the dissolution of the local government system was yet to be heard as the year came to an end.

Political violence

While large political gatherings were held largely without incident in Khyber Pakhtunkhwa after a gap of some years, the government failed in general



Karachi killings: Gang war or political turf war?

to provide secure and peaceful conditions for political activity.

The political parties who had expressed their inability to hold local government elections because of the law and order situation, and other parties demanded holding of general elections ahead of time.

As in previous years, any mention of political violence in Pakistan inevitably began with the situation in Karachi. According to HRCP statistics, at least 329 political activists were killed in violence in Karachi in 2011. As many as 29 activists were killed in the port city in January, 46 in March, 45 in April, 59 in July and 61 in August. An HRCP fact-finding mission that visited Karachi in July to look into the causes of the recurring violence in the city was informed by several people it interviewed that the main political parties in Karachi and their armed/militant wings were involved in violence and other crime. Leaders of some political parties claimed in meetings with the HRCP mission that all political parties in the government in Sindh engaged in power politics and harboured criminal elements and that only criminal elements would be able to contest the next elections in Karachi. Around a dozen incidents of political violence were reported from other parts of the Sindh.

Targeted killings of several political leaders and activists were reported in Balochistan, including the assassination of Balochistan National Party (Awami) leader Abdul Razzaq Raisani in Quetta, of Pakistan Muslim League-Nawaz (PML-N) leader Mehrullah Umrani in Khuzdar district, National Party (NP) leader Nasim Jangian in Turbat, PML-N leader Saleem Jadoon in Quetta, BNP-M leader Mir Juma Raisani in Khuzdar. Insurgents shot dead Mir Rustam Khan Marri, a former leader of Balochistan National Party-Mengal (BNP-M) in Jaffarabad district. A nephew of the Balochistan chief minister was killed in

a powerful bomb explosion and firing at a football stadium in Mastung, while BNP leader Samiullah Lango shot at and critically injured in Quetta were the more prominent targets.

Political leaders and activists were also targeted in terrorist attacks in Khyber Pakhtunkhwa and FATA. These included two suicide attempts on the life of Jamiat Ulema-e-Islam-Fazl (JUI-F) chief Maulana Fazlur Rehman in Swabi and Charsadda districts, the bombing of the provincial agriculture minister's residence in Peshawar; and assassination of former JUI-F general secretary Maulana Samiullah in Karak, injuries to the Khyber Pakhtunkhwa education minister in an assassination attempt in Buner, a suicide attack on an Awami National Party (ANP) senator's *hujra* (outhouse) in Lower Dir and target killing of a Pakistan People's Party (PPP) leader in Mardan district. However, during the year the political parties held large processions in Khyber Pakhtunkhwa and in some parts of FATA as well. The political parties had generally discontinued such gatherings in recent years because of threats of acts of terrorism. [*See the chapter 'Freedom of Assembly'*]

Sectarian streaks were more closely intertwined with politics in Gilgit Baltistan than in many other parts of Pakistan and it was difficult to always distinguish the motives as occasional violence flared there.

Recommendations

1. *Proactive efforts should be made to enhance political participation of women, and religious minorities and early confidence-building measures taken in Balochistan to ensure that nationalist elements do not sit out the next election. These and other efforts are also critical for raising the voter turnout from its present low level. Barring women from exercising their right of vote will not end by itself. It will only grow unless election authorities decide to take action in accordance with the law and countermand any election where women are found to have been intentionally barred from voting. Efforts to increase awareness among voters for enhancing their participation should also be made.*

2. *There is no alternative to an independent and autonomous election commission for ensuring free and fair elections. The political parties should try and rise above petty politics to achieve a consensus and the people should also be invited to have their say in reforming the institutional framework for holding of elections. The political parties must also end their constant bickering and address people's concerns on governance and economic management to ensure support for and consensus on democracy. They must do better in communicating to the people the steps they are taking to improve the common man's life, the difficulties they encounter and how they plan to overcome them.*

3. *It is high time to end the recurring flawed voters' list saga. Instead of*

acting only on judicial direction, the authorities must devise a workable system under which all citizens who obtain their CNICs are automatically registered as voters.

4. The local government system has traditionally taken root in Pakistan after the democratic set-up has been sent packing. The provincial governments should break from the past and treat devolution of governance to the grassroots as a priority.

5. Ahead of the next elections civil society should persuade political parties to include human rights and people's problems in their manifestos and name and shame the parties that hesitate to keep their word.



5. Rights of the disadvantaged

**State of
Human
Rights
in 2011**

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

Article 1, 2, 7, 16, 21(2), 25(2)

While gender constitutes one of the factors that makes people socially



Hari women reflecting on their lot.

vulnerable and discriminated against, the issues of women have to be calibrated against a number of variables. Not all women suffer social vulnerability in quite the same manner or extent and their situation may differ in accordance with their social positioning in terms of class, religion, education, economic

independence, geographical location—inclusive of distance from urban centres—caste, educational profile, marital status, number of children and so on.

So, while all women continue to do poorly in terms of their status as citizens of the State, a fact reflected in the poorer statistics for women's education and health, for instance, and discriminatory laws that make them socially vulnerable, their vulnerability is experientially different according to their social position and their access to avenues of empowerment.

Over the year 2011, the social indices of development such as educational opportunities, employment, and health pertaining to women remained dismal with 65 percent of the workforce engaged in low paid and unrepresented home-based work. The floods continued to affect women and children adversely, with 120,000 pregnant women suffering from trauma, fatigue, malnutrition, and poor hygiene. The health indicators for women, particularly in rural areas, remained abysmal, with breast cancer being amongst the highest in South Asia and 40,000 deaths recorded annually. In urban centres, drug addiction amongst women with school and college degrees was recorded, and the percentage of attempted suicides by ingesting poison, the most discrete form of suicide rose, with up to five to six cases of teenage suicide attempts coming in daily in Karachi alone.

The education indicators for women suffered from cultural practices and in some strife-riddled parts of the country—particularly in Federally Administered Tribal Areas (FATA) and parts of Khyber Pakhtunkhwa—where girls' schools were targeted by the militants, leading to prolonged closures. Meanwhile, in urban centres, a number of cases of sexual harassment came to view in institutions of higher education and perpetrators were brought to book in accordance with the new laws.

Incidents of domestic violence seemed to have increased in the Punjab

province or perhaps were more adequately reported, while Sindh showed a downward trend and cases in Balochistan remained largely unmonitored and unreported. Parts of Khyber Pakhtunkhwa remained under threat of religious militancy and the state of Afghan refugees, particularly the condition of women, was inadequately monitored.

The most vulnerable women of the population were religious and sexualized minorities. There were a number of cases of rape and murder of young women in domestic labour who belonged to the Christian minority. The governor of the Punjab lost his life trying to save Aasia Bibi, a working class Christian woman, from capital punishment on a trumped up case of blasphemy.

Women from sexual minorities—the *hijra* or transgendered community who mostly identify themselves as women—were granted the status of citizens of the State, but the only employment opportunity provided to them by the State was as tax collectors out to harass defaulters. This official gesture not only demeaned them as people and reinforced cultural biases of their nuisance value, but also set a precedent for how they were to be treated socially.

In November, the Supreme Court directed the Election Commission to enlist transgendered peoples on the voters' list, a division bench directed the federal authority of NADRA (National Database and Registration Authority) to issue this community with computerized identity cards, and the Sindh government pledged a piece of land to building a colony for them. The Court appreciated this and asked the other provinces to follow suit.

Women as citizens: the legal and political status

Although a number of court rulings and political events signified the deteriorating status of women as citizens, the death penalty for Aasia Bibi under the blasphemy law, and the acquittals in Mukhtaran Mai's gang-rape case were perhaps the worst rulings of the year. However, the year 2011 was marked by the legal activism of women parliamentarians who vociferously put women's issues in the forefront and succeeded in getting a number of legislations adopted.

Perhaps the two events of significance were the death threats and public harassment faced by a former information minister and PPP parliamentarian after her proposed bill submitted to the National Assembly sought amendment to the blasphemy law.

The assassination of Punjab Governor Salman Taseer in January by a religious zealot, ostensibly for supporting the amendment to the blasphemy law and pleading on behalf of Aasia Bibi, led to the silencing of the assemblies. Protests against Taseer's killing and growing intolerance in society were again led by women parliamentarians who urged their male counterparts to voice their concerns.

HRCP expressed grief and alarm at the growing intolerance and violence in society and wanted the case investigated since it was a member of the police

force deputed to protect the governor that had fired on him.

Another major disappointment and loss of faith in legal institutions came because of the Supreme Court ruling in the Mukhtaran Mai case. Nine years after a very high profile case of gang-rape by 14 men, the Supreme Court of Pakistan acquitted eight of the accused on appeal and the death penalty awarded to six others was overturned, with only one man serving a life term. The court cited insufficient evidence as the ground for the acquittal. The decision led to



A demand for nothing less than equal rights.

nationwide protests by women and human rights groups. HRCF expressed its alarm and disappointment at the Supreme Court verdict acquitting the men accused of raping Mukhtaran Mai and stated that the decision would add to difficulties that rape victims faced in bringing their tormentors to justice. HRCF felt that inadequate police investigation and delay in registering a case with the police had led to the acquittal of the accused. HRCF expressed concern that the courts lacked the capacity and the sensitivity to appraise evidence in rape cases.

A judicial observation with perhaps even more stark implications concerning women had been passed in December 2010 when a Federal Shariat Court verdict declared some clauses in the Women's Protection Act unconstitutional and un-Islamic. This effectively meant reinstating parts of the Zina and Qazf ordinances promulgated by General Ziaul Haq that confused the difference between adultery and rape. In 2011, there was widespread protest by women and civil rights groups over this backsliding. The Federal Shariat Court (FSC) verdict that declared four clauses of the Women Protection Act as unconstitutional was criticised by members of the Women's Action Forum (WAF) on the grounds that it effectively reintroduced the overriding effect of Zina and Qazaf ordinances, which the WPA had removed, and also confused the issue of separation of rape from adultery, that the WPA had established. They opposed the FSC's aim to trivialise the rights of women through legitimising discrimination against them. The FSC decision was also challenged and an appeal made to the Supreme Court (the Federal Shariat Appellate Bench)

by a number of women's rights organizations. The appeal was still pending at the end of 2011.

In October, the National Commission on Women Act 2011 was presented before parliament that argued for the setting up of an autonomous body to examine all policies and programmes of government for gender equity. (It was adopted in the new year)

In the last few days of the year, a bill on women's rights of inheritance the Prevention of Anti- Women Practices Bill 2008 was adopted by parliament. The law aimed to protect women from child marriages, forced marriage to the Quran, the practices of *vani*, *swara*. These and any other means of depriving women from inheriting property became punishable by law. In December, the provincial assembly of Khyber Pakhtunkhwa tabled a bill to protect and secure women's rights to property termed the Women's Ownership Rights Act 2011.

In the same month, the Acid Crime Prevention Bill was passed unanimously by the two houses of parliament. This defined the crime as 'disfigurement' and 'defacement' and enhanced the punishment from ten years to life term and /or a fine of half a million rupees. HRCP strongly welcomed the adoption of the pro-women rights bills and asked for their early implementation as that would help change societal perceptions of women's status and rights.

In 2011, six women were awarded the death penalty by different courts of law.

Government plans and policies

January

- ◆ The first woman ombudsperson was appointed to receive and examine the complaints of sexual harassment and prosecute the offenders.
- ◆ The Punjab Assembly passed a resolution demanding that the federal government ensure the implementation of women's rights according to Islam, and curtail incidents of violence against women.
- ◆ It was announced by the government that a bill would soon be presented in parliament to protect the rights of "home-based workers" in the country but no further steps were taken.

February

- ◆ The prime minister directed officials to ensure implementation of amendments which grant autonomous status to the National Commission on the Status of Women before March 8. Repeal of all retrogressive and discriminatory laws against women was urged by NGOs and activists.

March

- ◆ The Lahore High Court chief justice promised ensuring women's

representation on the bench. However, there were no women among the judges of the High Court until the year's end.

- ◆ A constitutional petition was filed in the Supreme Court directing the government to regularise the services of Lady Health Workers (LHWs). Earlier in the month, there had been several street demonstrations by LHWs and a number of incidents of arrest and police torture of the protesting LHWs.

April

- ◆ The Sexual Harassment Act—passed in March the previous year—that required all public and private organisations, including government ministries, divisions and departments to ensure its implementation, had not been implemented by many ministries, including interior, defence production, investment, ports and shipping, and textile industries. Only three hospitals nationwide had adopted the law. The Environment Ministry adopted the code in late January. In April, there was focus on provincial-level implementation of the law, as well as ensuring appointment of ombudspersons in provinces.

- ◆ The Supreme Court acquitted five of the six men accused of raping Mukhtaran Mai on appeal, while only one man was awarded a life sentence.

May

- ◆ The Punjab government investigated the incident of keeping a female lecturer in lock-up for the night after she had an argument on the road over a traffic violation with an army officer serving with an intelligence agency. The woman later withdrew her case against the officer according to media reports.

June

- ◆ The National Assembly's Standing Committee on Women's Development recommended the formation of a committee to coordinate between the provinces and the centre on issues related to women's development and their rights after the devolution of the ministry under the Eighteenth Amendment.

- ◆ The National Commission on the Status of Women was renamed "National Commission for Women" and established as an autonomous body.

- ◆ The Federal Budget 2011-2012 came as a disappointment to women since it included no new women-specific projects.

- ◆ The National Commission on the Status of Women asked the government to increase the representation of women in the federal cabinet.

July

- ◆ Pakistan's youngest cabinet member and the first female foreign minister took office.

- ◆ The prime minister said that although the ministries of minorities and women development had been devolved to the provinces under the Eighteenth

Amendment, policy making on women's issues would remain the job of the federal government. He also vowed to take more steps for political and economic empowerment of women.

◆ In November, the former minister of information was appointed the country's new ambassador to the United States.



Azim Mai: One of many victims of acid attacks.

Access to basic rights: the right to work

Although women entered into paid labour in large numbers, particularly from the poorer classes, their remuneration remained low and their rights as workers almost non-existent. According to informal estimates, 65 percent of the total workforce comprised women who worked from home and remained largely invisible and without the cover of labour laws.

Women enter the workforce with several disadvantages. Lack of education and limited exposure to the public sphere leads to diminished employment opportunities for women and a poor sense of self worth. Women thereby tend to be employed in the worst-paid and most exploitative occupations.

Protests regarding workers' rights

January

◆ In late January, the government announced its plans to construct hostels in major cities of the country, including Islamabad, Lahore and Karachi, keeping in view the residential problems of working women, and implementation was keenly awaited.

◆ In Karachi, the president advised the Sindh Bank's management to consider allocating 40 percent of jobs to women in the province.

◆ Twenty female police officers from all over Punjab successfully completed the First Investigation Course for Women Police Officers and were certified to work as police station house officers (SHOs) and investigation officers.

◆ It was reported that in Pakistan, 65 percent of the total women workforce—roughly 8.2 million women—worked as home-based workers who lacked formal social protection. They were the least paid and most exploited. The government vowed to bring them under labour laws but no concrete action

was taken in the year.

- ◆ The salaries and allowances of female nurses working at Children's Hospital, Lahore were greatly reduced after a change in their status from contract to regular employees. After vociferous demonstrations contesting this, by early February, better allowances were announced for the nurses as ad hoc relief.

February

- ◆ In February, the salaries of Lady Health Workers in Swat District had not been paid for the past two months, causing them financial worries and forcing them to lodge a protest. The case of LHWs was later taken up for redress after nation-wide protests.

- ◆ In Islamabad, 36 of the 53 nurses of Polyclinic Hospital whose services had been terminated before the end of their contractual period and without any prior notice were reinstated after they staged a sit-in outside parliament for two days.

- ◆ A female teacher in Karachi immolated herself in protest against her transfer to another school and for not being paid her salary for three months.

- ◆ The women medical officers of Taxila hospital observed a strike in protest against the unavailability of medicines in the labour room, harsh working conditions, extra duty hours and apathetic attitude of the authorities towards these problems.

- ◆ In Islamabad, 130 female employees working for the Federal Investigation Agency (FIA) filed a petition against gender discrimination in departmental promotions.

March

- ◆ Women rights bodies urged the government to make efforts for the



Women workers march for their rights.

recognition of informal female workers and protecting their rights.

- ◆ HRCP expressed concern at the brutal police action against protesting LHWs in Sindh where police used batons and tear gas to disperse them and then arrested some of the leaders. The LHWs were protesting the arrests of their colleagues in Ghotki, Obaro, and Sukkur. Those newly arrested were also sent to Sukkur jail.

- ◆ HRCP condemned police violence on the peaceful demonstration of LHWs and called upon the government of Sindh to release everyone detained and to withdraw the cases registered against them. In recognition of the crucial nature of their work, HRCP urged the government to regularise the service of LHWs and to provide medical aid and treatment to the demonstrators who were injured at the hands of the police and local administration.

April

- ◆ The first convention of the Home-based Women Workers' Federation was organised in Karachi, with women from all over the country participating to voice their concerns and form alliances. It was noted that about 12 million home-based women workers were not recognised as workers in Pakistan and the government had not developed any social or economic policy for them.

- ◆ Lady Health Workers continued to protest for their demands all over the country .

November

- ◆ Nurses continued protesting peacefully for better working conditions and salary. The peaceful protestors were dragged in the streets by their hair and beaten up in Lahore. HRCP condemned the harsh police action against protesting nurses in Lahore.

Sexual harassment

(i) Harassment in educational institutions

In January, the principal of a government primary boys' school in Rawalpindi was suspended over allegations of sexually harassing a female teacher.

In February, in order to combat sexual harassment in universities, the Higher Education Commission (HEC) sent an anti-harassment policy to all universities. However, it remained largely unimplemented.

In April, media reports emerged of alleged sexual harassment of female students by senior teachers and heads of various departments of the University of Peshawar. In May, a lecturer in the university was suspended from service on such a charge.

In Lahore, a Punjab University teacher was sacked for sexually harassing

a student.

In May, it was learnt that none of the public sector universities in Khyber Pakhtunkhwa had complied with the Higher Education Commission's policy guidelines to prevent sexual harassment on university premises.

In June, a senior director of the King Edward Medical University was removed from his post after an incident of harassment of a female student.

In July, a female student of Quaid-e-Azam University charged a faculty member of sexual harassment. According to her, when she resisted his advances, the teacher threatened her of "grave" consequences, including failing her in her exams. At the same university, the controller was accused of sexually harassing a student in his office. Both men were found guilty by a probe committee and relieved of their jobs.

In July, the University of Peshawar decided to curtail the powers of internal examiners in the Bachelors of Science (BS) programme in a bid to tackle harassment and exploitation of female students.

In August, a young student of a computer institute in Wah Cantt was shot dead by the principal when she refused his sexual advances. Her body was found at an abandoned house and the man arrested.

In the same month, a driver at a school in Islamabad was charged with harassing a female teacher. The federal ombudsperson decided the case in two hearings and the driver was removed from service.

In September, a case was registered in Sialkot against a man who was harassing a teacher and had demanded a bribe to keep quiet about her academic documents which were reportedly forged. She lodged an FIR with the police and asked for protection.

In October, the entire female staff of a medical college in Karachi resigned over the conditions of harassment they faced at work. The 250 doctors and medical practitioners of Shaheed Benazir Bhutto Medical College in Lyari said they had been facing harassment and their complaints were not heeded.

Sexual harassment of a different kind was reported at a girls' college in Rawalpindi where 60 masked men entered the premises and beat up teachers and students exhorting them to "dress modestly and wear *hijab*". Despite calls, the police did not respond to the situation and the media was informed unofficially that they were under strict orders to not do anything.

In November, a ninth grader in Bahawalpur charged the principal of her school with attempted rape but after investigation the police dropped the case saying there was insufficient evidence although there were two eyewitness accounts of teachers who came into the room upon hearing the girl scream.

(ii) Harassment at the workplace

In September, an official of Pakistan International Airlines (PIA) in Islamabad was accused and found guilty of harassing a passenger service officer.

The federal ombudsperson levied a fine of Rs 100,000 on him, half of which was to be paid to the woman.

In the same month, women peasants bearing sticks, sickles and spades blocked the National Highway in Thatta for three hours to protest against the torment they faced at the hands of overseers. The flood displaced women from Tando Mohammed Khan, Thatta, and Badin said they worked as farm labour and were being harassed and wished to lodge an FIR with the police. They were persuaded to disperse by a town municipal officer to avert a showdown between them and the armed men of the overseer.

In September, a dentist at Kahna Rural Health Centre, Lahore was charged with sexually harassing a staff nurse. The petitioner had initially made a complaint to the Punjab chief minister. In a few days, when nothing was done, the young nurse tried to set herself ablaze in front of the press club because she had been dismissed from service without her dues, was being threatened, and the culprit was still at large. The Punjab health secretary promised to get her justice.

In the Lahore High Court a case was pending against the PIA administration over the alleged sexual harassment faced by women pilots who alleged that their promotions were subject to how sexually available they were to the management.

(iii) Harassment by law enforcement agencies

Police largely played the role of a coercive force against women. Throughout the year, scores of media reports covered women moving courts to seek protection after they married of their own choice and were harassed by their families in collusion with the police.

In January, it was announced that in order to encourage women to lodge first information reports (FIRs) against violation of their rights, special Ladies Complaint Units would be set up in police stations.

In March, police used batons and tear gas against women health workers protesting in Hyderabad and arrested several of them.

In April, police officials in Dipalpur were accused of covering up the rape and murder of a fourteen-year-old housemaid, Khalida, by her employers.

In the same month, it was announced that women complaint centres would be established at police stations of all four provinces under a project called "Gender Responsive Policing".

In June, 10 women workers were injured in a clash with city police during a protest against the attempted abduction of their fellow worker by some men in Muzaffargarh.

It was announced by the government in June that Women's Crisis Centres in Punjab, which provide essential services to victims of abuse and violence,

may close down due to lack of funds.

In July, a woman constable accused senior officials of Lahore Police of forcing junior cops into sexual liaisons and threatening them with punishments and defamation if they did not comply.

In August, a parliamentarian from Chakwal was accused of sexually harassing a minor and then threatening to bring the Chakwal Police down on her if she said anything. The lawmaker denied the charge, calling it politically motivated. The case was dropped.

In October, police baton charged a procession of Lady Health Workers in Karachi who held a rally to lodge a protest against non-payment of salaries for months.

In November, nurses protesting for their rights in Lahore were mercilessly beaten by the police.

Physical violence: the ultimate deterrent to women

Domestic violence showed a marked increase in the first six months of 2011 as compared to the previous year, according to the monitoring cell of Aurat Foundation, with 4,448 cases reported. Abduction and kidnapping remained the most common crimes (1,137 cases), with murder (799 cases), rape and murder (396 cases) being the second and third most commonly reported crimes. The figures for the Punjab were higher than those for Sindh, which was a change from last year, but the figures may be a result of what is reported and what remains silenced due to cultural pressures.

According to media monitoring by HRCP, there were reports of at least 366 women who suffered some form of domestic violence in 2011. Of these, nearly all victims were married women with only two of them unmarried, five widows, and two divorced women, and the perpetrators were mostly husbands or other close relatives. The families were nearly all of them from the working class with only one victim being a female doctor. The reasons given for the violence were domestic dispute and the suspicion of illicit relations.

Amongst the worst hit were 38 women who suffered from acid attacks, 47 were set on fire, 81 suffered attempted murder, 98 were tortured, 10 women had their heads shaved as part of public humiliation, and nine women had their nose or other parts of the body amputated as punishment.

In February 2011, the Senate was informed that over the past two years 8,433 cases of violence against women were registered in Punjab and a total of 11,798 all over the country.

It was reported at a discussion organized by 'Insani Haqooq Ittehad', a conglomerate of civil society organizations based in Islamabad, that more than 80 percent women were subject to physical or psychological domestic violence,



Relief for flood-affected women in Sindh.

which often went unreported since 66 percent women accepted it as their fate, 33 percent merely complained while less than 5 percent took concrete steps against it.

Cultural justification of violence: the “honour” crime chart

Throughout the year, women were callously killed in the name of “honour” when they went against family wishes in any way, or even on the basis of suspicion that they did so. Women were sometimes killed in the name of “honour” over property disputes and inheritance rights.

According to media monitoring and field reports from HRCP volunteers, at least 943 women were killed in the name of honour, of which 93 were minors. The purported reasons given for this were illicit relations in 595 cases and the demand to marry of their own choice in 219 cases. The murderers were mostly brothers and husbands, in 180 cases the murderer being a brother and in 226 cases being the husband of the victim. The majority of cases (557) were of married women. Before being killed, at least 19 women were raped, 12 of them gang raped, and the means used were mostly firearms but also blunt weapons and strangulation. Among the honour killing victims were seven Christian and two Hindu women.

Only 20 women killed in the name of honour were reported to have been provided medical aid before they died.

Women murdered for reasons other than these numbered 936, of which at

least 532 were married and the killer was the husband in 259 cases, the victims' brother (52 cases), father (18 cases) and other close relatives (92 cases). They were mostly shot dead or strangled.

Dying in anger

According to newspaper reports, 701 women committed suicide and 428 tried to end their lives during the year under review. The numbers tend to be higher for the provinces of Punjab and Sindh and more police reports were filed there. The absence of such reports from Balochistan and Khyber Pakhtunkhwa may signal a silencing of what is considered family tragedy so it does not go on police records nor is it reported in the press. Informal sources in hospitals confirm the suicide rate to be much higher but fear of criminal proceedings prevents them from being registered. The high incidence of suicide points to an alarming social phenomenon.

The profile of women attempting or taking their own lives makes them between 15 to 30 years of age and largely from the working classes. A large number of them were married with only 133 suicides of unmarried young women and 173 of them minors, and the reason cited is generally domestic disputes, unemployment and financial problems. Among younger women, emotional despair on account of denial of the right to choose a life partner or maltreatment by an abusive or violent partner were among the reasons cited.



Advocating an end to discrimination in laws.

Some suicides of married women with children also involved the children in their attempt. A very small number of suicides had to do with public humiliation of the victim. Most of the victims took poison, or shot or hanged themselves.

Unlike the general theories on suicide, in Pakistan suicide is not a result of social isolation or occurs from feelings of alienation. Rather, the contrary may be true here, with the social order being over-determined by strong cultural mores

governing the lives of both men and women and the family playing the regulatory authority. Suicides among women were generally not a result of abject poverty and hopelessness, as is the case in men, since women are generally not responsible as heads of households. It seems they are more a result of being denied the right to express themselves as human beings and a denial of bodily rights.

The reported incidents of women committing suicide included the following:

- ◆ Two young women from village Zagal were brought to Agency Headquarters Hospital in Khar. Both succumbed to self-inflicted injuries. Doctors at the hospital said about 200 people had committed suicide in Bajour Agency in the past year.

- ◆ An 18-year-old girl jumped from the historic wooden bridge at Konodas in Gilgit. Her brother claimed her body, saying she ended her life over a minor domestic dispute.

- ◆ A 16-year-old girl jumped to her death from a mountain in an Abbottabad village for unspecified reasons.

- ◆ A woman drank pesticide and administered it to her five-year-old daughter in a village in Hafizabad on the second day of Eid. It was reported that she was tired of the abject poverty of the household.

- ◆ A woman was cutting fodder in the fields with her brother-in-law in Sargodha when she was overpowered by two men and repeatedly assaulted. After 20 days of torment, she set herself ablaze after being taunted by people and since there was no action by the police.

- ◆ A 25-year-old woman in Sialkot went to a lawyer to file a complaint where she was assaulted and raped by the lawyer and his accomplice. She climbed on to the ledge of the three-storey building and attempted to jump to her death but she was prevented from doing so and the lawyer was apprehended.

- ◆ A woman committed suicide in Toba Tek Singh after her family refused to marry her to a man of her choice.

- ◆ A girl and a young man took poisonous pills and ended their lives in Arifwala. Both were relatives and wished marry but their families did not approve.

Recommendations

1. *More women need to be represented in decision-making bodies like the federal cabinet.*

2. *While some progressive legislation concerning women was passed in*

the National Assembly, there is the need to follow up on its implementation and for there to be exemplary cases.

3. Parallel adjudication systems like the Federal Shariat Court, and informal jirgas and panchayats need to be brought within the purview of civil courts especially in matters concerning women.

4. More women and transgender people need to be facilitated into the workforce on better terms of employment to make them a part of the social force and able to withstand family pressures and domestic violence.

5. Bill against domestic violence needs to be passed and laws framed for implementation.

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)

Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

International Covenant on Civil and Political Rights

Article 24(1)

Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination...Children

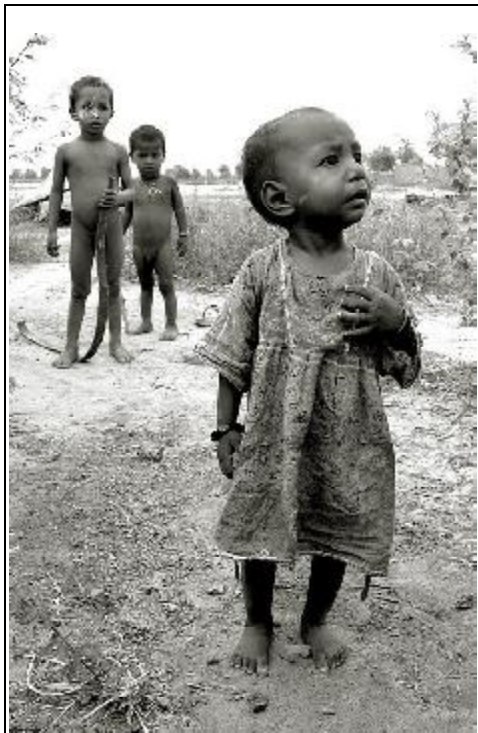
and young persons should be protected from economic and social exploitation...States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

International Covenant on Economic, Social and Cultural Rights

Article 10(3)

A quick overview of the child rights situation in 2011 reveals that no decline was witnessed in the number of child rights violations in terms of figures. However, some significant measures were taken and commitments made by the government this year to promote and protect child rights. Announcement of the decision to hold a new statistical survey on child labour, declaration of all unregistered madrassas as illegal, ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and criminalisation of forced marriages and acid throwing were some of the prominent steps taken in 2011 for the welfare of children in the country.

As for the tribulations in 2011, natural disaster struck parts of Pakistan once again, putting hundreds of thousands of children in an extremely perilous situation. Following the torrential monsoon rains in August 2011, all 23 districts of Sindh province and 16 out of 30 districts in Balochistan were ravaged by



Nomadic children were no one's priority.

floods. According to a UNICEF update released in November 2011, the latest flooding affected 2.4 million children in Sindh alone and overall 0.3 million people in Balochistan. Furthermore, 67 percent of the food stocks in Sindh were destroyed, leaving many households without any means of sustenance, pushing many children into hazardous labour or beggary. Another misfortune faced amid floods was a poor response from the international community for rescue and rehabilitation reportedly due to complaints of improper utilisation of foreign aid that came in previously. The delayed and insufficient relief prolonged the misery of the affected population and exacerbated the

adversities caused by the disaster.

Health

According to the United Nations Human Development Report 2011, the infant mortality rate in Pakistan was recorded at 63.3 deaths per 1,000 births, indicating a marginal drop from the previous year and the under-five mortality rate was 89 deaths per 1,000 children, which was about five deaths less than the preceding year. However, such a nominal decrease in the figures seemed insufficient to meet the Millennium Development Goal 4 to reduce child mortality, which envisages the infant mortality rate to fall to 40 and the under-five mortality rate to 52 by the year 2015. The Annual Health Report of the Pakistan Medical Association (PMA) for the year 2011 revealed that one child dies every minute from EPI (expanded programme on immunisation) diseases, diarrhea and acute respiratory infection. The report also said that every year about 400,000 infants die in the first year of their life.

The Economic Survey of Pakistan for the year 2009-2010 reported that 50 percent infant and child deaths in the country related to malnutrition. Malnutrition amongst children continued to persist in 2011, exacerbated by the new wave of floods. Figures recorded in the latest economic survey showed that 38 percent of children under five years of age were underweight and 12 percent were severely underweight. In addition, it observed that deficiencies such as iron, iodine, zinc and vitamin-A were very common in pre-school children.

As a result of the floods, 30 percent of the children in Sindh were suffering from severe malnutrition. The country director for Save the Children UK observed that “malnutrition levels among children under-five are among some of our worst recorded cases” as a result of the recent floods and expressed his fears that if adequate aid did not come in the situation would deteriorate. The National Disaster Management Authority (NDMA) also observed that nearly 500,000 children under the age of five were at risk of contracting serious diseases in Sindh due to delay in assistance by the international community.

Save the Children’s survey report “Pakistan: One Year On” revealed that 23 percent children in some areas hit by the floods in 2010 continued to be acutely malnourished even one year after the disaster. [*See the chapter ‘Refugees’*] Nearly half of the parents interviewed for the survey disclosed that their children were suffering from phobias, nightmares and trauma and in one district of Punjab one in ten families reported their children were resorting to substance abuse such as *hashish* or glue to pacify themselves.

The National Nutrition Survey of 2011 was launched in September, after a gap of almost eleven years. The survey report revealed that the number of malnourished children had substantially increased since the last survey a decade ago. Chronic malnutrition among children in Punjab had increased to 39 percent in 2011 from 32.5 percent in 2001, which meant two out of five children were



Resistance to polio drops declined.

malnourished. In Sindh, 17.5 percent of children under five years suffered from acute malnutrition, nearly seven percent being severely malnourished. Overall, it showed that 15.1 percent children in the country faced absolute food scarcity while 43.6 percent faced some nutrition problem and nearly 31.5 percent children were underweight. The survey report also stated that child stunting level had reached 43 percent, while child-wasting (low weight-for-height) was found to be 13 percent.

According to the Pakistan Pediatric Association president, the general trend of getting children vaccinated against various diseases, including polio, was dropping

in Pakistan. As polio was eradicated around the world, there was an explosion in the number of cases in Pakistan. In 2011, 197 polio cases were reported as opposed to 144 cases in 2010. As per data provided by the National Institute of Health (NIH), the highest number of polio cases was registered in Balochistan. However, Khyber Pakhtunkhwa and Federally Administered Tribal Areas witnessed a decline in polio cases from 98 in 2010 to 73 in 2011. The drop was linked to greater accessibility of vaccinators and lesser refusals against oral polio vaccine by parents—13,000 refusal cases recorded in 2011 compared to 23,000 the previous year. The gaps in the implementation mechanism in the polio immunisation campaign were believed to be the reason for the number of polio cases and the affected districts continuing to rise. *[See the chapter 'Health']*

Education

The overall literacy rate in Pakistan was recorded at 57.7 percent (69.5 percent for males and 45.2 percent for females) in the latest report of the Economic Survey of Pakistan (2010-2011). An increase of 4 percent in pre-primary enrolment was observed in 2009-2010 over the preceding fiscal year and this trend was anticipated to continue in 2011. Similarly, primary school enrollment was also estimated to increase by 1.4 percent, middle school

enrolment by 0.4 percent and secondary education by 2.9 percent. The results are, however, yet to be observed. Due to continued financial vulnerabilities, the government reduced development budget for education to Rs. 9.2 billion in 2010-11 compared to Rs.11.3 billion in 2009-10. [See the chapter 'Education']

Pakistan Taskforce, a national initiative mandated by the Prime Minister in 2009 to help the provincial and federal governments in implementing the national education policy, declared 2011 the year of education in Pakistan. However, no significant change was witnessed in the shape of focused or heightened activities during the year. A publication released by Pakistan Taskforce in March 2011 estimated that every tenth child in the world not attending primary education was in Pakistan. It stated that Pakistan was far from achieving the MDG of universal education by 2015. According to a report by ASER centre, 80 percent of children in the age group 6 to 16 years in rural Pakistan were enrolled in schools in 2010. Of the children in the primary age group (6 to 10 years), 84 percent were enrolled. However, the Pakistan Taskforce report identified that 50 percent of children who were able to attend school, between the ages of 6-16 years, still could not read or write. Lack of training and qualified teachers at the primary level was believed to be among the main reasons.

A report by PILDAT, an NGO focused on political and public policy research and legislative strengthening, published in June 2011, estimated that over 55 million Pakistanis of age 10 and above could not read or write. It also observed that over 7 million children of school-going age were not attending school, despite abolition of school fees and provision of free textbooks.

UNESCO has estimated that 30 percent of Pakistanis live in education poverty, i.e., they have not attended more than two years of education. The latest economic survey revealed that provincially, literacy rate in Punjab stood at 59.6 percent, Sindh 58.2 percent, Khyber Pakhtunkhwa 50.9 percent and Balochistan at 51.5 percent. Compared to previous years, the literacy rate in Khyber Pakhtunkhwa and Balochistan has substantially improved, according to the Economic Survey of Pakistan 2010-2011.

In terms of facilities, majority of the schools lacked the basic infrastructure, i.e. 32.7 percent schools did not have a boundary wall, 33.6 percent lacked drinking water facility, 35.4 percent had no latrines and around 60 percent schools were without electricity, according to statistics with the ministry of education.

A survey of basic facilities at 147 state-run primary schools across the country found many gaps, as listed in Table 1.

A study by AKU-IED under the Strengthening Teacher Education in Pakistan (STEP) prevailing teaching, learning and management practices at schools, in seven districts of Sindh, revealed that 70 percent primary

Table - 1**Basic facilities at public primary schools**

Attendance of teachers	77 percent
No staffrooms for teachers	80 percent
No desks and chairs for students	48 percent
No desks and chairs for teachers	19 percent
Clean drinking water	44 percent
Vacant teacher posts	29.9 percent
No sanitary workers	93 percent
No security guard	60.5 percent
No boundary wall	11.5 percent
No black or white boards	12.9 percent
No playground	66.6 percent
No electricity	41% <i>(67% in Balochistan, 30% in Punjab and Sindh and 17% in KP)</i>

schoolteachers only give 15 minutes to each subject in a 35-minute class daily. The study showed that only 56 percent of the enrolled students attended classes regularly and training of teachers did not bring about the desirable outcome. The findings of the study were directly linked to the level of the facilities available at schools in terms of infrastructure and human resources. The Pakistan Education Foundation has estimated the need for Rs. 300 billion to improve the infrastructure for schools in Punjab alone.

There were a few noteworthy developments in the area of education this year. Firstly, the allocation of Rs. 823.1 million to improve physical infrastructure and basic facilities in government primary and elementary schools under “Education Sector Reforms Programme-Provision of Missing Facilities”—a project continuing since 2006-2007 all over Pakistan except Punjab. According to the Economic Survey of Pakistan 2010-2011, the project had achieved 41 percent of its objectives by June. In December 2011, the Punjab education minister announced in the Punjab Assembly that the government had decided to recruit 33,000 school teachers in the next academic session. It was also reported in the media that the Punjab government had provided a sum of Rs 10 billion to the Punjab Education Foundation (PEF) to promote school education in marginalised areas through public-private partnership. On December 26, the provincial assembly passed the Khyber Pakhtunkhwa Regional Languages Authority Act 2011 and Khyber Pakhtunkhwa Universities Act 2011. The former was aimed at the introduction and promotion of regional languages in schools and the latter sought to reconstitute and reorganise existing



Education by the sewerage pool.

universities while all new universities were also to be formed according to its provisions.

As for madrasa reforms, a project started in General Musharraf's era, there appeared to be little headway during the tenure of the current government. According to the federal minister for religious affairs, there was increased registration of madrasahs. He claimed that up to August 10,973 madrasahs had been registered. He stated that while negotiations were in process with the Ittehad-e-Tanzeemat-e-Madaris Pakistan, an umbrella organisation of madrasahs in the country, worthwhile results had not been achieved, especially pertaining to rationalisation of the syllabus and mainstreaming of the madrasahs—two of the fundamental objectives of the madrasa reform project.

In an appalling incident at Madrasa Zakariya in Sohrab Goth, Karachi on December 13, police recovered 45 students in shackles from the basement of the madrasa. The police had raided the seminary after an anonymous tip-off. The chained students included boys as young as 12 and were mainly of Pakhtun origin. The children complained of regular beatings and being hung upside down. The madrasa staff claimed that they had chained the students because they were drug addicts and they were admitted there with their parents' consent for the purposes of rehabilitation. One of the students was reported to have claimed they were brought there to be trained for battle by the Taliban. Subsequently, the federal interior minister declared that seminaries not registered with the Tanzeemul Madaris by January 1, 2012 would be considered illegal. According to the minister, there were 24,000 registered seminaries in the country.

The Khyber Pakhtunkhwa government proposed amendments to the NWFP Compulsory Primary Education Act, 1996 during the year under review. In order to encourage school enrollment, a fine of Rs 100 per day or imprisonment

up to three months or both were proposed in the draft law if a parent failed to enroll children in schools.

Militants' attacks on educational institutions, mainly girls' schools, continued in 2011 as well. According to media monitoring by HRCP, at least 135 attacks were reported on educational institutions across the country in 2011. Of these, 76 attacks took place in Khyber Pakhtunkhwa, 53 in FATA, two in Balochistan, and four in Gilgit Baltistan. Of the educational institutions targeted, at least 60 were girls' schools and 109 were government schools. *[See the chapter 'Education']*

Child labour

The situation of child labour in Pakistan did not undergo any positive change in 2011. Barring the occasional reports published by NGOs and international organisations working in Pakistan, no comprehensive data on child labour was collected by the government during the course of the year, despite the need for that being repeatedly stressed in the past. However, International Labour Organization (ILO) did announce that it would facilitate the Pakistan government to conduct a major new statistical survey on child labour in 2012. In a joint media statement by ILO and UNICEF, it was revealed that ILO was providing technical assistance to the Federal Bureau of Statistics to conduct the second national Child Labour Survey during 2011-2012. The survey was aimed at providing updated statistical information on the extent of child labour, including hazardous forms of child labour. It was hoped that the data would support efforts to advocate for the rights of children, and to overcome hazardous forms of child labour.

Research carried out by Save the Children, released in July, estimated that



One of the common hazards of child labour.

the number of children engaged in labour in Pakistan had surged by almost one third in the past one year due to the financial problems caused by the floods. Save the Children surveyed 23,000 households in the three worst-hit provinces and estimated that most families had suffered up to 70 percent decline in their incomes due to which children were forced to work often in hazardous places as the parents could no longer sustain their families alone.

In a workshop held in September, the ILO staff shared preliminary results of a research, according to which stone-crushing was the most hazardous occupation for children as their lungs were damaged by silica dust and they suffered bone injuries. Injuries to children leading to amputation of limbs had also been recorded at small workshops and repair shops and these evidenced psycho-social damage to the children, particularly those working at brick kilns.

Rights violations and child protection

In a report released in February 2011, Madadgaar Helpline, an NGO working with victims of violence, abuse and exploitation, reported as many as 5,120 cases of abuse and violence against children in the year 2010. These included 1,062 children murdered and 916 injured in various incidents, 799 children kidnapped, 288 children raped, 149 sodomised and 211 children who faced sexual assaults in 2010. The report added that 571 children were tortured, 200 trafficked, 364 went missing and around 202 children committed suicide while 121 children fell prey to *karo kari*. Majority of the cases had occurred in Punjab or Sindh. In 2011, according to the print media monitoring by HRCPC and reports sent by HRCPC volunteers from districts across Pakistan, at least 93 minor girls were killed in the name of 'honour'. In the period under review, as many as 173 minors committed suicide and another 82 unsuccessfully attempted to end their own life, according to HRCPC monitoring. [See the chapters 'Women' & 'Health']

According to figures compiled by AGHS Child Rights Unit, based on monitoring of various newspapers published in Lahore, at least 407 cases of child rights abuse and violation were recorded in 2011. While these figures may not be a precise statistical representation of the number of cases occurring in Pakistan, they do offer insight into the kinds of violation and abuse children face in the country.

Physical abuse (<i>murder, attempt to murder, kidnapping, 284</i> <i>medical negligence, burnt alive, acid throwing, etc.</i>)	
Sexual abuse (<i>rape, sodomy, sexual assault</i>)	130
Child marriage (<i>vani, watta-satta, sale of child brides</i>)	33
Total	407

An important headway in child protection during the year under review was the ratification by Pakistan of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child

pornography on June 9, 2011. However, the Criminal Laws (Amendment) Bill, 2009, introduced three years back, which aimed to insert new sections in Pakistan Penal Code, criminalising child pornography and exposure to seduction was yet to be passed as law at the end of 2011. This cast doubts on how effectively the optional protocol would be complied with.

As reported the previous year, the United Nations had expressed strong concerns over Pakistan's weak legislation for the protection of child rights but no progress was seen in 2011. No notable attempt was made by the government for the enactment of Criminal Laws (Amendment) Bill 2009, the National Commission on the Rights of the Children Bill 2009, the Prohibition of Corporal Punishment Bill 2009, the Charter of Child Rights Bill 2009, and the Child Marriages Restraint (Amendment) Bill 2009.

At the provincial level, a few important child protection laws were adopted and authorities set up. The Sindh Child Protection Authority Bill, 2011 was passed by the Sindh Assembly on May 16, 2011 and became law with the provincial governor's assent on June 9, 2011. Under Section 10 of the Act, an 11-member authority was set up to coordinate and monitor child protection issues at the provincial and district levels. The authority would further ensure the rights of children in need of special protection measures, and support and establish institutional mechanism for child protection and make necessary efforts to enhance and strengthen existing services of child welfare organizations. The authority would also set minimum standards for all other institutions relating to children, including educational institutions, orphanages, shelter homes, remand homes, certified schools, youthful offender workplaces, child parks and hospitals, and ensure implementation.

In Khyber Pakhtunkhwa, a Child Protection and Welfare Bureau was established in March 2011, which was an outcome of the Khyber Pakhtunkhwa Child Protection and Welfare Act passed in 2010. The aim of the bureau is to provide protection to children who are exposed to risks and exploitation. An office of the bureau was also set up in Abbottabad in December. It will be some time before the impact of the bureau on child protection becomes clear.

The progress of Child Complaint Office (CCO), established at the Federal Ombudsman's Office in Islamabad in 2009, to hear complaints of child rights violations by any government authority, was very slow. According to the monthly reports for the year under review, the federal office in Islamabad had only received 85 complaints by June 2011, out of which 15 were considered admissible and the rest inadmissible. CCOs were also set up at the provincial level at the offices of the Provincial Ombudsman. The Punjab CCO in Lahore also faced criticism for its slow progress. It released its 2010 annual report in December 2011, according to which it had only received 274 applications in two year despite having been allocated a substantial budget. In 2009, it had registered 99 cases and in 2010 it had registered 175 complaints against different departments. Seventy-three of the complaints were against the education department, including boards of intermediate and secondary education (BISE)

while 18 were against police.

Child abuse and abduction

An almost four percent rise in the number of child sexual abuse cases was noted in the first six months of 2011 as compared to the same period the previous year, as shown in a report by Sahil, an NGO that works against child sexual abuse and exploitation. A total of 1,080 cases of child abuse were reported during the said period, and 72 percent victims were girls. The number of children abused in the age bracket of 1-5 years was higher than in the previous year. Geographically, 870 cases were recorded in Punjab. In term of police reporting, 73 percent of the cases had been registered with the police. The total number of child sexual abuse cases in 2010 was 2,252.

Media reports suggested an increase in abduction by parents in countries that have not ratified the Hague Convention on International Child Abduction and Pakistan was one of the most common abduction destinations last year from amongst these countries. Between April 2010 and March 2011, the number of children being abducted to Pakistan from Britain was reported to be 21.

A large number of kidnappings and abductions were reported this year also. At least nine cases were highlighted in the media where newborns disappeared from hospitals.

In September 2011, Taliban militants kidnapped 30 Pakistani boys from FATA as they picnicked just over the Afghan border. Sixty children were initially seized, but 20 children under the age of 12 years were immediately released and another ten were recovered through efforts of Pakistani officials. Of the 30 who continued to be in captivity, 17 were released in the first week of 2012. A similar incident had occurred in June 2009 when hundreds of Pakistani students from the tribal North Waziristan region were kidnapped by the Taliban, all were later released unharmed.

Militant groups in Pakistan are known to kidnap or coerce children to spy, fight or even carry out suicide bombings. There have also been accounts of sexual and physical abuse of these children.

Birth registration

According to a report by UNICEF in 2011, birth registration in Pakistan stands at only 27 percent. According to a survey by the Society for the Protection of the Rights of the Child (SPARC) more than 70 percent of the children were registered at some point before they turned 18, primarily for enrollment at schools, even though Article 7 of the UN Convention on the Rights of the Child says that a child should be registered 'immediately after birth'.

On December 28, the Supreme Court sought a report from the provincial governments and district coordination officers (DCOs) within two weeks on registration of illegitimate children. This was in response to an application by renowned philanthropist Abdul Sattar Edhi, requesting the SC to develop a legal mechanism to address the problems of registration of children of

unidentified families, to give these children an identity independent of a legally mandated guardian. He had also stated in the application that the National Database Registration Authority (NADRA) had refused to register a minor after stating that the registration process could not be initiated without the child's guardian.

Corporal punishment

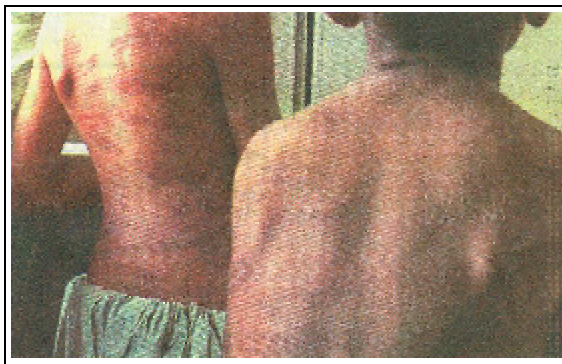
Corporal punishment for children at educational institutions continued in 2011 with the usual rigour, leading to the death of at least three children. Twenty serious cases resulting in grave injuries or death as a result of corporal punishment were highlighted in the media. Majority of these cases occurred in government institutions. Three incidents of death of children on account of corporal punishment occurred in Taxila, Rawalpindi and Chiniot. Two other grave incidents were reported from Karachi, where one child became unconscious while the other got serious injury to his eye as a result of the beating.

The Prohibition of Corporal Punishment Bill, 2010, that allows suspension of a teacher found guilty of corporal punishment and applies to both public and private educational institutions, was submitted in the National Assembly on January 12, 2010 as a private member's bill. On February 14, 2011, National Assembly's Standing Committee on Education endorsed it. The Bill was earlier opposed by senior officials of the education ministry stating that it may negatively impact the student-teacher relationship. The committee forwarded the draft law to the ministries of education, interior and law for their feedback. No further progress on the bill was reported by the end of the year.

At the provincial level, few measures were taken to combat corporal punishment. In December 2011, a notification was issued by FATA Civil Secretariat that imposed a ban on corporal punishment in all its forms at formal, informal and public and private schools and other educational institutions in FATA. The notification said that monitoring and grievance redress mechanism would be set up to ensure the ban was implemented as well as providing an

effective procedure for processing complaints.

The Sindh education and literacy minister announced in December that the province would soon have an exclusive law to prohibit corporal punishment. He directed expeditious preparation of a final draft of the Sindh Prohibition of



Lasting impressions: Students show torture marks.

Corporal Punishment Bill, 2011 so that it could be sent for review and legislation.

Under the Khyber Pakhtunkhwa Child Protection and Welfare Ordinance 2010, the provincial Child Protection and Welfare Commission (CPWC) in April 2011 took notice of an incident of corporal punishment in a private school and directed the police to lodge a case against the teacher concerned.

Juvenile justice

Over one thousand children languished in juvenile prisons across the country in 2011. Another year went by with no special courts set up to exclusively hear juvenile cases, despite the Juvenile Justice System Ordinance 2000, promulgated eleven year ago, expressly stating such a requirement. In Punjab, courts of sessions and all judicial magistrates of the first class serve as juvenile courts. These courts take up juvenile cases simultaneously with criminal cases of adult offenders, even though that is prohibited under the law. Rigorous imprisonment continues to be given by the judges to juveniles and children are placed in handcuffs and fetters despite express prohibition for both in JJSO 2000.

Another closely related issue faced by children involved in the criminal process is long duration of police custody and torture. This has been highlighted in the UN Global Report on Administrative Detention of Children 2011, stating that despite Pakistani laws requiring that children should be brought to a magistrate within 24 hours of their arrest, many children are kept in police lockups for considerably longer periods. This has also been one of the main concerns put forward in the annual reports on children in Punjab prisons by AGHS Child Rights Unit for the past many years. In 2010, of the 63 children interviewed in various prisons of Punjab, 60 claimed to have been placed in police custody for a longer period than 24 hours and all of them complained of suffering violence or custodial violence of varying degrees. *[See the chapter 'Jails, Prisoners and Disappearances']*

The following table, based on official statistics and media monitoring, gives data on the number of children found in juvenile prisons in the four provinces by the end of 2011:

<i>Province</i>	<i>Convicted</i>	<i>Under Trial.....</i>	<i>Total</i>
Punjab	81	869	950
Sindh			69
Khyber Pakhtunkhwa.....	30	211	241
Balochistan			48

Scores of children were reported to be incarcerated with their mothers in different prisons across the country. Rule 326 of the Pakistan Prison Rules provides that in Sindh, Punjab and Khyber Pakhtunkhwa, a woman delinquent

can keep her child with her until the child is six while in Balochistan she can only keep the child until three years of age. However, as the situation stands, this rule is rarely complied with in the prisons as no mechanism exists for lodging these children elsewhere.

Child marriages

Practices such as child marriage have deep roots in Pakistan and continue with much tenacity despite considerable hue and cry by national and international human rights organisations. Early marriage leads to early childbearing, which has severe health risk implications for both mother and child.

Over 15 cases were highlighted in the media this year, out of which nine cases took place in Punjab, five in Sindh and one in Khyber Pakhtunkhawa. Majority of the cases in Punjab took place in Faisalabad while all the five cases from Sindh occurred in Sukkur. This figure is in no way reflective of the actual number of cases, but only goes to show that the practice continues with incidents occurring across the country. In a majority of these cases, the minor children were wed off to settle disputes between families or minor girls were sold by their parents. In December 2011, however, the much trumpeted Prevention of Anti-Women Practices (amendment) Bill 2008, was passed by the Senate. Under this law customary practices of giving females in marriages for settling disputes such as *swara*, *vani* and *badal-e-sulh*, their marriage with the Holy Quran and denying the rights of inheritance to women, are now criminal offences. Children were beneficiaries by extension of this law which sought to curb ‘anti-women practices’. Under this law, a person coercing a woman into marriage, marriage to Quran, *badal-e-sulh*, *vani* or *swara* was liable to a minimum of three years of imprisonment and Rs. 500,000 fine.

An amendment in the Child Marriages Restraint Act, 1929 proposed three years back to serve as a deterrent to child marriages and remove the gender disparity in the legal age for marriage, remained pending until the end of 2011. The Child Marriage Restraint (Amendment) Bill 2009 requires that the legal age for marriage of both males and females must be 18 years. The prevailing difference in the legally valid age for marriage between genders, 18 years for boys and 16 years for girls, is considered discriminatory as the Constitution of Pakistan categorically states “*there should be no discrimination on the basis of sex alone*” (Article 25). Furthermore, under this amendment bill, child marriage has been made a cognizable offence. The bill has also raised the sanction for the person solemnizing a child marriage or a parent or guardian concerned in a child marriage, so that it has the required deterrent effect. It proposes to raise imprisonment to two years from one month and fine to 100,000 rupees from 1,000 rupees. In an incident of child marriage in Faisalabad in

October, the head of a police station refused to arrest anyone as he claimed that no laws had been broken “because the girl is an adult as per Islamic law and *Shariah*. She is 12-years-old and that is not too young for marriage.”

Street children

Very few measures were taken for the protection of street children this year. The plight of street children continued to be highlighted by the non-government sector, with negligible response by the State. There is a dire need to collect data on the number of street children in the country, but no such surveys have been initiated at the state level.

As stated earlier, the Child Protection and Welfare Bureau was established in March 2011 in Peshawar for the rescue and safe custody of destitute children.

According to recent reports, there are over 32,000 street children in Karachi, where the power to take custody of street children lies with the Social Welfare Department as ordered by the Sindh High Court



Larkana: An early introduction to firearms.

in August 2011. In June 2011, the Sindh minister for social welfare announced that a rehabilitation centre for street children would be constructed in Karachi at an estimated cost of Rs 314.5 million. She added that the centre would be operational by 2013 with a capacity for 300 children (200 boys and 100 girls) and separate accommodations for boys and girls.

According to the UN Global Report on Administrative Detention of Children 2011, Pakistan is among the countries in the region where the arrest and detention of children living and working on the streets by police officers on the charges of vagrancy, indecent behavior or prostitution, being a public nuisance, incorrigible or exposed to moral danger is reported. Many street children are implicated in criminal cases by the police, often on insufficient grounds. Furthermore, police are themselves involved in the abuse and torture of the street children. A media report in August 2011 stated that up to 90 percent children were sexually abused on their first night on the streets and 60 percent accused police of sexually abusing them. According to Edhi Foundation, a non-profit organization providing social services across Pakistan, in their experience policemen comprised at least 60 percent of those who physically

tormented or sexually harassed street children.

Recommendations

1. *The foremost need is to strengthen the overall legal protection framework for children. To achieve this, the first coherent step is to ensure the passage of all child-related legislation pending since the promulgation of the 18th Amendment to the Constitution.*

2. *The country needs to be better equipped to deal with national disasters. Provincial disaster management authorities must strategise on how to minimise the devastation caused by floods and earthquakes, develop special measures for protection of children in distress situations and ensure transparency in the utilisation of foreign aid.*

3. *The education budget must focus on raising standards and fulfilling infrastructural needs of existing schools as opposed to investing on building new schools and introducing new education schemes. Each provincial government must also focus on the implementation of compulsory primary education laws to improve the basic literacy rate of the country. Sanctions for parents not compulsorily sending their children to schools must be imposed, as proposed in Khyber Pakhtunkhwa. Persistent corporal punishment in schools also needs to be curtailed as it is one of the compelling reasons for children dropping out of school. The proposed law for its prohibition must be enacted as soon as possible.*

4. *Work on the child labour survey proposed for the year 2012 must be commenced on a priority basis, to ensure that effective strategies are formulated for the progressive elimination of child labour. New data must also be gathered on the number of street children in the country and special laws enacted to protect them from exploitation.*

5. *Awareness-raising initiatives on the existing protection mechanisms for children must be launched to ensure that their benefits reach the maximum number of children, even those living in the remotest areas. Information on the Child Complaint Offices set up at the Ombudsman's office at the provincial level needs to be disseminated widely.*

6. *A national campaign to raise awareness on the Juvenile Justice System Ordinance (JJSO) 2000 must be started on a priority basis by the government in collaboration with the non-government sector. Eleven years after the promulgation of JJSO, most institutions involved with its implementation, particularly the police and judiciary, are largely unfamiliar with its provisions.*

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)

A volatile economy beset by terrorism and the massive devastation caused by the floods in 2010 and 2011 had an adverse impact on the workers' ability to make a living. High unemployment compounded by relentless electricity and gas shortages was a major setback for workers in industries.

Despite steep increase in the cost of living the government sanctioned minimum wage not only remained unchanged at Rs 7,000 a month, but there were several instances where even that meagre amount was not paid to workers.

For all intents and purposes, domestic and agriculture workers were excluded from the minimum wage umbrella.

The distress for workers and trade unions and the confusion created about workers' rights after the adoption of the 18th Constitutional Amendment in April 2010 persisted. The amendment deleted from the Federal Concurrent List matters of 'trade unions and industrial, labour disputes' and devolved those to the provinces. Workers and trade unions all over the country expressed their concerns and dissatisfaction with the amendment's impact on workers' rights and organisations on the national scale. Young Pakistanis felt



Truly replacing the beast of burden.

compelled to go abroad for brighter prospects due to lack employment opportunities in the country. In their desperation to find employment and to improve their circumstances many relied upon human traffickers. Despite the high unemployment rate, no action was taken to ensure that the 4,000 vacant posts for persons with disabilities in public departments were filled.

The wage labour market

According to the official Labour Force Survey (LFS) for 2011, the total workforce in the country stood at 57.3 million out of which 51.9 million were stated to be employed. The LFS again proved that the largest employer was the agriculture sector which provided jobs to 45 percent of the workforce. This included those working on farms as well as with livestock, three-quarters of whom were stated to be women. The number of unemployed women was stated to have decreased to 1.18 million from 1.21 million. This was stated to be a reflection of strong growth in agricultural commodity prices and consistent government support for crops such as wheat. However, reports in the media cited many agricultural economists who refuted this official conclusion. The LFS further described 34 percent of the national labour force as people who either owned their own business or worked as independent contractors or day

labourers with no fixed employer, while 27 percent of those employed were said to be “aligned with family businesses”.

In January, HRCP organised a consultation with workers representatives to analyse the impact of the 18th Constitutional Amendment on labour laws. Workers and labour union leaders at the consultation noted that after the authority to make laws was devolved to the provinces there had been a lack of regard for labour rights as the provinces had adopted new labour laws. They particularly noted that a number of provisions in the Punjab Industrial Relations Act of 2010 were in contravention of Pakistan’s obligations under International Labour Organisation (ILO) conventions and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The labour representatives insisted that national legislation was necessary to facilitate workers’ organisations on the national level. The workers said that a Punjab Industrial Relations Act provision that abolished the workers’ right to form a union in an establishment where less than 50 workers were employed, violated ILO Convention 87 and Article 17 (1) of the constitution and excluded around 4,200 brick kilns in Punjab from the ambit of the law and from forming lawful unions. The Punjab labour law reduced the number of outsiders in a union’s executive from 25 percent to 20 percent, which undermined the workers’ right to derive strength from the society wherever a union lacked expertise. The workers’ representatives said that there were apprehensions among workers that there was no hope of enforcement of the minimum wage in Punjab in the absence of a system of labour inspection. The new law had also abandoned an earlier tripartite mechanism of workers, employers and the government used for resolution of labour disputes, despite recommendations by workers and employers prior to the enactment of the law. The workers’ representatives expressed concern that the new law’s provisions that allowed the management to deal with workers directly and individually instead of through a collective bargaining agent (CBA) would lead to exploitation.

In December, trade unions’ representatives demanded the government make changes in the draft Sindh Industrial Relation Act (IRA) 2011 by including informal workers in the category of workers besides revising and improving the minimum wage. They also demanded the release of six labour leaders in Faisalabad who had been sentenced to a combined 490 years in prison for charges related to leading powerloom workers in a strike to press for better wages in July 2010. [*See the chapter ‘Freedom of Association’*]

HRCP stressed that the government must enhance budgetary allocations for social security and social welfare and must accord due attention to factors such as gas and electricity load shedding that have affected workers’ employment and earning. At the beginning of the year, a national consultation organised by the International Labour Organisation observed that despite increase in the overall percentage of females in the workforce, women continued

to face discrimination in the formal and informal sectors of the economy, with growing numbers in the latter. According to the findings of the consultation, the textiles industry was a huge contributor to the overall manufacturing output in Pakistan, generating about 8.5 percent of the total GDP and providing more than 15 million jobs. The consultation highlighted the fact that the contribution of women, in particular in the seafood industry, often remained uncounted and invisible and the range of livelihood strategies available in coastal communities remained unexplored.

Unemployment and lay-offs

Reports of workers being sacked in the public and private sectors continued to be received throughout the year.

The Pakistan Labour Force Survey (LFS) for 2011 concluded that unemployment in the country rose to 6 percent of the total workforce from 5.6 percent in 2009-10. That meant that the total number of unemployed rose by 280,000 people during 2011. However, contrary to the official survey the Chief Economist for the Planning Commission claimed that the rate of unemployment actually stood at 35 percent of the total workforce in 2011.

Researchers at the 12th Annual Population Research Conference stated that young Pakistanis were being driven out of the country to places such as the Middle East due to lack of education and employment opportunities. They stressed that the government must form a national plan to address the issue.

The UK Department for International Development (DFID) published its Business Plan for Pakistan for 2011-2015, which noted that with a population of 173.5 million people, Pakistan was the sixth most populous country in the world and the population was likely to exceed 210 million by 2020. As many



The lines of labourers waiting to be hired grew longer.

as 36 million Pakistanis lived below the poverty line. Pakistan needed to sustain economic growth of 6 percent just to maintain living standards, while the growth rate in 2011 was likely to be between 2 and 3 percent. It was feared that if the trend continued, around a fifth of the additional workforce would become unemployed each year.

Media reports highlighted a number of attempts by people to commit suicide in front of Parliament House in Islamabad to bring attention to poverty and unemployment. In October, a man set himself ablaze outside Parliament House because of unemployment. He died at a hospital. A few days later, in November, an unemployed teenager tried to set himself on fire outside Parliament House for the same reason but was saved by the police. HRCP expressed concern over the rising suicide rate in the country due to desperation caused by poverty. According to media monitoring by HRCP, at least 299 people committed suicide and another 126 unsuccessfully attempted to end their own life in 2011 over financial problems and unemployment. [*See the chapter 'Health'*]

Early in 2011, the provincial governments reportedly cited financial constraints for their refusal to absorb 8,000 federal government employees after the seven federal ministries that they had worked for devolved to the provinces after the 18th Amendment. Later in the year, the Cabinet Division issued a notification stating that employees of the devolved ministries and attached organisations would not be retrenched or laid-off, but would be adjusted in other ministries and divisions.

Amid the worsening financial state of the main state-owned enterprises, generally believed to be caused by poor management, the Cabinet Committee on Restructuring proposed letting go of 5,000 employees of Pakistan Steel Mills (PSM) by offering them a golden handshake at a cost of Rs. 6 billion. The PSM was reported to have furtively utilised Rs. 7.5 billion from its employees fund to meet its rising operational expenditures after commercial banks refused lending. Documents presented to the parliamentary Public Accounts Committee revealed that the PSM secured Rs. 3.6 billion from the employee's gratuity fund, which is paid to the employees on retirement.

In January, the media reported that the Punjab government's treasury had instructed all government and semi-government departments to sack all part time and work charge employees due to unavailability of funds for their salaries. The provincial government also directed the Punjab Accountant General to stop salaries of part time and work charge employees in different government departments. Following the direction, the Health Department of City District Government Lahore issued a notification for termination of service to 35 employees including widows who had been discharging their duties at different health centres and dispensaries for around five to seven years. The district

officer health said that the sacking was in compliance with the Accountant General's office directions. He said that the authorities had informed him that the employees would soon be reinstated after the financial condition of the government improved. In another move to cut costs, the Punjab government ordered termination from service of nearly 100 employees of the Rawalpindi Development Authority (RDA) and Water and Sanitation Agency (WASA).

Owing to financial instability the Punjab Health Department abolished six of its eight Project Management Units and removed 200 contractual employees working there.

As many as 53 employees of the Gilgit Baltistan Provincial Fisheries Department were sacked after the department failed to pay their salaries for eight consecutive months. The department was reported to be short on funds and had previously pleaded with the authorities on that account.

The Chamber of Commerce for district Sahiwal in Punjab claimed that the prevailing electricity shortage and unscheduled load shedding had adversely affected 10,000 industrial labourers employed with 500 small and medium units in Pakpattan, Okara and Sahiwal districts of Punjab. It was feared that if the status quo continued 10,000 workers out of a workforce of 15,000 would be unemployed permanently.

In January, the Karachi Electricity Supply Company (KESC) sacked over 4,000 employees in what it called elimination of a number of its non-core and redundant functions. After much opposition, the KESC decided to hold off implementation of its decision until such time that the matter was settled with the government. Subsequently, a committee established to look into the matter on the direction of the Sindh chief minister demanded that workers of the organisation be reinstated. Ultimately, the KESC withdrew its orders but later expressed its intention to challenge before the court the reinstatement of its employees by the government, maintaining that the retrenchment of the non-core staff was essential in order to make the loss-making power utility efficient and viable.

According to the Ceramic Workers Association, around 750 sanitary, ceramic and melting factories were shut down in district Gujranwala, due to suspension of gas, leaving thousands of people unemployed. In district Faisalabad, there were fierce protests against excessive gas load shedding in industrial units. At least 400 industrial units were reported to have been shut down and thousands of workers and daily wagers rendered jobless because of suspension of gas supply to industry three days a week.

The city of Lahore also saw violent protests early in the year when a mob of powerloom workers ransacked the Lahore Electric Supply Company (LESCO) office and torched vehicles and expensive gadgets to vent their anger over prolonged load shedding leading to unemployment. The Lahore police

registered a case against 163 workers. [See the chapter 'Freedom of Assembly']

Threats, violence and danger at work

A number of incidents of threats and use of violence at the workplace were reported.

A 30-year-old factory worker was killed while his brother and sister were injured in firing in Lahore in January. The motive behind the attack was reported to be a dispute between the victim and his employer. The victim had allegedly borrowed money from his employer and had failed to pay it back.

Media reports disclosed that a factory worker in Lahore city was gravely injured after he was brutally beaten with iron rods for over an hour and a half by the owner of a steel mill and his men for taking his weekly day off.

Reports in November alleged that six landowners from district Hafizabad, Punjab had tortured a labourer to death for allegedly stealing a cow. The accused was abducted from a bus stand and severely tortured.

The media reported the death of a 14-year-old boy who was tortured to death by his employers for allegedly stealing a stereo system in Lahore. The



The wages of protest.

police was able to arrest the killers while they were trying to dispose of the teenager's body in a canal. Police revealed that the victim worked at a music academy and the proprietor abducted the boy from his house after accusing him of theft. The accused and his relatives subjected the boy to severe torture resulting in his death.

Instances of torture and detention of brick-kiln workers was frequently reported this year. In January, a handicapped

labourer working with a stone grinding machine in Gujranwala was allegedly crushed to death in the grinder by three contractors because he planned on establishing a trade union. A few days after this incident, the media reported illegal detention of nine brick-kiln workers by their employer in district Sialkot as a punishment for allegedly not carrying out their duties properly and for failing to making the required daily quota of brick. In the same month, a family of brick-kiln workers alleged that their employer had forced their two children to sell their kidneys to pay back a loan they had taken. Later in the same month, on the orders of the Islamabad High Court, a court bailiff freed 22

brick-kiln workers who were put under illegal detention and subjected to physical abuse by their employers. One of the couples freed shared their story of losing two children due to lack of medical care while in detention.

According to media reports in August, a 40-year-old labourer was killed by the general manager of a rickshaw manufacturing company in Lahore on suspicion of stealing tyres.

In February, unidentified men shot and wounded a Water and Power Development Authority (WAPDA) union leader outside his house in Jhang.

Syed Kamal, the Khyber Pakhtunkhwa chapter president of Pakistan International Airline (PIA) workers union, was shot dead along with a friend in Peshawar on July 21. The chairman of PIA workers' union, Amir Shah, had been killed in Karachi on July 16. Both had been vocal in raising their voice for workers' rights.

Working conditions

Deplorable working conditions prevailing in the country caused loss of life and serious injuries to workers. The issue received little acknowledgment despite repeated demands by non-governmental organisations, trade unions and workers.

On the matters of occupational health and safety, the Labour Force Survey 2010-2011 stated: "About one in thirty (3.5 %) employed persons reported some sort of occupational injury/disease in the 12 months preceding the date of enumeration that resulted in the loss of working time." The affected workers included both men (4.1%) and women (1.5%). Rural workers (4 %) were reported to be more vulnerable than urban workers (2.3%). The workers suffering occupational injury/disease were mainly from the agriculture (49.8%), manufacturing (15.8%), construction (13.0%), wholesale and retail trade (10.3%) and transport/storage and communication (7.1%) sectors. Women (88.2%) were twice as much exposed to risk as males (45.6%) in agriculture. Men were more vulnerable in manufacturing (16.7% against 7.1% for women) and community/social and personal services (3.4% versus 1.8% for women).

The deaths of a factory owner and an employee were reported in November when a fire erupted in chemicals stored in an unauthorized paint factory in Lahore. The factory owner was alleged to have been illegally manufacturing paint and thinners, without adopting preventive measures or following the building code.

Three electricity company workers were electrocuted while performing their duties in districts Sialkot, Lahore and Lodhran while many others became victims of electrocution and were hurt owing to lack of safety arrangements. According to media reports, statistics suggest that more than a hundred linemen become disabled each year due to electrocution resulting from lack of

professional training and absence of safety gear. Wapda Hydroelectric Central Labour Union stated that over 120 linemen died in the line of duty each year and many more were disabled.

Three labourers died and as many fainted in Faisalabad in January after drowning in the pond of a paper factory. Five men had jumped in to rescue a labourer who had fallen into the pond constructed to store liquids and other board manufacturing materials. One worker was killed instantly while two others died at the hospital.

Two labourers working in a 40-feet-deep well were buried alive in Lahore in January when a heap of earth fell on them.

Four labourers died after inhaling poisonous gas while working in a well in Baffa Mera village in Manshera in August.

Media reports suggested that the ban imposed on industrial inspections had given a free hand to small and medium unit owners to flout safety rules and procedures resulting in rising incidents of boiler blasts causing deaths and injuries to industrial workers. Under the Punjab Industrial Policy 2004-2005, inspection authority was transferred from boiler inspectors and Civil Defence officers to insurance companies. However, the Ministry of Industries and production had reportedly failed to engage insurance companies for boiler inspection to ensure safety. One incident of boiler explosion in an iron factory in district Sheikhpura claimed one life and left three workers injured.

The sanitary workers in the cities were acutely vulnerable to disease as they often worked with heaps of garbage and hazardous solid waste with their bare hands and were not provided gloves, masks or gum boots. Even the sanitary workers with the permanent job status received no medical cover/benefits, promotion, gazetted holiday and no housing facility.

Appalling work conditions were also reported for those employed in the textile looms industry in district Faisalabad. The workers unions complained about poor lighting and ventilation, among other things. An in-depth investigation conducted by an NGO called Pattan found physical abuse of workers, including children. Children as young as six years of age were employed at the looms and their wages ranged from 10 to 12 rupees a day. Workers were reportedly forced to work 13-hour shifts for a daily wage as low as 90 rupees and were at times made to work overtime without pay. Loom workers were also vulnerable to respiratory illnesses and were provided no medical coverage by their employers and access to private health services was unimaginable due to its high costs. Most of the loom industry was set up in buildings that were in a state of disrepair with poor ventilation and wiring and high voltage wires running all over the factories.

A seminar organised by the National Trade Union Federation (NTUF)

said that the ship-breaking industry at Gadani, in Balochistan, was the biggest source of iron scrap supply across the country. More than 15,000 workers were directly linked to the ship-breaking industry. Workers' leaders gathered at the seminar said that industrialists and plot owners at the Gadani ship-breaking yard earned massive amounts of money but the condition of workers continued to deteriorate. They called for the enforcement of labour laws for the betterment of the workers employed in this industry in order to provide coverage for frequent accidents, fatalities and deplorable working conditions.

Workers generally used obsolete equipment and few protocols were in place to ensure workers' safety. Pakistan Institute of Labour Education and Research (PILER) articulated its apprehensions over the absence of an effective occupational health and safety policy which was blamed for deaths of and injuries to a large number of workers, especially in coal mines. In one of the most catastrophic occupational disasters in Pakistan's recent history, at least 45 coal miners were killed when two explosions took place inside a mine in Surange area in the Balochistan province. According to reports, the miners were extracting coal 1,100 meters underground in the mine operated by Pakistan Mineral Development Corporation (PMDC) when methane gas accumulated in the poorly ventilated mine led to two massive blasts. As a result, the mine caved in leaving no survivors. The provincial minister for mines and minerals blamed the deaths on "negligence of PMDC". The management of the mine had been warned 15 days earlier by the government of the danger of an explosion due to accumulation of methane gas and had been told to stop mining, but this warning was ignored. The media reported that that the miners were shabbily treated and earned Rs. 1,000 per week working in hazardous conditions. With safety concerns so blatantly neglected in state-operated mines, it was not difficult to imagine the situation in privately owned mines where profit was the only consideration of the owners to the exclusion of all other factors. It was reported that there were around 40,000 coal miners working in more than 200 mines in Balochistan alone and a considerable number of miners were not even registered.

Laws, policies and lacunas

Workers and trade unions alike vehemently expressed reservations about the 18th Constitutional Amendment adopted in 2010 which deleted from the Federal Concurrent List the subject of "trade unions & industrial, labour dispute", and subsequently devolved the sector to the provinces. Under this amendment, the government was to abolish the National Industrial Relations Commission which was established to resolve various industrial disputes. Critics expressed their reservations and disapproved it for abolishing the system of labour legislation at the national level although national legislation was

necessary to fulfill international commitments. The amendment's effect on the workers' right to constitute unions at the national level was also challenged in the Supreme Court. [*See the chapter 'Freedom of Association'*]

A new Industrial Relations Ordinance to deal with labour issues in the federal capital territory and also with the affairs of trans-provincial labour unions was issued in July. The unions found the law deficient on many points and pleaded for its reform when the measure came in parliament. That stage was not reached till the end of the year. The ordinance was extended for four months in November and could not be extended any further. Labour's concerns remained unaddressed till the end of the year.

Research conducted on the state of loom workers found that loom owners intimidated labour unions that were weak and small and false cases were registered against labour leaders to coerce them into submission.

Section 3(1) of the Punjab Industrial Relations Act 2010 was lambasted for abolishing the right of workers to form unions in an establishment that employed less than 50 workers.

Sexual harassment is a violation of the fundamental rights of workers, a safety and health issue, a problem of discrimination, an unacceptable working condition, a form of violence and an occupational hazard. [*See the chapter 'Women'*]

But all that was not recognized by service rules and work policies in the public or private sector. A study conducted by the Alliance Against Sexual Harassment revealed that existing criminal, civil or labour legislation in Pakistan did not specifically include sexual harassment at work, neither was there any mention of sexual harassment in the civil service rules at the federal or provincial level. Such policies were also missing from most of the private sector.

Two legislative measures adopted during the year—an amendment to the Penal Code whereby the offence of sexual harassment was better defined and punishment for it increased and the other to enforce a code of conduct to check sexual harassment at workplace—raised hopes of improved protection to women workers.

Media report quoted a federal minister as saying that a bill would soon be presented in parliament to protect the rights of home-based workers. Subsequently, stakeholders at a consultative workshop unanimously agreed to adopt the draft national policy for home-based workers. According to the draft policy, 65 percent of the 8.52 million home-based workers in Pakistan were women and many of them were girls aged 6 to 14 who worked for 12 to 16 hours a day. Unfortunately, the policy was not adopted in 2011.

According to media reports, around 70,000 employees of strategic organisations, such as Pakistan Atomic Energy Commission, National Engineering and Scientific Commission and, Pakistan Space and Upper Atmosphere Research Commission, faced problems because there was no

judicial forum that they could turn to for redress of their grievances. While the Removal from Service (Special Powers) Ordinance was in force, such employees could at least appeal against grievances to the Federal Service Tribunal, but after the repeal of the ordinance they were governed by the National Command Authority Act 2010 with almost no remedy against punishment. Such employees included scientists, engineers, doctors, law officers and human resource officers.

Protests

Trade unions and workers from different industries carried out protests throughout the year raising their voice against inflation, inadequacy or non-payment of minimum wage, proposed privatization of state-owned enterprises, regularisation of their jobs, unemployment and electricity and gas load shedding. Lady health workers and nurses were prominent among government employees agitating for their rights who were mercilessly beaten during their peaceful protests. Criminal cases were also registered against them. *[See the chapter 'Freedom of Assembly']*

A summary of some of the protests by the workers is provided below:

- ◆ On the first day of 2011, workers under the aegis of the Hydroelectric Central Labour Union took out a rally in Lahore against the impact of the massive increase in the prices of petroleum products on the cost of living.
- ◆ Pakistan Postal Services Corporation observed a complete strike in Lahore against reported plans by the federal government to privatise the service.
- ◆ Clerks of the District Education Department Attock went on a strike against the transfer of their colleagues. The 10-day strike brought work in the department to a complete halt.
- ◆ Workers of the Islamabad Electric Supply Company took out a rally



WAPDA employees up in arms against privatisation plans.

in the capital against proposed privatization of the company.

- ◆ Nurses held a protest in Lahore city against the government for deducting the various allowances from salaries after regularisation of their services. Protests were also held later in the year by nurses demanding implementation of higher pay-scales promised to them by the Health Department.

- ◆ Lady health workers (LHWs), supervisors and menial staff of the National Health Programme held a protest in Lahore city to protest non-payment of their salaries for four months. LHWs continued to protest throughout the year and across the country and had to bear the brunt of police violence. Not only were the peacefully protesting LHWs beaten up and tear-gassed but criminal cases were also registered against them.

- ◆ Employees of the Punjab Textbook Board staged a demonstration in Lahore against the board's secretary for occupying the seat despite promotion to the next grade and completion of his deputation tenure.

- ◆ Railway workers held a protest in Lahore against proposed firing of 20,000 of its workers. Railway union workers rejected a reported plan to discontinue 39 passenger trains, which was said to precede the sackings. Workers threatened to halt trains all over the country if the government sacked railway workers. In February, railway workers brought all train traffic to a halt in Lahore for eight hours in protest against non-payment of salaries.

- ◆ A demonstration was held against not giving jobs to the local youth of district Tharparkar, Sindh, in the Thar coal project.

- ◆ Sacked employees of the Karachi Electric Supply Company (KESC) staged a protest in Karachi city against their dismissal from service. They torched and damaged cars outside the KESC building.

- ◆ Pakistan International Airline (PIA) staff held protests across the country against the reported sale of PIA's profitable routes to a Turkish airline. They said the decision would affect a large number of employees. The employees condemned the reported deal and demanded the sacking of PIA's managing director. The protests and the subsequent deadlock and disruption of flights finally led to the managing director's resignation.

- ◆ Doctors in Punjab held a 37-day strike demanding better pay and facilities. While they returned to work after their demands were eventually met, reservations were expressed about the strike's effect on essential services, which not only included distress to so many people but also led to the death of a number of patients because of lack of medical assistance. Doctors in other provinces also protested subsequently and demanded a similar raise in salaries.

- ◆ In district Larkana, Sindh, doctors took out a procession demanding promotion for those doctors who had been working as Grade 17 officers for

the last 20 years. The Sindh chief minister had approved a four-tier formula for the promotion of general cadre doctors and dental surgeons, yet out of 11,000 workers only 1,355 doctors had been promoted. The Sindh Doctors Action Committee rejected the decision terming the move a ploy to create divisions amongst them.

- ◆ The staff of the district courts in Rawalpindi held protests for increase in salaries.

- ◆ Railway workers in Lahore took out a rally demanding a Rs. 50 billion bailout plan for Pakistan Railways to save it from what they called imminent collapse.

- ◆ The National Trade Union Federation staged a protest in Lahore against the proposed privatisation of Pakistan Railways, Pakistan Post and the PIA.

- ◆ More than 200 employees of the Water and Power Department, Gilgit Baltistan, who had not been paid their salaries for four months staged a protest and blocked a key road for hours.

- ◆ Over 8,000 teachers working in educational institutions managed by the Federal Directorate of Education (FED) went on a strike till the issuance of a notification ensuring the implementation of a teachers' package announced by the prime minister in November 2010. The strike ended seven days later after assurances from the ministry of finance that the teachers' demands would be met within 20 days.

- ◆ More than 2,000 workers of the national programme for the improvement of watercourses demanded regularisation of their jobs and increase in salaries. They remained on strike for six consecutive days in Lahore to press for their demands.

- ◆ Over 140,000 workers of Water and Power Development Authority (WAPDA) held a protest in Lahore against the proposed privatisation of the entity.

- ◆ Rallies were held against three days a week gas load shedding to industrial units in Faisalabad. Protests against gas shortages by workers and industrialists continued throughout the year.

- ◆ Hundreds of employees of Water Management Wing of the Punjab Agriculture Department staged a sit in to press for their demands of regularization of service of contractual employees.

- ◆ Employees of the Sindh Lower Staff Association suffered at the hands of police as they were baton-charged and sprayed with water during an attempt to march to the Chief Minister House in Karachi. They were rooting for the regularization of lower staff in the Sindh Education Department.

- ◆ All Pakistan Clerks Association observed a pen-down strike in Lahore against the federal government for ignoring recommendations of a pay and



Lady health workers demand unpaid salaries and regularisation of their service.

pension commission.

- ◆ Protests were observed all over the country throughout the year demanding minimum wage to be substantially increased from the prevailing Rs. 7,000 per month. The minimum wage remained unchanged at the end of 2011 and there were numerous reports where even that meagre amount was not paid to the workers.

- ◆ Labour Day saw rallies where workers demanded higher minimum wage, better social security and an end to the proposed plan to privatise state-owned enterprises. The workers also demanded implementation of effective strategies to bring labour laws in accordance with ILO standards.

- ◆ Lady health workers held a protest rally in Swat, Khyber Pakhtunkhwa demanding unpaid salaries for four months.

- ◆ Workers of the KESC held a hunger strike in Karachi for over 17 days demanding nationalisation of the organisation.

- ◆ Over 2,000 workers participated in a sit-in in front of Punjab Assembly in Lahore against inflation, bonded labour, price hike, unemployment and for a hundred percent increase in the minimum wage.

- ◆ WAPDA workers in Lahore protested against inflation and privatisation and demanded an increase in salaries. Protests by WAPDA workers to press for these demands continued throughout the year.

- ◆ Unregistered mine workers protested against low wages and miserable working conditions at Khewra salt mines in Jhelum district.

Wages and pensions

In 2011, non-payment of salaries, pensions, minimum wage and inordinate delays in payment led to widespread protests in the country.

Security guards at the Pakistan Telecommunications Company (PTCL)

sued the company for paying them Rs 3,000 per month when the minimum wage was set at 7,000 rupees per month. A similar breach of the law was reported in Khyber Pakhtunkhwa in December. Around 1,400 employees of the Peshawar Development Authority (PDA) were reportedly being paid Rs. 3,000 per month. The Supreme Court subsequently directed the federal and provincial governments to ensure that payment of minimum wage was ensured at all state-run and private institutions of the country. As per sections 21 and 22 of West Pakistan Minimum Wage Rules, 1962, the government can appoint labour inspectors to regulate and inspect the compliance of minimum wages by making visits to industries. According to Section 9(3) of Minimum Wages Ordinance, 1961 those found in breach can be penalised with either up to 6 months of imprisonment or a fine or both along with the payment of arrears to the employee.

According to reports, the salaries of 185,000 lady health workers and 45,000 supervisors and other health workers were reported to have not been paid for four months or more. Pakistan Railways (PR) employees protested the delay in payment of their salaries. Pensioners of the department also protested for weeks over having to wait in long queues outside banks for days in order to get their pension.



Death of a pensioner.

As many as 860 employees of the Pakistan Tourism Development Corporation had reportedly not received their salaries for four months.

Around 215 contractual employees of the Punjab Works Department, hired for a term of three years, had reportedly not been paid their salaries for eight months.

Several employees of the National Maternal Newborn Child Health Programme complained of not having been paid their salaries for a period of eight months.

According to media reports, the Chairman Employees Old Age Benefit Institution (EOBI) stated that around 30 million workers were not registered with the Employees Old Age Benefit Institution despite their eligibility and would be deprived of their rights under the government scheme. The chairman said that only about 29 million of the 59 million labourers working in different government departments and private organisations were registered with the organisation and entitled to old age benefits.

Retired employees of City District Government Rawalpindi, Rawal Town

Municipal Administration, Water and Sanitation Agency and Rawalpindi Development Authority staged protests, demanding payment of pension for seven months to over 1,700 pensioners.

Bonded labour

The Supreme Court of Pakistan (SC) had outlawed bonded labour in a landmark decision on 18th September 1988, cancelling all existing bonded debts, and forbade lawsuits for the recovery of existing debts. Subsequently, the Bonded Labour (Abolition) System Act of 1992 and Rules of 1995 were formulated, but unfortunately bonded labour still prevails in Pakistan.

Bonded labour is primarily concentrated in the provinces of Sindh and Punjab in the agriculture and brick making industry. Bonded labour is also found in the mining, carpet-making, glass bangle, and fishing industries. There are apprehension that loss of livelihood because of natural disasters and large-scale internal displacement in recent years can suck more people into the bonded labour vortex.

After a 2011 report on human trafficking in Pakistan by the US State Department called bonded labour the country's largest human trafficking problem, the government sought a report from relevant agencies. The US report had counted Pakistan among the countries not fully complying with standards but making "significant efforts" to combat human trafficking. Subsequently, the government asked ministries of interior, law and human rights for the factual position on human trafficking and measures to be taken.

The challenges of victims of debt bondage, especially to ensure that they



Bonded workers, including small girls and boys, recovered from a kiln.

did not slip back into bondage, remained unanswered. The Punjab labour minister stated that steps were underway to eradicate bonded labour and the Elimination of Bonded Labour at Brick Kilns (EBLBK) projects were being extended to more districts. In December, media reports suggested that the six-year EBLBK project, which was initiated in the Punjab district of Lahore and Kasur, was expected to be replicated in four more districts of the province in 2012. The project aimed to deal with more than 650 brick-kilns in the next phase.

In August, an additional sessions judge in Islamabad freed 11 bonded labourers, including four children and two women, found working at a brick kiln and ordered the police to start a grand operation against kiln owners in the area. The released family had taken a debt of Rs 50, 000 six years ago, which they had been unable to return. By the time they were released they owed Rs 250,000 to the kiln owner on account of the exorbitant interest rate.

The HRCP Task Force Hyderabad focused on assistance, including legal aid, aimed at winning freedom for victims of debt bondage. The task force also monitored the statistics for the people released from debt bondage. In 2011, 3,407 bonded labourers were released in Sindh, on the orders of district and sessions courts and the Hyderabad bench of the Sindh High Court.

Bonded labourers released in Sindh in 2011

District	Bonded labourers released
Umerkot	688
Mirpurkhas	792
Sanghar	574
Badin	532
Tando Muhammad Khan	106
Tando Allahyar	256
Hyderabad	118
Mityari.....	110
Sukkur	13
Nawabshah	159
Tharparkar	59
Total	3,407

The number of bonded labourers released in Sindh on the courts' intervention in the year 2010 was 2,294. This showed that the outlawed practice continued to thrive in the province.

HRCP continued to offer temporary shelter to families released from debt

bondage at Hoosri Camp, a midway settlement set up by HRCP near Hyderabad to ensure that the released families had a place to stay for some time and they do not again become victims of debt bondage.

Child labour

Child labour remained endemic and child workers suffered the worst impact of excesses against workers. Children were also among those worst affected by bonded labour. Despite demands from civil society no comprehensive data



Worst victims of exploitation at work.

on child labour was collected by the government during the year under review. However, International Labour Organisation (ILO) announced plans to facilitate the Pakistan government to conduct a new statistical survey on child labour in 2012. The number of children engaged in child labour was believed to have surged due to the financial problems caused by the floods and other factors for internal displacement. The authorities' response to internal displacement unfortunately did nothing to address the situation. Several incidents of violence against children working as domestic servants were reported in 2011.

[See the chapter 'Children']

Minimum wage, budget and workers' rights

HRCP believes that the minimum wage in Pakistan had always remained below the subsistence requirements of a worker. HRCP continued to voice its concern that the system of minimum wage had failed to achieve the desired goal of protecting the workers' rights to life, to a fair wage and a decent standard of living. In addition to being grossly inadequate, an effective implementation mechanism to enforce the minimum wage is lacking. The work on legislative, executive and policy measures to secure implementation of the workers' rights after ratification of international human rights instruments left much to be desired.

The prevailing energy crisis had a palpable impact on workers' rights and was believed to have left over 25,000 industrial units ailing and 400,000 people



Clerks chant slogans in favour of their demands.

unemployed.

An HRCP study in 2011 that looked at financial allocations in the federal and provincial budgets from a rights perspective, noted that in the federal budget 2011-12, energy was not a priority and an allocation of Rs 54.4 billion had been made for power, although Annual Plan 2011-12 admitted that substantial resource injection was required in the energy sector to achieve growth targets of manufacturing and services.

Federal and provincial governments allocated Rs 54.81 billion for social security and social welfare in the budgets for 2010-11. However, only Rs 39.36 billion out of this amount was spent. An amount of Rs 55.72 billion has been allocated in the 2011-12 budgets, out of which Rs 51.9 billion was contributed by the federal government, mainly relating to the Benazir Income Support Programme.

On Labour Day, demonstrations were held by workers throughout the country demanding over 100 percent increase in minimum wage from Rs. 7,000 to Rs. 15,000. However, the demand for an increase was not met. The government was also urged to implement a policy on home-based workers to make sure they are also protected from exploitation and are given at least the minimum wage. The federal government announced that such a policy would be finalized by the middle of the year but no such announcement was made until the end of the year.

A working paper by the National Accounts Committee, an official body, illustrated that in the aftermath of severe floods and debilitating load shedding, Pakistan's Real Gross Domestic Product (GDP) declined to 2.39 percent in 2010-2011 against the target of 4.5 percent. The largest decline in GDP was due to lack of electricity, gas and water supply. The paper further explained

that growth in the labour-intensive construction sector fell to 0.82 percent in 2010-2011 from 28.44 percent in 2009-2010. According to the paper, the agriculture sector grew by 1.21 percent while the industrial sector saw a decline to -0.07 percent.

Recommendations

1. *All matters concerning labour must be decided after due consultation with all stakeholders in accordance with ILO Convention 144 and the input of the workers should be given weight in formulating laws and policies.*

2. *The minimum wage is utterly insufficient to keep pace with the double-digit inflation and needs to be enhanced to ensure dignified living for workers. Implementation of the minimum wage regime is far from satisfactory and needs to be improved in consultation with workers' representatives.*

3. *The government must enhance budgetary allocations for social security and social welfare and must accord due attention to factors such as gas and electricity load shedding that have affected workers' employment and earning. Allocations should reflect the government's commitment to the more vulnerable segments among workers, including women, children and bonded labour.*

4. *Inspection of premises where labourers work must be resumed without delay not only to ensure compliance with the minimum wage law but also to assess the conditions of the structures and machines at the premises to prevent the risk of injury and death of workers.*



6. Social and economic rights

**State of
Human
Rights
in 2011**

Education

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Universal Declaration of Human Rights

Article 26

□ The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

□ The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

■ Primary education shall be compulsory and available free to all;

■ Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

■ *Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;*

International Covenant of Economic, Social and Cultural Rights

Article 13

The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.

Constitution of Pakistan

Article 25(A)

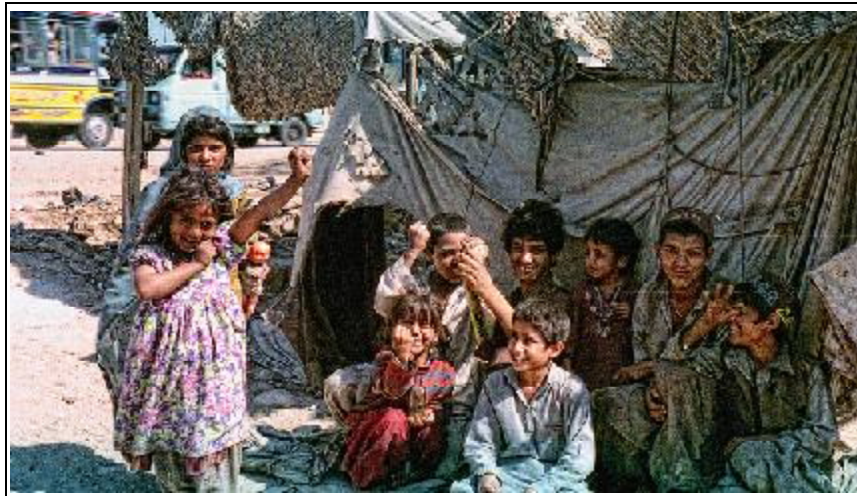
The debate on education tends to generate a lot of noise in the media and many political statements are made by the government and politicians outside it, all vowing to improve access to schools for all children, and yet, the education system remains divided along lines of class, rural-urban location, gender exclusivity, medium of instruction and syllabi, resulting in three parallel systems of schooling – the public, the private, and the madrassa. According to senior educationists, the school system reinforces the social gap rather than offering opportunities for social mobility.

What is worse is the figure for out-of-school children that is estimated to be almost 33 percent but may actually be higher on the ground, with the drop-out rate from primary to secondary schooling estimated at almost 50 percent, according to UNDP reports. While the debate on the need for more schools is a compelling one—more schools, more good schools, more in rural areas, more schools for girls—the quality of curriculum being taught is a more politically fraught subject and less discussed. For example, the medium of instruction in schools, the kind of history being taught to children, the focus on religious studies, the emphases on Jihad, worship and glorification of military heroes, gender discrimination, anti-India and anti-minorities sentiments that are the staple in primary and secondary schooling, making the public schools much worse than the madrassas.

Progressive educationists argue that education is not a game of numbers, not just about improving access to education for every child, but also thinking deeper and harder on more prickly issues of improving curriculum and teaching methodology to make it knowledge based, based not on memory testing which promotes rote learning but on developing critical thinking and analytical skills.

In the words of a noted educationist, textbooks are not grounded in the lived reality of Pakistan. For instance, the rural population is never represented, folk literature and the Sufi tradition are never mentioned or valorised, and as for political history, it is army generals who get named in history books and not elected prime ministers.

According to the last official survey, Pakistan Labour Force Survey 2009-



No schooling for displaced children.

2010, the national literacy rates for people 10 years and above was 57.7 percent, with 69.5 percent males and 45.2 percent females. The figures were better for urban areas where literacy was tabulated at 73.2 percent, against 49.2 percent for rural areas. The literacy rate for the Punjab was the highest with 59.6 percent, with Sindh at 58.2 percent, Khyber Pakhtunkhwa at 50.9 percent, and Balochistan at 51.5 percent. Compared to earlier years, the gap seems to be closing between male-female and urban-rural divides. However, educational professionals believe the figures are deceptive since literacy can mean limited ability to read, write, and tabulate small figures.

The magnitude and scale of decline in basic educational standards were reflected in the Annual Status of Education Report (ASER) 2011 prepared by a team of education professionals, and 5,000 volunteers. The report details how 40.1 percent children in Pakistan (from 6 to 16 years of age) could not deal with simple arithmetic and 41.8 percent could not read a sentence in any language.

The children out of school are a staggering figure of 18 million, more than the population of Chile. No wonder that Pakistan now has the worst UNESCO ratings for education and is only above Afghanistan and sub-Saharan Africa.

The debate over budgetary allocations

The national budgetary allocation for the education sector which tends to fall to 1.2 percent has also been a point of much debate and there have been submissions by educationists and political parties to raise it to at least 4 percent to meet the needs of a burgeoning population. There is reportedly much wastage and pilferage involved even in the small sums allocated to the education sector.

The allocation reflects the political priorities of those in power who obviously see no future either for themselves or for the country in ten years

when the population of the country is expected to double. Pakistan is then projected as being one of the few countries in the world with a young population while the world ages. It is ominous to predict what an under-educated and under-employed population would bode for this part of the world. As things stand, a total estimate of children from 5-16 years of age is about 20 million, of which 7.3 million are out of primary school, with 58 percent of them being young girls.

According to a senior writer, academic and a former foreign minister, education is not a socially desirable goal for Pakistan but a strategic imperative, not a technical issue of funding but a political one of envisioning the future of the country.

The public-private school divide

The neglect of the education sector for over 60 years and its continuing decline has to be calibrated against the rise of quality education in private schools and the elite school system tied to the Cambridge schooling system. This neglect seems to be willful in creating and maintaining a class of the elite. The decision of the Punjab government to invest millions in setting up state-of-the-art schools for some deserving children of the poor, the Daanish school system, is one example of misplaced priorities that provide mere window dressing.

According to the ASER Report for 2011, 67.6 percent children are enrolled in public schools, 29.3 percent in private schools, and only 2.7 percent in madrassas, with 0.4 percent children enrolled in other types of schools like



Future neglected.

day care or literacy centres. The need to prioritise uplift of government schools therefore remains paramount.

The poverty of choices is also reflected in parental preference for madrasa school education among destitute families since the child gets board and lodging and is provided for by the school. According to a former federal minister for education and a former deputy chairman of the planning commission, budget allocations need to be based on information and the creation of a database to ascertain the needs. For instance, there are only estimates of how much is spent on primary, secondary and tertiary levels; but there is little discussion on how much of that is service charges and salaries of teachers; how expenditures vary from province to province and from urban to rural areas and what is the school age population. There is no authentic information on private sector schools either.

Schooling in times of religious militancy

There were two kinds of violence affecting educational institutions, external violence by political actors in the name of religion, and internal violence by hooligans in educational institutions of higher learning, armed by religio-political student bodies.

According to the FATA Disaster Management Authority (FDMA), and the FATA Directorate of Education, 542 primary schools for boys and 108 schools for girls are dysfunctional in the conflict-hit region due to threats of violence by extremist militants. In the year 2011, schools destroyed by the militants numbered 440, of which 130 were girls' schools. In North Waziristan, five schools were destroyed, while in South Waziristan another 24 were targeted. In Kurram Agency, 85 schools were destroyed while in Mohmand Agency 62 schools were bombed. In Frontier Regions (FR) comprising semi-tribal areas of Peshawar, Kohat, Bannu, and Lakki Marwat, 20 institutions were bombed, while 32 schools each in Orakzai and Khyber agencies were attacked. In Peshawar, 17 schools were attacked and in Charsaddah 12 private educational institutions and 10 public schools were attacked. There were also reports of the security forces camped in schools, mainly in Khyber Agency.

In the rural areas of Peshawar, including the areas of Matani, Badhber, Urmur, Garhi Atta Mohammed and Adezai, 50 primary schools for girls were closed due to the unavailability of teachers. [*See the chapter 'Refugees'*]

According to the annual report of ASER Pakistan, in the Federally Administered Tribal Areas (FATA) the education of schoolchildren continued with or without school buildings and threats of violence with an enrollment rate of 75 percent. Of the total, only 5.6 percent went to madrasa while 56 percent went to public schools and 35 percent went to private schools. As for learning skills in these schools, of those aged between 5-16 years, only 30



Some children are still held in chains at madrassas.

percent could read a story in Urdu, 18 percent could follow simple sentences in English, and 38.8 percent were able to resolve simple problems of arithmetic.

According to education officials in the region, while Khyber Agency is still inaccessible due to the law and order situation, the process of reconstruction of schools elsewhere has begun and 367 schools

have been rebuilt in FATA with 59 schools in Bajaur, 67 in Mohmand, 63 in Kurram, 32 in Orakzai, and three in Frontier Region Bannu. The secretary administration FATA pledged strong support to girls' schools and said that 60 percent of the new schools were going to be for girls.

The other kind of violence threatening institutions of higher education is intrinsic and has to do with student wings of religious political parties. *[See the section on higher education]*

Laws and policies

The prime minister declared 2011 the year of education, calling it the last chance for the education sector, with Article 25-A of the Constitution declaring education a fundamental right of every child from 5 to 16 years of age. According to its commitment to honour the Millennium Development Goal 2 of achieving 100 percent enrollment of children in primary schooling, the target achieved till 2010 was 77 percent enrollment but the UNDP believed the target was unachievable according to progress reports.

The 18th Amendment to the Constitution providing for devolution of the education subject to the provinces was hotly debated for and against and all commitments to the education sector by the federal government stood suspended. The project to improve physical infrastructure and basic facilities in government primary and secondary schools targeted 5,704 schools across the country except for the Punjab. The project titled 'Education Sector Reforms Program-Provision of Missing Facilities' (ESR) was allocated 823 million rupees.

According to the federal minister for religious affairs, the number of

registered madrassas rose to 10,973 in August 2011. Negotiations with the Ittehad-e-Tanzeemat-e-Madaris Pakistan, an umbrella organisation of madrassas of different sects, had not been too successful especially over rationalization of the syllabus to include some mainstream tenets of school education. Subsequently, the federal interior minister declared that seminaries not registered with Tanzeemul Madaris by January 2012 would be considered illegal. [See the chapter 'Children']

The Khyber Pakhtunkhwa government proposed amendments to the NWFP Compulsory Primary Education Act, 1996 during the year under review. In order to encourage school enrollment, a fine of Rs 100 per day or imprisonment for up to three months or both were proposed in the draft law if a parent failed to enroll children in schools. The draft was still under review at the end of 2011.

On December 26, the provincial assembly passed the Khyber Pakhtunkhwa Regional Languages Authority Act 2011 and Khyber Pakhtunkhwa Universities Act 2011. The former was aimed at the introduction and promotion of regional languages in schools and the latter on reconstituting and reorganizing existing universities and all new universities were also to be formed according to its provisions.

The Punjab minister for education declared at the beginning of the year that English might be made the language of instruction at public schools in the Punjab at the secondary level. The implementation process was believed to be underway as the year came to an end. In December 2011, the Punjab education minister announced in the Punjab Assembly that the government had decided



Even the Higher Education Commission was made vulnerable.

to recruit 33,000 school teachers in the next academic session.

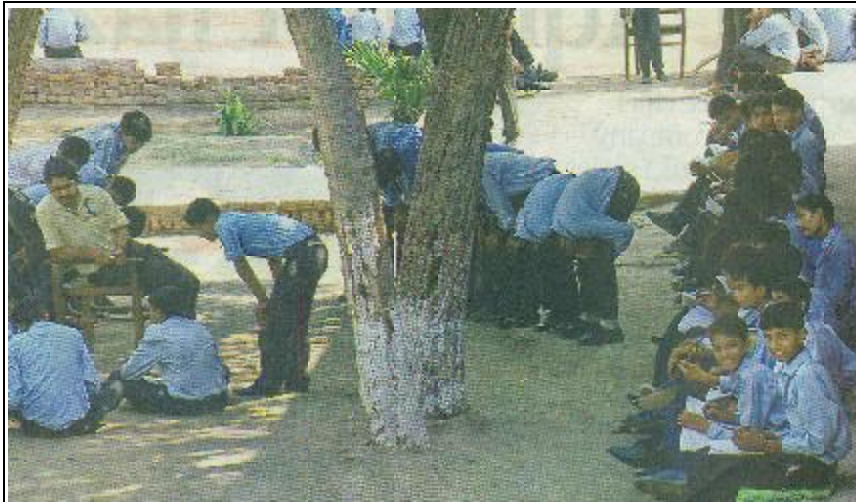
The status of primary schooling

A survey of basic facilities at 147 state-run primary schools across the country found many gaps. Of these 80 percent schools had no staffroom for teachers and 48 percent had no chairs and desks for students, 90 percent had no sanitary worker, 60 percent had no security guard, 44 percent lacked clean drinking water and 67 percent had no playground. [*See the chapter ‘Children’*]

The majority of the schools lacked the basic infrastructure, i.e. 32.7 percent schools did not have a boundary wall, 33.6 percent lacked drinking water facility, 35.4 percent had no latrines and around 60 percent schools were without electricity, according to statistics released by the Ministry of Education.

In a provincial study of Sindh, a study by AKU-IED under the Strengthening Teacher Education in Pakistan (STEP) at schools in seven districts of Sindh found that 70 percent primary schoolteachers only give 15 minutes to a subject in a 35-minute class and only 56 percent of the enrolled students attended classes regularly. As for the Punjab, the study conducted by the Pakistan Education Foundation estimated that it would cost Rs. 300 billion to improve the infrastructure for schools in the province.

One of the positive developments in education this year was the allocation of Rs. 823.1 million to improve physical infrastructure and basic facilities in government primary and elementary schools under “Education Sector Reforms Programme-Provision of Missing Facilities”—a project continuing since 2006-2007 all over Pakistan except Punjab. According to the Economic Survey of Pakistan 2010-2011, the project had achieved 41 percent of its objectives by



Who said corporal punishment had been eradicated.

June.

It was also reported in the media that the Punjab government had provided a sum of Rs 10 billion to the Punjab Education Foundation (PEF) to promote school education in marginalised areas through public-private partnership.

Issues of higher education

Due to continued financial constraints, the government reduced its development budget on education to 9.2 billion rupees in 2010-2011 from 11.3 billion rupees in 2009-2010. Two new universities were recognised in 2010-2011 to cater to the needs of an estimated 400,000 graduates each year according to the Economic Survey of Pakistan, 2010-2011. By the year 2015, the government is committed to increasing access to higher education from 5 percent to 10 percent according to its education policy, but now, with the devolution of education to the provinces, the ongoing projects and programmes will be reviewed and implemented by provincial governments.

Violence on campuses

Violence continued to affect almost all major universities across the country with teaching faculty being targeted and murdered in Balochistan and students being roughed up by armed political groups in the Punjab.

The situation in the University of Balochistan remained turbulent with two teachers shot dead. In June, Saba Dashtiari was shot dead by unidentified assailants on a motorcycle. He was a professor of Islamic Studies and an intellectual who participated in rallies in support of provincial autonomy.

In November, another teacher, Danish Alam, a lecturer for seven years at the Institute of Science and Information Technology, at Balochistan University was shot dead by motorcyclists. Alam was not part of any political organisation but belonged to the Shia community from Gilgit and sectarian motive was suspected. The killers could not be identified. HRCP strongly condemned the murder and called upon the government to make greater effort to stop the violence on campus.

In the University of Sindh, there was much turbulence too which continued into the new year. (Professor Bashir Channar was killed in early January 2012 and some protesting teachers were terminated from service. The Human Rights Commission issued a statement in support of the teachers, condemning the killing and the termination from service of two representatives of Sindh University Teachers' Association, Dr. Arfana Mallah and Dr. Azhar Ali Shah. The HRCP also demanded a judicial probe into the assassination of Professor Bashir, withdrawal of police and rangers from the campus, restoration of student unions, and the removal of the vice chancellor. In a meeting with the HRCP vice-chairperson for Sindh and members of HRCP Council, the Sindh governor



Punjab University students protested against extremism on campus.

agreed to look into the issues concerning the Sindh University.)

At the University of Punjab Islami Jamiat Talaba (IJT) activists maintained their stranglehold and the government did not appear unduly perturbed by the state of affairs.

In November, two male students were roughed up by IJT activists with security guards looking on. That led to protests by students and the faculty. In December, there was a major clash on the campus between IJT activists and students belonging to the Imamia Students Organisation (ISO) when the latter tried to organize a commemoration day in Muharram. More than 60 students were injured as police authorities refused to intervene and the students accused them of fanning sectarianism. In October, when the university authorities had refused to give IJT students permission for a political congregation, the provincial government prevailed upon the university administration to allow this to take place and declared a day off for students.

In June, HRCP had expressed alarm at the intimidation and harassment of students and teachers at the Punjab University Philosophy Department by activists allegedly belonging to IJT. Over two dozen young men, at least five of them carrying firearms and the rest armed with rods and sticks, attacked a boys' hostel of the university and dragged students of the Philosophy Department out of their rooms and severely beat them up. At least seven students were injured and two had to be hospitalised, including one who was thrown down from the first floor. A vice-superintendent of the hostel, who was held at gunpoint throughout the over one hour long attack, and a guard were also injured. HRCP expressed concerns over a pattern of violence and intimidation against teachers and students for which IJT has been blamed.

A week earlier the faculty and students of the Philosophy Department at

the same university had held a protest against violence by IJT activists, who had tried to disrupt that protest and had beaten up university guards and abused and threatened female students and teachers. HRCP also expressed regret over the display of weapons at the university and held that unless those responsible were held and tried for their crimes the students might start thinking that the only way for them to protect themselves against attacks by hooligans was by acquiring weapons themselves. Regularizing student unions in colleges and universities with elected bodies could be one way of re-introducing responsible self-governance in educational institutions of higher learning. *[See the chapter 'Freedom of Association']*

In the University of Karachi, students beat up a lecturer in November who wished to discipline their driving on campus. The teacher was hospitalised and the faculty protested against the incident.

Four medical colleges were set up without official sanction in Sialkot, Gujranwala, Dera Ghazi Khan and Sahiwal districts with 100 seats each. A case was pending in the Lahore High Court for a response from the provincial government.

A number of cases of sexual harassment were reported at the universities and stringent measures were taken against the faculty and staff involved. *[See the chapter 'Women']*

Facing the challenge of gender disparity

According to a senior educationist, for the first time in Pakistan, educational surveys factored in the education of mothers as an important variable affecting a child's education, and emphasis was placed on promoting adult education. Educated mothers were seen as an asset to the family and to furthering their children's educational needs.

Girls did quite poorly in all educational surveys. This, according to experts in the field, is due to several factors. Girls' education is generally seen as an additional expenditure by working class families where if anyone goes to school even for a few years, it is a boy. Added to this are cultural biases where a woman's education is seen as unnecessary, even damaging to a woman's role as a home maker. In terms of overall facilities, there were fewer girls' schools, especially at rural locations, and the quality of teachers in primary schools generally drove away the enthusiasts.

Gender disparity in school enrollment was visible across all provinces. According to the Pakistan Social Living and Measurement (PSLM) survey, the national figures for completion of primary and secondary education are 59 percent for males as compared to 39 percent for females. The figures provincially are Punjab, 60 percent males to 44 percent females; Sindh, 62 percent males to 40 percent females; Khyber Pakhtunkhwa, 57 percent males

to 26 percent females; and Balochistan, 49 percent males to 13 percent females.

According to the recent ASER report, taking into account the rural-urban divide, only 16 percent rural women in Sindh completed primary schooling and only 8 percent women did so in Balochistan. In general, 36.4 percent girls were enrolled in public schools and 37.4 percent girls in private schools between the ages of 5-16 years of age. Their learning levels were always below par as compared to boys except for large urban centres like Karachi where girls did better than boys in reading skills in Urdu, some comprehension of the English language, and in basic arithmetic. In Lahore, the girls surpassed boys in mathematical skills.

Recommendations

1. The political governments, both federal and provincial, need to be pressured to prioritise honouring the Millennium Development Goal on education according to which the country would have made primary schooling mandatory for young people between the ages of 5-18 by 2015.

2. In conflict-hit zones of the country, the bombing of children's schools needs to be stopped and academic activity resumed. How the conflict has affected girls' schools and widened gender disparity needs to be looked into and remedial action taken.

3. Peace has to be restored to the campuses by ensuring elected student unions and by combating the fear that student wings of religious-political parties could take over institutions of higher learning altogether. The promise made by the prime minister in 2008 in this regard needs to be kept.

4. The quality of education needs to be addressed to close the gap between public and private educational systems. Curriculum and teaching methodology need to be prioritised since this is also the reason that leads many students to drop out.

5. Creative thinking is required to reintroduce adult education as this will draw in drop-outs from school, children in the work force, and young mothers.

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)

The turn of events this year that affected the healthcare system the most was the devolution of the Ministry of Health to the provinces. While provincial autonomy remains an ideal to be worked toward, the application of the 18th Amendment to the Constitution to the health sector meant that the federal government reneged on its responsibility to set a national health policy. This may have far-reaching consequences, especially regarding the regularisation and standardisation of medical education, medical practice, and the drug import and pricing policy.

The budgetary allocations to public healthcare remained low and fell even



In a hospital patients sleep three to a bed.

further compared to previous years. What was worse was the misuse and underutilisation of what was allocated to the public sector. In the year 2011, at least 47 percent of the allocated budget for health remained unutilised, an alarming figure for a country beset by flood-related epidemics and the needs of a growing population.

With the public healthcare system so far from adequate, according to newspaper reports, almost 75 percent of the population turns to the private sector, particularly to quacks running private clinics in low-income areas. There is also the problem of public sector hospitals with low paid staff and inadequate services. This was evident in the protracted strikes by young doctors in the Punjab province. The doctors were demanding better remuneration and working conditions. According to patients' families, the 37-day strike contributed to at least 22 deaths and countless people suffering neglect or being turned away. This was followed by the nursing staff in the Punjab agitating for better pay and the Lady Health Workers demanding to be regularised all over the country.

In March, HRCP expressed concern at the police action against peacefully protesting lady health workers in Sindh. According to reports, batons and tear-gas were used indiscriminately against men and women who demanded the regularisation of their services.

Karachi Police baton charged the LHWs who tried to stage a demonstration outside the Sindh Chief Minister's House to protest over the arrest of their colleagues in Ghotki, Sukkur and Obaro, and arrested many of them. According to the police, six LHWs were arrested and lodged at a women's police station.

In November, HRCP censured the manhandling and ill-treatment of nurses

protesting for better working conditions by the police force in Lahore and called upon the government to be more attentive to people's peaceful demands for livelihood rights.

The Commission noted with concern the manner in which the police used batons to disperse nurses protesting outside the Punjab Assembly in Lahore. It called the police action manifestly ruthless and disproportionate to any hazard the nurses were capable of causing to public safety.

While the HRCP fully supports citizens' right to better wages and working conditions, there were some reservations about the doctors' strikes in the Punjab that affected essential services and caused distress to so many people. Doctors are the most prized professional in a developing country, and considering that they are the only government servants allowed to maintain a private practice, with public sector medical education being heavily subsidised by the government, it was felt that the protesters neglected the patients' suffering who then became the bargaining chips between them and the government authorities.

Health for the majority

For an underdeveloped and unevenly developed country like Pakistan, the emphasis on healthcare needs to be on the 63 percent of the population that lives away from large cities and earns less than a dollar a day. Primary healthcare then becomes of great importance and the provision of clean drinking water, sewage disposal, immunisation and tackling the problem of malnutrition seems more of a concern as compared to the issue of the numerical inadequacy of the doctor per person or the hospital beds per person.

Why the healthcare system aimed at rural populations is not working is something that bears looking into.

According to a survey by a collective of 44 civil society organisations in 61 districts across the country, 21 in Khyber Pakhtunkhwa, 28 in the Punjab, five in Balochistan, and eight in Sindh, there is simply not enough equipment for diagnosis nor personnel for treatment at Rural Health Centres and some of them even lack gas and telephone connections.

There are also political reasons why Rural Health Centres have not been efficacious. In the seven tribal agencies of the Federally Administered Tribal Areas (FATA), over 450 such units have been dysfunctional due to security reasons. Only recently, religious leaders of different schools of thought have encouraged healthcare personnel to return to work and persuaded people to respond to the immunisation drive, particularly against polio, which had been declared against religious tenets by Taliban militants.

As for Lady Health Workers (LHWs), a project of the democratic government in 1994, about 100,000 women are currently employed in primary healthcare across the country. This countrywide programme constitutes the



Less expensive treatment but how effective?

main thrust of the extension of outreach health services to the rural population and urban slum communities and covers more than 65 percent of the target population. The LHWs' job is to visit homes in the target areas and contact women to impart primary healthcare education and introduce family planning aids. Their status is now circumspect because of devolution to the provinces and no one knows for certain whether they would continue in service or receive the sack considering they are unregularised workers after 17 years of service.

Budgetary allocation and aims for the year...

In the fiscal year 2010-2011, the health budget was as low as 0.23 percent of the federal budget, the lowest in over ten years. Of that, 47 percent went unutilised by the end of the year although there was no explanation of how this came to be. According to unofficial sources, corruption in the health sector was the cause of much wastage.

According to government statistics, there is one doctor for every 1,222 people in the country, one dentist for 16,854 people, and one hospital bed to 1,701 people. According to the Economic Survey of Pakistan 2010-2011, the target set for the national health policy was to increase the number of doctors by 5,000, dentists by 450, and have another 35,000 nurses, 5,500 paramedics and 500 traditional health attendants. For rural areas, there were to be 14 new Rural Health Centres (RHCs), 40 new Basic Health Units (BHUs) and the upgrade of 45 RHCs and 900 BHUs.

Regarding primary healthcare, 8.5 million children were to be immunised by the end of 2011. The resurgence of the polio virus in Pakistan and a record increase in the number of cases was a cause for international concern. It became

a high profile issue with much money being poured in by foreign donors and the government promising to make 2011 the year of total eradication. There was much concern also that if targets cannot be met in such a well-funded and priority area despite apparent political will and massive vaccination efforts, what would be the fate of efforts to eradicate other diseases where these elements are missing.

New health policies and legislation

The 18th Amendment and devolution of health to the provinces raised some questions regarding drug imports, quality control, and pricing. There was also the concern about a common syllabus for health education across provinces and curbing the problem of informal health practitioners. While legislation exists for almost all such problems, implementation has remained lacking.

Before devolution came into effect in June 2011, the Federal Ministry of Health succumbed to the pressure exerted by the multinational pharmaceutical industry and agreed to a 7 percent increase in low-priced drugs and medicinal products. This highlighted the weakness in the system of having any drug policy as well as the need for an independent authority overseeing the structural development of the pharmaceutical industry, including ensuring a level playing field for domestic and foreign drug makers.

The illicit hurry with which the Ministry approves and registers new drugs—40,000 up to 2010 and another 9,000 in 2011—also proves how vulnerable it is to pressure from multinational pharmaceuticals.

It was at the end of November 2011 that the Senate constituted a special committee to help establish the much delayed Drug Regulatory Authority (DRA) and the Healthcare and Drug Regulatory Authority (HDRA) at the federal level. The committee was set to review drug pricing, licensing,



Rallying in support of employees of federal hospitals.

registration, and most importantly, the quality of medicines. The first meeting of the committee on December 1 ran into political problems when the health secretaries of all provinces supported the move, while members from the Law and Cabinet Divisions contested that this was against provincial autonomy. The matter was referred to the Senate.

In 2011, some new initiatives included the deliberations of the Punjab government to institutionalise the use of iodised salt, while the Sindh government was concerned with legislation banning the reuse of syringes that cause infectious diseases, including hepatitis B and C and transmit HIV.

The Safe Blood Transfusion Bill 2010, drafted by the National Blood Transfusion Programme and approved by the Federal Ministry of Health, was delayed and did not reach the legislators due to devolution.

Sindh Private Hospitals and Clinics Regulatory Bill was pending in the Sindh Assembly as the year came to an end.

The Sindh government was also engaged in evolving a progressive mental health law that could be replicated in other provinces. The new law was formulated by medical professionals, members of civil society and retired judges of the superior courts.

There have been demands from medical practitioners to rationalise through legislation the over-the-counter sale of antibiotics that results in self-medication which often complicates the treatment of disease, as well as enforce laws to ban smoking in public places, introduce legislation covering the practice of blood transfusion, and generally improving sanitary conditions in hospitals.

A private member's bill was tabled in the National Assembly to check the growth of unauthorised medical and dental colleges and to prevent unqualified private doctors and dentists from experimenting on hapless patients.

The Transplantation of Human Organs and Tissues Act 2010 has brought some regularisation to the business of kidney transplants which has subsequently flourished in private homes turned into operating theatres. Probe into an illegal kidney transplant business uncovered by the police at a small house in Lahore found that the illegal transplants had been going on for seven months. Thirty-five of the 40 people who underwent kidney transplants were stated to be foreigners, and the doctors and their assistants had reportedly made one million dollars from their clients in the seven months.

1. Mental health

HRCP undertook a countrywide survey to assess mental health facilities in all provinces and convened a meeting with the Pakistan Association for Mental Health (PAMH) to finalise the mental health law draft in December 2011 in Karachi. According to the PAMH president, the mental health ordinance was promulgated in 2011 which was scrapped after the federal mental health



Could it be a hospital for the mentally challenged in Karachi?

authority was dissolved in pursuance of the 18th Amendment. Now the Sindh health department had been approached to take the initiative for framing the bill for the province.

The survey team had more information on Sindh as compared to the Punjab, Khyber Pakhtunkhwa and Balochistan. The survey team approached 196 psychologists, 310 psychiatrists, 364 medical officers and 776 nurses across the country and visited 75 psychiatric facilities, including 40 in Sindh, 10 in Balochistan, eight in Khyber Pakhtunkhwa and 17 in the Punjab.

Mental health facilities in the prisons of Pakistan were also an issue in debate. As with most detention facilities in the country, the Central Prison at Karachi suffered from overcrowding and maintained over 3,700 prisoners against its capacity of 1,691 detainees. It had one psychiatrist and no medical officer, but 40 beds. The Hyderabad Central Jail had 1,670 prisoners with one psychiatrist and 20 beds, the Central Prison in Peshawar had 156 prisoners, two psychiatrists, two psychologists and four nurses, Sukkur prison had 1,022 prisoners with no psychiatrist, but two medical officers, while the Turbat prison had 81 prisoners with no psychiatrist or psychologist, but one medical officer. *[See the chapter 'Jails, Prisoners and Disappearances']*

With internecine wars and threats by extremist militants continuing, a feeling of insecurity prevailed in the country. Deteriorating social conditions and the floods in 2010 and 2011 also led to loss of livelihood for many people and resulted in mental health conditions. According to a Nepal-based team that conducted a rapid assessment of flood-affected peoples in Sindh and the Punjab, there was trauma at both the individual and the collective levels. Serious mental and cognitive disability, particularly in children, as well as loss of hope

and future prospects was noted. It was also noted that feelings of helplessness sometimes resulted in outbursts of rage.

1.1 Drug addiction

An estimated 0.6 million people become drug users in Pakistan each year, adding to the nine million addicts registered in the country, according to the Anti-Narcotic Force (ANF). The majority, three million of them, belong to the militancy-hit Khyber Pakhtunkhwa and FATA regions. According to statistics released by the ANF, of the total, 1.5 million are opium users, 0.75 million are addicted to heroin, and 0.2 inject drugs. In a breakdown of these figures, it was indicated that the number of addicted women and children was growing. According to the director general of the Planning and Monitoring Unit, Ministry of Narcotics Control, drug addiction among women was increasing alarmingly. He said that 47 percent of them had college and university education and 21 percent had education up to matriculation. The drug most popular among women was marijuana. According to a report presented by the Anti-Narcotics Campaign Consultant for Lahore in December, after Karachi, Lahore had the second largest street level drug addiction problem in the country, with addicts between 12 to 30 years of age.

1.2 Suicides

According to media monitoring by HRCP, at least 2,131 people committed suicide in 2011, compared to 2,399 in 2010. The numbers amongst men were reported to be 1,420 in the year under review as compared to 1,678 in 2010. Another 723 men attempted suicides that did not result in death. The reported cases belonged mostly to the working class where financial difficulties and loss of hope in the ability to provide for large families were generally the reasons cited for such extreme acts of despair. Of the total suicides, 173 people



A university student committed suicide after failing a test.

were minors and 82 of those who unsuccessfully tried to take their own life too were minors.

The number of reported cases of suicide for women was 701 in 2011 compared to 721 in 2010. The reason for such extreme distress in women was generally identified as loss of control over their lives, particularly in how families controlled their choice of a life partner. Additionally, married women from the working class were weighed down with financial constraints and domestic disputes that made them hopeless about their future. [*See the chapter 'Women'*]

In October, HRCP expressed shock and concern at the number of people turning to suicide out of the desperation caused by poverty and hopelessness about their future prospects.

The Commission expressed alarm at the growing number of people taking their own lives because they felt they could no longer cope with the challenges of the day-to-day existence. Raja Khan from Naushero Feroze who committed suicide near the parliament in October joined nearly 1,600 people who had taken their own lives by that time in 2011. HRCP lamented the lack of concern of the authorities to improve the living conditions of the people.

Suicides and attempted suicides in Pakistan in 2011

Gender	Suicide	Attempted suicide
Men	1,420	723
Women	701	428
Total	2,131	1,153

It is very difficult to get accurate figures for suicide and attempted suicide because of the religious prohibition and social stigma attached to such an act. Families often cover things up and try to give other explanations if a person takes or tries to take her or his life. According to the head of the National Poison Control Centre in Karachi, the number of teenagers, particularly women, who come in for treatment due to alleged mistaken ingestion of toxic material is alarmingly high. The Centre receives five or six cases of poisoning daily with 60 percent of all reported cases being teenaged women. The families do not wish these cases to be registered as attempted suicide.

According to the head of Department of Psychiatry at Agha Khan University in Karachi, perhaps a third of Pakistan's population may be suffering from clinical depression. According to World Health Organisation (WHO) estimates, 15,000 people commit or attempt suicide in Pakistan every year.

2. Maternal health and infant mortality

As two critical components of the human development index for any

country, maternal health and infant mortality came down in Pakistan over the past two years but still remain among the highest in the region. The mortality of infants is 54 per 1,000 live births for neo-natal mortality, 72 for infant mortality, with an average of 94 deaths for every one thousand children under five years of age.

The government has shown some commitment to improving the health of women and newborns, particularly in poor and marginalised communities, by allocating Rs 281 billion for maternal, neo-natal and child health programmes, Rs 507 million for population planning, Rs 8 billion for family planning and primary healthcare, and Rs 716 billion for the immunisation programme.

The rate of maternal mortality is still high, with 276 deaths per 100, 000 women. To address the issue, the government is committed to increasing skilled birth attendants, as only 40 percent cases of home deliveries are being covered in this way, and to increase contraceptive prevalence rate which is only 30 percent.

According to the State of the World's Midwifery 2011, a publication by the UNFPA, there are only 10 trained midwives per thousand births in Pakistan who remain confined to their local Rural Health Centre. According to this research, it has been observed that women respond very well to free training in midwifery, what is needed is better planning to make them effective.

3. Infections and infestations

According to statistics, Pakistan has not been able to control the spread of communicable disease like tuberculosis, malaria, dengue fever, swine flu,



Amake-shift clinic.

typhoid, cholera, and viral hepatitis that mostly affect the poor. Meanwhile, non-communicable diseases affecting the aging and often the more affluent part of the population inclusive of heart disease, diabetes, hypertension, stroke, and cancer have been on the rise.

3.1 Flood-related diseases

According to official reports, five million people were affected by disease following the floods in 2010, with malaria, skin diseases, acute respiratory infections, diarrhea, measles and meningitis. According to the UNICEF, there were 2.5 million children among the flood-affected people who fell ill. This also included 120,000 pregnant women whose condition was exacerbated by trauma, fatigue, malnutrition and poor hygiene.

In the words of the World Disasters report 2011, prepared by the International Federation of the Red Cross and Red Crescent Societies, “High level of malnutrition among the flood affected communities of Pakistan is one of the most challenging humanitarian problems that we face today.” Sindh was worst hit by the floods in 2010 leading to the destruction of crops and livestock which resulted in severe food insecurity and malnutrition affecting 22.9 percent population in the northern part of the province and 21.2 percent of the population in the south. This was much higher than the WHO threshold of 15 percent for emergencies that trigger humanitarian response from the global community. Flood and rains in Sindh in 2011 again compounded the healthcare woes of the affected population. [*See the chapter ‘Refugees’*]

3.2 Dengue hemorrhagic fever

The phenomenal rise in this fever claimed 31,655 victims who contracted the virus. Of those infected, 347 died, with 296 deaths occurring in Lahore alone. In Sindh, 1,053 cases of infection and 17 deaths were reported.

The inability of the authorities to control the disease despite prior warnings of an outbreak pointed to many flaws in the system and in the understanding of the disease. The epidemic exposed shortcomings of the public healthcare system and imprudent development policies that led to the conditions necessary for the breeding of the virus.

According to a WHO study, only one percent of reported cases in Pakistan resulted in a fatality. The report also stressed that this was a disease peculiar to developing countries in the tropics and subtropics. The reasons were rapid population growth, migration to large cities as rural economies failed, and the collapse of the urban infrastructure, particularly water supply and storage and solid waste disposal.

World Wide Fund for Nature (WWF) had another interesting point to make. According to them, due to the decrease in parks and fresh water reservoirs, there had been a sizeable decrease in the population of frogs who fed on

mosquitoes. This was evident in the monsoon during the year under review.

Experts converge on the opinion that spraying pesticide is not the solution to controlling mosquitoes since they develop resilience to it. Moreover, this leaves a residue of poisonous chemicals in the air and on plants.

3.3 Polio

With 197 cases reported across the country in 2011, the eradication of polio virus seemed to take precedence over all other kinds of immunisation since it had received global attention and much foreign funding. According to the deputy director of Expanded Immunisation Programme, a federal programme launched in 2011, there was a marked improvement in the immunisation drive in parts of Khyber Pakhtunkhwa and FATA, particularly in Waziristan, where children could not be reached the previous year due to conflict and the cultural bias against western medical science. From 98 reported cases in Khyber Pakhtunkhwa and FATA in 2010, the figures fell to 73 in 2011. As compared to 23,000 refusals in 2010, Khyber Pakhtunkhwa recorded 13,000 refusals in 2011, primarily from Bannu, Lakki Marwat, Mardan, Peshawar and Tank.

With the intervention of local religious leaders, and the deployment of the army in some cases, almost 90 percent of FATA was accessed by health workers to vaccinate around one million children in the region. The number of inaccessible children in North Waziristan was only about five percent, according to the authorities. In 2011, Balochistan emerged as the province with the largest number of reported cases with 11 cases in 2010 rising to 73 cases in 2011. Meanwhile, in Sindh the reported cases increased from 27 in 2010 to 33 in 2011 and in the Punjab from seven to nine.

Some apprehension remains over the quality of vaccine being provided since it has to remain in a cold chain from the ports of import to the children who are to be vaccinated all over the country. According to new research findings, polio virus has been detected in contaminated drinking water samples taken from Karachi, Peshawar and Multan.

3.4 Tuberculosis

Globally known as the disease of poverty, tuberculosis claims anywhere from 40,000 to 70,000 lives each year in Pakistan according to different data gathering agencies, with the majority of cases being women and children suffering from malnutrition. According to WHO, Pakistan ranks sixth amongst 22 countries in the world with 231 reported cases per 100,000 people. According to the National Tuberculosis Control Programme (NTP), until 2010 tuberculosis was responsible for 5.1 percent of the total national disease burden in Pakistan.

However, TB detection has greatly improved over the last two years with a case detection rate of 74 percent and a treatment success rate of 91 percent. What is alarming is the prevalence amongst children, with the National Institute of Child Health, based in Islamabad, receiving 40-45 cases each month. Erratic

immunisation, hereditary transmission and unhygienic living conditions were reportedly the cause for the affected children in poor families.

According to the manager of the National Tuberculosis Control Programme, there are about 5,000 diagnostic clinics, laboratories, and treatment centres across the country with 800 private physicians engaged by the national programme in addition to those in the public sector.

3.5 HIV/AIDS

Pakistan was, until recently, considered a “high risk, low prevalence” country by international standards. According to UNAIDS, the Joint United Nations Programme on HIV/AIDS, this has now changed because from low prevalence of about 11 percent cases in 2005 to 21 percent by 2008. According to UNAIDS estimates, at least one in every five injectable drug users is infected by the virus.

From being prevalent amongst injectable drug users and sex workers, the disease has spread to the rest of the population, to women and children, from transfusion. Data suggests that most of the infected population is younger than 25.

There is still a lot of misinformation and social stigma attached to the immune system disorder which is considered to be a disease affecting homosexuals or those leading promiscuous lives. This keeps the disease under the wraps and the general misconception is that it is transmitted through touch exposes patients to social problems.

3.6 Malaria

With an estimated 1.6 million cases of malaria reported annually, 4.6 million suspected malarial cases being screened, and 70 million people being prescribed anti-malaria drugs, Pakistan is high on the list of low-income countries combating this deadly disease. According to a WHO estimate, 1,500-2,000 people die of malaria in Pakistan each year. Rural areas are particularly vulnerable with open watered fields and stagnant pools.

FATA and Balochistan report the highest number of cases in Pakistan, followed by Sindh, Khyber Pakhtunkhwa, and southern Punjab. The floods that hit Sindh and the Punjab in 2010 created a major malaria threat to the affected people. Power outages in the evening were another hazard, especially in the summer months, which forced people to stay outdoors and exposed them to mosquitoes.

3.7 Cancer

Cancer has now become a disease of developing countries faced with overpopulation and environmental degradation and where survival rates have been affected by late detection and diagnosis and treatment. According to reported data, Pakistan has the highest mortality rate for breast cancer in the

world where approximately, 40,000 women die of the disease each year. Ovarian cancer too is reportedly the highest in Pakistan. The average age of the patient of breast cancer is between 30 to 40 years, much lower than the average age worldwide.

Although only research can point to the reasons, one hindrance to early detection is social taboos surrounding the medical examination of women. There is a rise in cancer found amongst children with an estimated 7,000 cases reported in the year, according to a symposium of medical practitioners at the Children Cancer Hospital in Karachi in February. Fifty percent of the children died before reaching any health facility mainly because the parents or the doctors did not respond to the symptoms in time. According to health experts, the reasons behind this include poverty, lack of awareness about the disease, and paucity of diagnostic centres in government hospitals.

Little heed has been paid to medical practitioners' advice for setting up a national cancer registry that would support patients by issuing them special identity cards as is the practice in Bangladesh and in other developing countries where they are guaranteed special privileges and treatment facilities.

Recommendations

1. Budgetary allocations have to prioritise primary healthcare needs such as safe drinking water supply and storage, better sewerage, and the immunisation programme since this affects the vast majority of the population.

2. The rural healthcare system has to be upgraded in RHCs and BHUs, with a mechanism to monitor and control the pilferage and misuse of funds.

3. Population planning has to be considered an issue of high priority and the services of Lady Health Workers to spread awareness about family planning need to be recognised and strengthened.

4. There is a need to maintain uniform standards for health education, health professionals, and a coherent drug policy and pricing.

5. Lessons need to be learnt from recent health emergencies such as the outbreak of infectious diseases after the floods, and the outbreak of the dengue virus that took many lives. Financial resources need to be allocated to deal with emergencies and natural disasters at the planning stage.

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)

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions...

International Covenant on Economic, Social and Cultural Rights

Article 11 (1), \

Pakistan, the sixth most populous country in the world, has a housing unit shortfall in excess of eight million, and growing by 300,000 houses a year. According to the Economic Survey of Pakistan 2010-2011, the country has an average population density of 222 persons per square kilometre, which is higher than many developing countries. With an estimated 37 percent of the population living in cities, Pakistan is the most urbanised country in South Asia, with a high rate of migration to urban centres. Rapid urbanisation has left an ever increasing population struggling to adjust to life in the cities as well as exposed the inadequacies of the urban infrastructure. It has also had an adverse impact



Homeless people sleep on pavements in Lahore.

on the environment. Open / green spaces for public use in cities continue to shrink or to be occupied by land grabbers.

In addition to a fast growing population, difficult economic conditions and a persistent failure to adequately address the housing shortage have contributed to deterioration in the quality of housing for an overwhelming majority of Pakistanis. Absence of proper planning and infrastructure in housing schemes even in the main cities has compounded these problems. Such infrastructure remains virtually non-existent in rural areas, prompting the population to shift to the cities. Rural housing continues to be ignored.

The poor quality of construction and inability of the people to afford repairs resulted in structures collapsing across the country in 2011, causing many deaths and injuries. Torrential rains and floods in Sindh and to a lesser extent in Balochistan in the latter half of 2011, as well as militancy in Federally Administered Tribal Areas (FATA) and military operations to counter it, caused large-scale damage to houses and added to the existing housing stock shortfall.

Despite these problems, Pakistan has never really had a national housing policy, only ad hoc responses to the immediate challenges. A clear government policy on meeting the housing shortage or making housing finance available has remained lacking during the year under review. Escalating construction costs and enhanced taxes on construction material including bricks took adequate housing further away even from the reach of many middle income groups in 2011. The federal and provincial governments largely failed to take adequate measures to address the severe housing shortage, especially for the poor. A major shortcoming of the public housing sector remained its failure to

encourage the inhabitants' involvement in housing projects.

The budgetary allocations belied the official claims of commitment to providing housing for all and did not suggest that the federal and provincial governments associated much urgency to meeting the housing shortfall for the poor as more than a third of the allocated sums under that head remained unspent.

The housing projects initiated or announced by the government attracted charges of corruption, embezzlement, lack of transparency and other irregularities from political opponents, and also at times from the people who were supposed to be the beneficiaries.

The housing schemes in the private sector were often associated with land scams and were hamstrung by a lack of planning, absence of basic amenities and failure to comply with official requirements.

The expensive housing in the formal sector pushed increasing numbers of the poor into slums. Unauthorised commercial activity in residential areas was rampant and there was little to show for the repeated warnings and rhetoric by government departments to counter that. The land mafia continued to grow stronger and more organised and apparently operated with the support of both criminal and political elements, particularly in bigger cities. The land grabbers occupied government and private land, parks, playgrounds, graveyards, mangroves and often built commercial and residential structures on the land.

Low-cost housing: promises and implementation

The problem with housing projects in Pakistan in general remained the lack of funds and delays in implementation. Although there were promises galore from senior government officials for better housing facilities, mainly for low-income groups, only some of the promised housing schemes were initiated in 2011, mainly in urban centres. However, the measures touched only a fraction of the required housing needs.

A memorandum of understanding was signed between Turkey and the provincial government of Punjab for construction of 2,120 houses in the flood-affected districts of Muzaffargarh and Rajanpur. Each house was to have two rooms, a kitchen, a bathroom, a courtyard and other facilities. Implementation was said to be scheduled for 2012.

The Punjab government launched a major housing scheme of three-marla and five-marla houses for low-income groups in a number of main cities of the province. This project, called Ashiyana Housing, was launched in Lahore, Faisalabad, Sargodha, Sahiwal and Jhelum districts in 2011 and was scheduled to be expanded to 12 other districts, including six in South Punjab, in 2012. Individuals with a maximum monthly income of Rs. 20,000 could apply. A quota was reserved for widows, orphans, the disabled and families of security forces personnel killed in fighting against extremists. The buyers were selected out of applicants through a draw. The three-marla houses cost Rs. 840,000, which could be paid in monthly installments of Rs. 4,500. The five-marla

houses cost Rs. 1.19 million with a monthly installment of Rs. 7,500.

The project was generally well received but there was criticism by opposition parties, mainly about favouritism and lack of transparency, as well as legal challenges. A petition was filed in the Lahore High Court against the scheme, alleging irregularities in the balloting process; however the court reserved the verdict on the petition, permitting the Punjab government to continue with the venture.

In May, the Sindh Katchi Abadis Authority (SKAA) chief directed his department to identify land for housing projects, called the 'Sasti Basti' for low-income families and accelerate the regularisation process of *katchi abadis* or slums. The Sindh government and SKAA approved the allocation of 10 acres of land in Lyari for the construction of a 'Sasti Basti'.

Housing for government employees

Severe lack of housing facilities even for government employees in cities was frequently highlighted in media reports. The official quarters available could meet the needs of only a fraction of the number of government employees. Employees found it hard to rent houses privately for the housing allowance and therefore desperately tried to get official quarters.

In January, Pakistan Housing Authority (PHA) announced plans to build 1,362 flats in Islamabad for government employees serving in basic pay scale (BPS) 1-16. Another 600 flats for officers of pay grades 17-19 were to be constructed and 650 houses for government officers in BPS 20-22. The project was said to be part of the Prime Minister's Housing Scheme under which the government planned to build one million housing units.

In September, it was reported that thousands of federal government employees awaiting official accommodation for several years must wait until 2018 as advance allotments had been made by a former housing minister up to that year. The number of employees in Islamabad on the waiting list for houses had reportedly swelled to 18,000.

The situation was no better in other main cities but housing needs of government employees elsewhere were often not covered extensively by the media.

Land scams/illegal housing

Land scams and launching of residential schemes without the necessary official authorisation continued this year too. In private schemes, it remained a common complaint that more plots were sold than the scheme had or one plot was sold to multiple buyers and the schemes lacked basic facilities such as water, sewerage and road connections, despite claims to the contrary. Defrauding people by claiming that a scheme was launched with official authorisation when it actually was not was also not rare.

The government failed to take adequate measures to protect people from



Parliamentarian was arrested in a Rs 6 billion land scam.

these scams and by making it clear as to which schemes were approved / authorised and which were not.

According to media reports, hundreds of private housing schemes were declared illegal for not meeting official requirements or being launched without government sanction. Many such schemes were in Punjab, where owners of agricultural land near big cities launched housing schemes without submitting a plan to the authorities or getting the necessary approval. As many as 320 such schemes were reported to be declared illegal in Dera Ghazi Khan district and over 50 in Sialkot district.

Housing finance

Lack of housing finance from a formal source has been a perennial problem in Pakistan. Housing finance is offered by commercial banks, and the state-owned House Building Finance Corporation (HBFC), but the middle and low income groups often do not meet the eligibility test or are unable to afford the interest. Most of the housing finance in Pakistan continued to be arranged through personal resources, with the formal financial sector catering to only one to two percent of all housing transactions, according to the State Bank of Pakistan. The increasing costs of land and construction material took access to housing further away from the reach of most middle income groups.

Slums and slum-dwellers

Over half of Pakistan's urban population lives in slums, according to a recent World Bank report. Around 50 percent the population of Karachi, the country's most populous city, lives in slum settlements.

As the lack of infrastructure, health and education facilities and employment opportunities has drawn an ever increasing number of people to large cities, the failure to provide housing for the urban poor resulted in expansion in the *katchi abadis* across Pakistan. The slums had cropped up



One of the hundreds of slums in Lahore.

because of the formal housing sector's failure to provide affordable housing to the poor. Urban planners generally viewed the slums as something that needed to be eradicated. The lack of planning showed in the slums. There was no regular plan; plots were of various sizes; and streets were

narrow. In many slums in big cities there were no paved streets, clean water, sewerage and even electricity, and the slum dwellers lived in unhygienic and cramped accommodation. At least some slums were known to be demolished because the land they were built on had become much too valuable.

In June, the Sindh Katchi Abadis minister said that district governments could not regularise slum settlements, but lamented that those of Karachi and Hyderabad had issued leases to a large number of *katchi abadis* in violation of law.

In December, a conservative political party blamed “builders supported by the local administration” of forcing the residents of the slums in Gulshan-e-Iqbal, Karachi, to vacate their settlements. It claimed that although the residents of Kachhi Para, Dalmia Bazaar and Shanti Nagar had also lodged a case in the Sindh High Court, the builders were forcing them out. The party demanded that the administration let the court decide the matter.

In February, Lahore Development Authority (LDA) approved building regulations for about 152 *katchi abadis* in Lahore. Under the new regulations, owners of properties were to be allowed to cover larger areas of their plots—after paying nominal fee for approval of building plans for new constructions—compared to the covered area allowed in the LDA housing schemes. The plan also included improvement and rehabilitation in certain areas. Dwellers of around 65 *katchi abadis* in Lahore were reported to be waiting for regularisation of the slums. The Punjab Directorate of Katchi Abadis had reportedly sought the revenue record from the city district government of Lahore (CDGL) around five years ago so that these settlements could be regularised. Despite several reminders the record had not been provided. The dwellers there and in other big cities such as Karachi, Quetta and Peshawar expected their slums to be

regularised ahead of elections, when the incumbent government would be expected to trade the regularisation in exchange for votes of the *katchi abadi* residents.

Dozens of slum dwellers rendered homeless by demolition of a *katchi abadi* protested in Lahore in March. The 200-house settlement along Rohi Drain in Kahna had reportedly been razed to clear the land for construction of a road. The settlement was set up five years ago when the families were evicted from a similar illegal settlement elsewhere in Lahore. The residents said that they were only given a few hours' notice before the demolition squad moved in.

As in previous years, several incidents of fire were reported in huts in slums, many of them in Karachi. On October 28, fire in Gulshan-e-Iqbal's unplanned settlement, Shanti Nagar, in Karachi destroyed 120 huts. Three people were injured. Firefighters managed to save nearly 1,900 huts. On December 11, fire destroyed over 50 huts in the same locality. On December 28, a toddler was killed in a fire that erupted in a cluster of huts in Gulistan-e-Jauhar, Karachi. Thirty huts set up on a vacant plot were gutted.

Land grabs

While government departments were not averse to demolishing houses in slums, they seemed powerless when it came to countering organised land grabbing. Encroachment on public and privately owned land continued in 2011, and the elements involved in the main cities were widely believed to have the support of the political parties active there. In the cities, vacant plots of land in commercial and residential neighbourhood, parks and graveyards were the favourite targets. Encroachments also occurred at the expense of forests and mangroves and efforts to resist or foil the attempts of the land grabbers resulted in harassment, injury or even death. 2011 was again a difficult year for the mangrove forest, which was almost in the heart of the Karachi city, and those who sought to save it from the clutches of land grabbers. Two activists of Pakistan Fisherfolk Forum were murdered for rallying support for saving the mangroves. *[See the chapter 'Labour']*

An HRCP fact-finding mission that visited Karachi in July to look into the causes of the recurring violence in the city was informed by civil society and the common citizens that all of the main political parties in the city were involved in land grabbing or supported land grabbers. One political party was said to have captured all parks of Karachi. Residents of Karachi's *goths* spoke of their frustration over how people residing in the *goths* were given a claim to use of land for 33 years and remained without basic facilities, while encroached state land was given on lease for 99 years and within three years land grabbers facilitated the provision of electricity, water and gas connections for the land they had encroached upon.

In other provinces as well media reports on land encroachment in big



Court orders failed to deter land grabbers.

cities often spoke of one connection or another with a political party in power.

The Supreme Court took notice of the illegally occupied lands of Auqaf Department in Punjab, seeking details of residents living unlawfully on the lands of shrines.

District governments carried out a number of anti-encroachment campaigns in the year under review. They managed to recover some land but in quite a few cases the encroachers resisted and even took up arms to scare away the concerned authorities. An anti-encroachment operation underway for three days in Sargodha had to be halted temporarily after vociferous protest and demonstrations by residents of several houses built on public land.

By March, the City District Government Karachi claimed to have removed about 70 percent encroachments from public parks in the city. However, the drive was halted as religious parties activists protested and threatened bloodshed over the demolition of illegal mosques and madrassas constructed in parks and playgrounds. In Lahore, an anti-encroachment contingent was stated to have removed encroachments in a 35-kilometre radius and 903 kanals of government land recovered. Because of lack of precautions, four labourers working on a building were killed and another 23 injured when a team of the Lahore Development Authority demolished an illegally constructed building in the city.

Over 5,000 acres of land owned by Pakistan Railways was said to be illegally occupied by other government departments.

Commercial use of residential areas

Despite warnings of action and fine, commercial use of residential property remained largely unchecked in the cities. This also aggravated the housing shortage and forced those seeking to rent or buy houses to try and match the prices pushed higher by commercial enterprises. In addition to exposing the inability of the authorities to keep the commercial concerns restricted to

designated business areas instead of increasing the strain on the residential infrastructure, the keenness of business to be based there also demonstrated the acute inadequacy of spaces reserved for commercial activity in residential localities. Government departments also rented offices in residential areas.

Rising rents affected the substantial population that did not own a house. Those affected by forced displacement and unable to find a place in relief camps or who did not want to live there faced even more difficult circumstances as rents rose in areas of Khyber Pakhtunkhwa adjacent to FATA as families fled violence. *[See the chapter 'Refugees']*

This land is their land

In January, when the media reported encroachment over 1,000 square feet of land in a residential sector of Islamabad, the director of general planning at the Capital Development Authority, the housing regulatory body in the federal capital, conceded that the enforcement department was not able to launch an operation against 'influential people'.

Graveyards

Comparable in scale to the land and housing shortage was the lack of space available for burying the dead in big cities. In addition to the little space allocated in new housing schemes, encroachment and illegal sale of land reserved for graveyards by the land mafia was also a common complaint.

A writ petition was filed in the Peshawar High Court seeking a direction for the government to act against illegal construction and land grab at the historical graveyards in Peshawar. The authorities launched an anti-encroachment campaign in the graveyards after the court's order.

The slow efforts for allocation of land for graveyards aggravated the issue. The media regularly carried reports of poor maintenance, high crime, absence of boundary walls in the cemeteries, and the graveyard administrators were accused of digging new graves on top of old ones. Amid the scarcity of space in graveyards, the people often had to pay thousands of rupees for burial space, and the graveyard administrators justified the 'fee' on account of the shortage of space.

Quality of construction

In addition to shortage of houses, the poor quality of construction, lack of maintenance and the generally dilapidated condition of structures contributed to the collapse of buildings across the country. Heavy rains also resulted in houses caving in during the period under review. At least 137 people were killed and 291 injured in such incidents reported by the mainstream print media

in 2011. The incidents were reported from across the country and the casualties mainly occurred in the roof or walls of buildings collapsing. The annual ritual of advertising notices in newspapers for owners and residents of buildings considered at risk of collapse during the rainy season continued. For most of the time the authorities were content with publication of notices. Follow-up action to evacuate or raze the dangerous structures occurred seldom and alternatives were not provided to tenants, who often stayed on in the dilapidated lodgings because of the cheap rent. Casualties in under-construction buildings (15 dead and 92 injured) not only exposed the poor construction quality and techniques but also lack of precautions and safety gear for the construction workers. Details of casualties in the main incidents of partial or total collapse of buildings reported by the media in 2011 are below.

Jan 2: Three members of a family were injured when the roof of their house collapsed in Lahore.

Jan 2: The wall of a building collapsed on top of an adjacent mud house, killing three family members and injuring another two in Quetta.

Jan 5: Two people were killed and four others injured when a roof collapsed due to poor construction in Gujranwala.

Jan 5: A couple was killed and their daughter injured in the roof collapse of their home in Hyderabad.

Jan 10: Five members of a family were killed in Mirpurkhas when their dilapidated house collapsed.

Jan 10: The roof of a house in Gujranwala collapsed while labourers were working on it, leaving four of them severely injured.

Jan 31: The wall of a madrassa building collapsed in Taunsa, killing three students and leaving one injured.

Feb 1: Two girl students were killed when the wall of their school collapsed in Quetta.

Feb 5: An infant girl died in Karachi and three family members were injured in the collapse of their house's roof.

Feb 8: Five members of a family were killed and two injured when the roof of their house collapsed on them in Skardu.

Feb 13: Two minor girls died when their house in Miramshah, in North Waziristan Agency of FATA, collapsed due to the impact of an explosion close by.

Feb 14: A two-storey house in Peshawar collapsed. Six residents were killed and another six gravely injured.

Feb 17: Eight people died and 10 were injured when roofs of three houses caved in after an adjacent factory building collapsed on top of them in Mardan.

Feb 27: The roof of a house collapsed in Pakpattan, killing a five-year-

Caving in

The collapse of a multi-storey building in Lyari, Karachi in August signified the utter failure of public bodies to ensure compliance with regulations that ensure public safety. As many as 35 people were killed and around a dozen injured when the five-storey residential building collapsed.

A committee probing the reasons for the collapse found that the sewerage infrastructure in the area was a shambles and constant seepage of water had weakened the building's foundations. The seepage had been brought to the authorities' attention but no action was taken. The seepage and the building collapse affected adjacent structures and their residents were asked to vacate and immediate demolition of those buildings recommended. The owners of the collapsed building were arrested for their negligence in maintaining the structure.

The rescue operation that lasted many days attracted criticism. Delay in the rescue operation and unskilled rescuers were blamed for pushing the death toll higher. The rescuers said that the pace of the rescue was hampered by the dense population in the area and the narrow lanes that hindered the passage of heavy machinery to the site. Initially, it was expected that it would take 12 hours to remove the rubble and get to any survivors trapped underneath. However, it took several days to clear the rubble.

Media reports highlighted that the Sindh Building Control Authority (SBCA) had designated scores of buildings dangerous and at risk of imminent collapse but the dwellers refused to vacate them, as the dilapidated condition of the buildings meant that rent was low and they could not afford to pay more rent elsewhere.

The media reported that the building that collapsed and many other buildings in the densely populated Lyari area had been constructed in violation of the SBCA rules that generally restricted construction on residential plots to no more than two stories. The SBCA had not taken action against owners of such buildings. The collapsed building had not been declared dangerous, nor were other buildings in the area, some of which were as high as seven stories.

The quality of buildings and the approach of the authorities towards implementing safety regulations were not very dissimilar elsewhere in the country either. While the government offered Rs 0.3 million as compensation for the family of each deceased, no long-term measures were taken to prevent such accidents in the future.

old girl and injuring four other people.

Mar 3: A child was killed and four persons injured in the collapse of a house's roof in Charsadda.

Apr 8: At least 34 people were injured in Gujranwala when the roof of a rundown building collapsed during a wedding party.

Apr 8: Four people were injured in Lahore when the roof of a house caved in.

Apr 18: A couple was killed and their seven children seriously injured when their house collapsed following a thunderstorm in Lahore.

May 3: Two minor girls were killed, while their mother and a sister were injured in Khairpur when the roof of their house gave in.

May 13: A girl was killed and her mother and four siblings injured when the roof of their home fell on top of them in Hafizabad.

May 19: Three members of a family were injured when the roof of their house collapsed in Lahore.

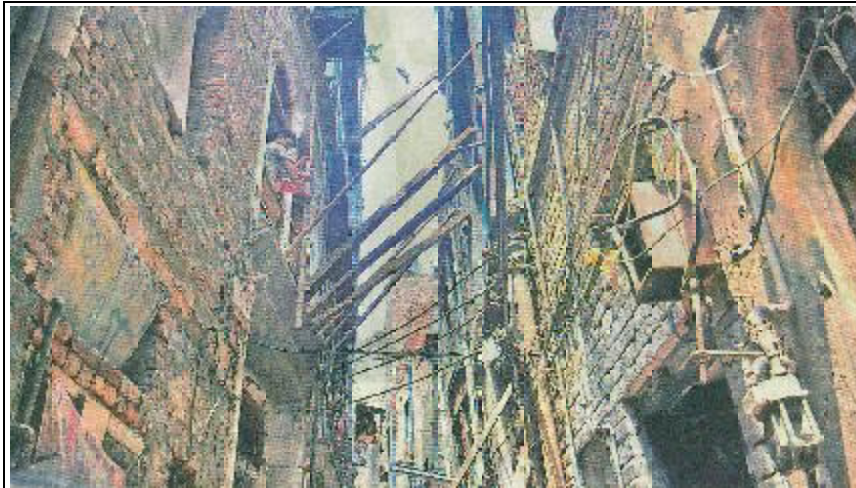
June 10: A wall of an under-construction building collapsed in Lahore, severely injuring 10 labourers.

June 12: A seven-year old girl was killed and two other members of her family injured when their dilapidated house collapsed in Gujranwala.

June 16: The roof of a house collapsed in Nowshera, killing three people and injuring two others.

June 17: A woman and her son were killed and two other family members injured when their house collapsed in Lyari, Karachi.

June 18: Two children were killed and five other people wounded as the



Wooden planks support rundown houses.

roof of their home collapsed in Faisalabad.

June 25: A wall of a school collapsed in Bisham, killing a young boy.

June 30: The roof of a house collapsed in Nankana Sahib, killing two boys and injuring three others.

July 1: A worker was killed when the roof of his landlord's outhouse collapsed on him in Gujranwala.

July 2: Three members of a family were killed and three others injured when the roof of their under-construction house in Lahore caved in. Recent rains had reportedly weakened the structure.

July 4: A four-year-old girl was killed and her parents injured when a wall of their house collapsed in Sheikhpura.

July 9: Twelve people were critically injured when the roofs of two houses collapsed during heavy rainfall in Lahore.

July 15: Twelve people were injured when the roof of a house collapsed during an engagement ceremony in Gujranwala.

July 15: A wall of an under-construction plaza collapsed, killing a labourer and injuring two other people in Kasur.

July 15: Four labourers were injured when the roof of an under-construction house collapsed in Lahore.

July 17: Fourteen people, including 13 women, were injured in Kohat when a wall of their house collapsed in heavy rain.

July 25: Five people were killed when the roof of a mud-and-stone house collapsed following heavy rains in a suburban area of Islamabad.

July 28: A worker was killed and two others were injured when the roof of a factory collapsed in Faisalabad.

Aug 4: A man was killed in Abbotabad as the roof of his house caved in.

Aug 6: A labourer was killed while 15 others were injured in the collapse of an under construction plaza in Lahore.

Aug 8: Two boys were killed when the roof of their house collapsed following heavy rain in Sialkot.

Aug 9: One man was critically injured when a six-storey building in Sialkot collapsed due to poor construction.

Aug 10: Two people were killed and three injured when a double-storey house collapsed in Lahore.

Aug 11: The monsoon rains caused the roofs of many houses to collapse in Hyderabad, killing about 14 people.

Aug 12: One man was killed while another was injured when a rain-drenched wall of their home gave way in Karachi.

Aug 16: A five-year old boy and a six-year old girl were killed while about five other people were injured when the roof of their house collapsed in

Lahore.

Aug 16: A boy was killed when the wall of a house in Kasur collapsed.

Aug 18: Four members of a family were killed in Mirpur when the roof of their house caved in.

Aug 25: Two minor brothers were killed when a wall of their home collapsed in Sargodha.

Aug 27: Two minor girls were killed when their house collapsed in Sialkot.

Sep 2: A minor girl was killed in the collapse of her house in Mingora.

Sep 7: A toddler was killed and three young girls injured when the roof of their room collapsed due to heavy rainfall in Toba Tek Singh.

Sep 9: Three young girls were badly injured in Khairpur when the roof of a girls' school caved in.

Sep 13: A woman and a minor girl were killed while two other people were injured in Lahore when the roof of their house collapsed.

Oct 9: Three young siblings were killed as the roof of their house collapsed in Attock. Their mother sustained serious injuries.

Oct 22: The roof collapse of an iron godown in Bahawalpur resulted in the death of four people, while three others suffered injuries.

Nov 27: Three women were killed and five other members of the same family injured in the roof collapse in a house in Gujranwala.

Dec 7: Three labourers were critically injured when a three-storey under-construction building collapsed in Lahore.

Dec 12: Five fourth-grade children were gravely injured when the roof of their primary school in Muridke, near Lahore, caved in.

Dec 15: A three-storey building collapsed due to the impact of a steam boiler explosion nearby, in Peshawar. Two men were killed and one was critically injured.

Destruction of houses

In August, severe flooding hit the province of Sindh for the second year in a row and dealt devastating blows to housing. According to the Sindh Disaster Management Authority, at least 0.7 million houses were destroyed in the province and as many suffered partial damage in the floods. Over 7,000 houses were damaged or destroyed in the rains and flooding in parts of Balochistan province in 2011. *[See the chapter 'Refugees']*

In addition to natural disaster, the militancy in FATA took a heavy toll on housing and delayed the return of displaced persons. The Senate was informed in May that 12,279 houses had been damaged (5,851 completely and 4,458 partially) in Bajaur and Mohmand agencies alone during the war on terror in FATA. Losses were yet to be assessed in other agencies.

An HRCP study in 2011 that looked at allocations in the federal and



The aftermath of an encroachment demolition drive.

provincial budgets from a rights perspective found the money set aside for housing was nowhere near enough for the lofty ambitions on housing proclaimed by the government.

It was noted that from financial year 2001-02 until 2008-09 the federal and provincial governments spent a total of Rs 2.51 billion on low-cost housing. In 2009-10, the budgetary allocation was increased to Rs 4.7 billion but only Rs 1.8 billion were actually spent. An amount of Rs 2.94 was allocated in the federal and provincial budgets of 2010-11, but the actual expenditure was Rs 1.92 billion. The amount budgeted in 2011-12 was reduced to Rs 2.55 billion. Despite the claim made in the Annual Plan 2011-12 that the Prime Minister's One Million Housing Programme for Low Income Groups scheme would be implemented on an urgent basis, the allocation in the 2011-12 budget was negligible. In Punjab, Ashiyana Housing Project for low income groups and Area Development Scheme for low and middle income groups had been launched. But the financial allocations were low and underutilised; out of Rs 1.87 billion allocated in the budget for 2010-11, the utilisation was only 23 percent. The allocation in 2011-12 was 1.37 billion, less than the previous year's budget. Allocations in Sindh and Khyber Pakhtunkhwa were also negligible although the KPK government planned to establish a land bank for housing schemes. Balochistan made a budget allocation of Rs 0.53 billion in 2010-11, but the utilisation was more than double at Rs 1.18 billion. The allocation for 2011-12 was Rs 1.11 billion, which was almost insignificant in the face of the housing needs.

Recommendations

1. *It is high time that Pakistan devised a national housing policy to address the acute housing shortage, looked at infrastructure issues and*

prevented commercial use of residential areas. The official promises on housing demonstrate a clear understanding of the need. What is required is for the government to allocate adequate resources to implement the vision it offers. Transparency and consultation with the dwellers must remain paramount in all public housing projects. For that to happen, a change must also occur in the mindset of both the government officials and the dwellers and housing must be viewed as a right, rather than a favour. The housing provided by the public sector must be based on the needs of the people and not on political considerations. Rural housing must also be focused on.

2. The authorities should take decisive action to prevent the loss of life in the collapse of structures across the country every year. It is regrettable that a large number of workers are killed and injured in accidents in under-construction buildings. The formulation and enforcement of safety protocols for them must be ensured on priority.

3. Official departments should make information accessible to the people to help them avoid land scams by private housing scheme developers. This should include issuance and dissemination of lists of approved housing schemes in all districts. Providing such information on a district regulatory authority's website could also help prevent land scams.

4. The diminishing open / green spaces in cities are turning cities into concrete jungles. Encroachments and destruction of trees and particularly mangroves in Karachi and elsewhere must be stopped. Imaginative efforts to increase tree plantation in urban centres should be launched. All new housing schemes must be required to ensure that a percentage of their land is covered by trees. Similarly, provision of adequate burial space in housing projects should be ensured.

5. A consistent policy on katchi abadis that is transparent and considerate of the slum dwellers' housing needs must be devised and implemented to remove ambiguity.

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

Pakistan is ranked the sixth most populous country in the world and fourth in Asia. By 2030, the population is expected to grow from its current 180 million to around 255 million. The growing population is putting exceptional strain on the country's environment.

Although 2011 was officially designated as the year of forests, the state of the Pakistan's forests became more precarious and environmental challenges facing the country grew more formidable in general. The environmental challenges Pakistan faced were aggravated by a combination of poverty and population growth, as well as a largely unplanned increase in industrialisation and urbanisation, leading to pollution of all kinds. Environmental degradation hit the poor the hardest

Environmentalists cite climate change as one of the main reasons for the losses caused by monsoon rains and floods in Pakistan in recent years. In



Pollution in big cities grew to intolerable levels.

September the country's southern region received the highest monsoon rains ever recorded for the month. The Sindh province, where six million acres of land were inundated in floods in 2011, had experienced drought conditions before the monsoon season and had not received any rainfall during the past 12 months. According to Environment News Service, an environmental news agency, climate experts see the change as a part of broader regional climate changes that are also affecting the neighbouring countries. Another factor blamed for massive rains and subsequent floods is deforestation.

According to the Economic Survey of Pakistan 2010-2011, the country has a population of 177 million with an average population density of 222 persons per square kilometers, which is higher than many developing countries. Air pollution in the cities remains one of the most significant environmental problems, and high concentration of suspended particulates adversely affect human health and prolong a wide range of respiratory diseases and heart ailments, according to the Economic Survey. With an estimated 37 percent of the population living in cities, Pakistan is the most urbanised country in South Asia. According to the Survey, a high rate of migration to urban centers is making "the cities dysfunctional, overcrowded and very congested. Rapid urbanization is putting the available insufficient infrastructure under enormous pressure and causing environmental debacles of great magnitude. Serious risks of irreversible damages are present due to air and water pollution, mismanagement of solid waste and destruction of the fragile ecosystems".
[See the chapter 'Housing']

Pakistan has been ranked as number one on a list of countries worst hit by weather extremes in 2010 by Germanwatch, a climate and development

organisation, in its Global Climate Risk Index. The index recognises the fact that Pakistan faces climate impacts which are not only happening in real time but in a widely diverse pattern, ranging from extreme events such as cyclones, glacial melting and floods as well as indirect impacts such as droughts, shifting cropping patterns and climate-induced migrations. The organisation also claims that the rising financial costs for coping with climate disasters are in the range of \$6-14 billion per annum for Pakistan and that the country lacks both the technology and the capacity to counter these climate impacts effectively. After the 2010 floods, the government was also criticised for having failed to initiate proper disaster management systems which would have helped in dealing with the floods in Sindh in 2011. [See the chapter 'Refugees']

Government policies and programmes

In 2008, the Climate Change Task Force was formed to draft the country's first ever National Policy on Climate Change. About 40 experts from different fields worked on the policy for two years to finalize it. A draft of the policy awaited the federal cabinet's approval at the end of 2011. According to media reports, the main objective of the policy was to sustain economic growth by addressing the challenges of climate change. The policy aimed to address concerns related to the sectors of water resources, agriculture, human health, forestry, and biodiversity along with the areas of mountains, pastures, marine and coastal eco-systems. Unfortunately, media reports in December 2011 asserted that the policy was sidelined due to devolution of the subject to the provinces. It was reported that it was now the responsibility of each province to draft its own policy on climate change and implement it.

According to the federal environment minister, Pakistan needed Rs. 365 billion annually to tackle climate change. Despite the huge challenge little was done to bring the issue to the forefront.

Devolution of the Environment Ministry under the 18th Amendment was a major cause for concern throughout the year. According to a World Bank report, provincial environmental agencies were still ceremonial and therefore it was unwise to leave such a responsibility to them. The subject of environment was devolved but the question of who will now enforce Pakistan's international obligations remained pending. The transfer of key powers of the environment ministry caused confusion and reports from November asserted that it was still unclear who would exercise these powers under the 18th Amendment. The federal government claimed that it had transferred key powers to the provinces who should address environmental challenges but federating units continued to demand the transfer of administrative powers.

An HRCP study of the pattern of expenditure and resource allocations noted that except for the use of compressed natural gas (CNG), Pakistan was considerably lagging on indicators of Millennium Development Goal 7 (ensuring environmental sustainability). Rs 35.2 billion were allocated in the federal and provincial budgets of 2010-11 for MDG 7, but only Rs 31.8 billion

were utilized. The 18th Amendment devolved the subject of environment to the provinces. While the combined federal and provincial budgets for environment for 2011-12 were enhanced to Rs 37.2 billion, federal funding became the smallest component in the total allocation of Rs 37.2 billion. Despite the devolution, Sindh and Khyber Pakhtunkhwa allocated in 2011-12 budgets lesser amounts than in 2010-11 budgets. In 2011-12, Punjab and Balochistan allocated larger amounts than the previous year's budgets.

Environmental protection: cases and laws

Cases of violation of environmental laws were reported throughout the year, especially in the province of Sindh. Reports claimed that orders issued by environmental tribunals were flouted and that led to the issuance of arrest warrants by environmental protection agencies.

The Khyber Pakhtunkhwa Environmental Protection Tribunal issued non-bailable arrest warrants against the chief executive officer of a private cellular company, after he failed to turn up before the tribunal to argue his application for quashing a complaint filed by the Environmental Protection Agency against the company.

The Sindh Environmental Protection Agency (SEPA) decided to enforce an environmental protection order (EPO) issued in May 2010 against a particle board factory in Kotri Industrial Area, accused of causing environmental pollution. The EPO had demanded that the factory immediately stop production to save human health in the area and protect the environment from further damage. However, the factory filed an appeal against SEPA, praying for the dismissal of the EPO of 2010. The tribunal held that the EPO had rightly been issued.

The chief executive officer of a sugar mill in Tando Allahyar, Sindh, was accused of releasing toxic materials into the environment and violating the National Environmental Quality Standards (NEQS). The environmental watchdog had submitted in its complaint that laboratory analysis of the wastewater samples collected from the mill showed the level of biochemical oxygen demand (BOD), chemical oxygen demand (COD), the total suspended solids (TSS) and oil and grease in the wastewater were in excess of the prescribed NEQS. The mill was also held responsible for damaging the ecology of the area and spreading waterborne diseases among the population around it and in the towns and villages downstream.

According to Environmental Protection Act 1997, sponsors of mega projects must submit an Environmental Impact Assessment (EIA) report before undertaking such a project. In violation of the law, the Karachi Port Trust failed to submit an EIA for its deep-water container port project which was being undertaken at a cost of \$1.6 billion. Conservationists have expressed serious concerns about the project, including the dumping of the unutilised dredged material into the sea that could have an adverse impact on coastal resources and possibly cause harm to the Clifton Oyster Rocks, a series of islands located off the coast of Clifton in Karachi, Sindh. Conservationists

believe that extensive port activities will also aggravate traffic problems in the area. Officials at SEPA claimed that the Karachi Port Trust had failed to heed their repeated requests for filing an EIA.

In February, the Sindh Environmental Protection Tribunal issued notices to the chief secretary and the officials of an ice factory in Karachi, over the delay in shifting the ice factory from a residential area. On June 24, 2010, the tribunal had directed the chief secretary and other officials of the provincial government to formulate rules and regulations within two months for ice factories and shift those operating in residential vicinities to industrial areas across the province but many factories continued functioning where they were despite such orders.

A writ petition was filed before the Lahore High Court against the procurement and use of plastic bags. According to the petition, these bags not only damaged human health and environment but their use was also against the Punjab Procurement Rules 2009. According to the petition, when wheat was stored in these bags and exposed to sunlight the poly propylene mixed with the wheat and could cause cancer and death. The Lahore High Court issued a notice to Punjab Food Department in this regard.

The Sindh Environmental Protection Tribunal allowed SEPA to re-inspect 16 polluting factories. The factories were allegedly dumping industrial waste in an open area near Mehran Town, Karachi, causing environmental pollution and health problems in the surrounding areas. SEPA moved an application before the tribunal and stated that, on the directive of the tribunal, a team had visited the factories in question to inspect and collect details with regard to dumping of industrial waste. However, the factory managements refused to allow the environmental watchdog to carry out inspections.

A three-member bench of the Supreme Court of Pakistan took suo motu notice of the contamination of water in Manchar Lake, Sindh, due to disposal of effluents from Main Nara Valley Drain (MNVD), which had now been converted into Right Bank Outfall Drain (RBOD). The Supreme Court (SC) was informed that the federal government had released Rs 1.3 billion for RBOD-II project. The bench was informed that the released amount was 50 percent of the total amount of Rs 2.5 billion, which the federal government had to pay to the provincial government for 2011. According to the Sindh Irrigation Department, the original cost of RBOD-II was Rs 29 billion but due to delays in the implementation process it had risen to Rs 40 billion.

In order to curb the illegal trade in endangered species, the Pakistan Trade Control of Wild Fauna and Flora Act 2010, was passed by the National Assembly in December 2010. However, it was not endorsed by the Senate, the upper house of parliament. The senators from both the treasury and the opposition benches opposed the bill, stating that no legislation pertaining to environment could be made at the federal level since it had become a provincial subject after devolution of the environment ministry. Some senators even said that the National Assembly should not have passed the bill on the eve of

devolution.

Concerns were raised about the decades-old Forest Act, which was stated to be obsolete and inadequate for meeting ground realities. Critical changes were suggested to the law, including the establishment of a settlement committee to determine the status of land, measures to ensure community participation, increase in the number of acts prohibited and enhancement of penalties and punishment. According to media reports, weak and flawed regulations, inefficient and corrupt administrations, and pressure from politicians and military officials had led to the destruction of forests and woodland on a large scale.

The costs of environmental degradation

The head of the Environment Section at the Planning Commission quoted a World Bank report, stating that environmental degradation cost Pakistan Rs 1 billion a day and expressed concern that that was too steep a cost for the country. In May, the federal environment and women development minister also stated that Pakistan was bearing a loss of Rs. 900 billion per year owing to environmental degradation as it was among the most vulnerable countries due to climate change. Media reports highlighted concerns that despite this alarming situation the federal and provincial governments had failed to pay heed to previously prepared national policies and action plans to improve the situation. Reports also maintained that the policy-makers at the federal level were not keen on getting involved and wanted the provincial governments to take necessary action. Meanwhile, provincial governments blamed the centre for not transferring administrative powers under the 18th Amendment. Governments at both the federal and the provincial level were considered responsible for passing the buck and not showing leadership and initiative to tackle this problem.

Unsafe working conditions harmed port workers engaged in loading wheat, rice, cotton and other commodities onto vessels, as well as contributed to the poor air quality in the port city of Karachi. The fishermen and dock workers were exposed to health hazards caused by wheat dust, mainly respiratory diseases. These reports also pointed out medical research that people periodically exposed to wheat-dust were likely to fall victim to a spectrum of respiratory diseases ranging from a mild allergic rhinitis to tuberculosis and perennial asthma. Media reports highlighted that the residents of port neighborhoods were exposed to these diseases with some of them already suffering from allergy caused by coal soot as well as wheat-dust blowing with the wind on to the on-port vessels, boats and houses.

Loss of forest cover and natural habitat

According to the Economic Survey of Pakistan 2010-2011, the total forest area in the country stands at 4.21 million hectares. The survey maintains that the main causes of low forest cover in the country are an arid climate, over-exploitation of forest resources for energy needs, extraction of river waters

Killed for defending mangroves

Those campaigning to protect the environment ran grave risks every time their activities threatened to disrupt vested interest. The dangers were illustrated by the brutal murder of two activists of the Pakistan Fisherfolk Forum (PFF) in Karachi in May. Armed men reportedly associated with a land mafia attacked a PFF office at night and killed Abu Bakar and Abdul Ghani Mirbahar. Both men had been in the forefront of PFF's campaign against the destruction of mangroves in the coastal areas of Karachi. They had been protesting the destruction of the mangroves forest and conversion of the area into residential and commercial plots, because they believed that besides being a breeding ground for fish and a resting place for migratory birds, the mangroves were also a source of livelihood for fishermen and protected them against natural disasters and must be protected. The land mafia saw the campaign as a hurdle in their way to destroy the forest and 'develop' the land. They had threatened the two activists of the consequences if they did not stop the campaign. The murders were believed to be aimed at not only eliminating the two activists but also sending a message to other PFF activists to abandon their campaign for preservation of the mangroves. The PFF leadership had earlier been implicated in a police case to intimidate them. The Human Rights Commission of Pakistan (HRCP) slammed the murders and expressed alarm that even though the PFF had brought the threats faced by its activists to the attention of the government of Sindh on several occasions, the authorities had failed to protect the activists and arrest the land grabbers. The heightened intimidation before and after the killings and the official apathy were considered to be serious blows to efforts for defending the mangroves, whose coverage had plummeted in recent years.

without caring for the needs of forest ecosystems downstream, inefficient use of wood and forest fires. The survey indicated that large-scale deforestation and degradation of natural forests had occurred on private and commercial lands in Gilgit Baltistan and Khyber Pakhtunkhwa. The Millennium Development Goals (MDG) for the forestry sector include a commitment to increase forest cover from the existing land to 6 percent by the year 2015. According to the survey, "this implies bringing an additional 1.051 million hectares land area under forests". However, paucity of funds, technical and manpower resources with the provincial forest departments makes achieving the MDG targets unlikely.

Speakers at a workshop organised by the Sindh Forest Department in

November asserted that Pakistan had the highest annual deforestation rate in Asia and the forests covered only 2.5 percent of the country's land as against 33 percent at the time of independence. Quoting a recent study by the WWF, speakers at the workshop reiterated the concerns highlighted in the Economic Survey, stating that if deforestation and conversion of land went unchecked the country would be unable to meet its commitment under the Millennium Development Goals of increasing its forest cover from 2.5 percent to 6 percent. However, government officials claimed that initiatives were being taken for achieving the goal of 6 percent forest cover by 2015 by promoting research and educational activities throughout the country.

As in other provinces, the illegal felling of trees continued across the province of Sindh this year. In January, environmental experts and activists at a seminar in Mithi, Sindh, urged the provincial government to take action against owners of large land holdings for destroying thousands of *Comiphora mukul* trees in the Karoonjhar hills and other areas of Thar desert in Sindh. These areas are rich in *Comiphora* or gum producing trees, extracts from which are used in medicines and other industries. The Karoonjhar hills forest was a source of livelihood for many people of the area but the influential land owners had been driving these people out of the forest, which was part of a wildlife sanctuary and a pristine ecological system. The trees were allegedly being destroyed by locals who applied chemicals to the axe before striking the tree to draw gum, which caused the tree to wither away within six months. Reports claimed that 70 percent of the forest on Karoonjhar hills had been destroyed.

In an effort to curb illegal deforestation, the Punjab government amended



No check on deforestation.

the Punjab Forest Act 1927 and increased the fine from Rs. 500 to Rs. 100,000, and imprisonment from six months to two years for illegal cutting of trees.

In late 2011, media reports said that the forest cover in Balochistan had declined from 2.6 percent in 2010 to 1.2 percent in 2011. Officials in the Balochistan Forest Department were quoted as stating that rapid reduction was due to lack of planning and paucity of resources and manpower. Allocation of a mere 0.02 percent of the public sector development programme for forests during

the fiscal year was slammed as the government's apathy towards the issue in 2011, which had been designated as the year of forests.

As reported by the media, the Lahore division administration in Punjab began construction of a sports complex on reserved forest land in the suburb area of Shahdara, despite a refusal by the forest department. The Forest Amendment Act 2010 debars "any land use change in a reserved or protected forest." This provision was inserted in the law through an amendment in order to prevent use of forest land by any other agency for any purpose other than forestry.

Rampant illegal felling of trees by land mafia in Changa Manga wildlife park, Punjab, has led to deforestation of 60 percent of one of the world's largest planted wildlife parks. According to media reports, residents from surrounding villages and the land mafia, in collusion with forest department officials, had been involved in the theft of trees from the park.

Trees planted (in millions)			
Year	Spring	Monsoon	Total
2001	83.039	47.111	130.150
2002	67.949	39.705	107.654
2003	55.018	39.000	94.018
2004	63.166	58.000	121.166
2005	65.799	30.654	96.453
2006	57.17	35.340	92.510
2007	61.48	37.32	98.8
2008	73.26	38.123	111.383
2009	55.77	35.96	91.73
2010	57.72	34.54	92.26

Source: Ministry of Environment

According to an inquiry report by the Special Investigation Group of the Federal Investigation Agency (FIA), illegal felling of trees by the timber mafia in the province of Khyber Pakhtunkhwa had accelerated to the point that environmental experts believed that fast reduction in forest cover, which is considered a shield against floods, will cause extensive damage in future. It was reported that despite a ban on cutting trees, trees in protected forests were being chopped and smuggled from areas adjacent to Kala Dhaka in the region of Hazara. According to the provincial minister for environment, the timber mafia active in Kala Dhaka could not be reined in because the area fell in the tribal belt and direct administrative action by the provincial government was not possible there.

Illegal logging in Murree, Punjab, was reported with the onset of winter. The practice was stated to be widespread in different union councils, including Angoori, Daryagali, Kalimatti, Ghoragali, Pagwari, Cheekagali, Masoot and some adjacent areas that were part of the Khyber Pakhtunkhwa province such as Nathiagali. The trees which were chopped include pine, cedar, *kikar*, and *tali*. *Tali* is used as fuel in the winter season and the others are smuggled to different parts of the country to be used in construction work and making

furniture.

The national spring tree plantation campaign kicked off in early 2011 with the goal of planting 53.35 million saplings in the country this year. In an inter-provincial committee meeting chaired by the federal minister for environment, it was decided that 20 million saplings would be planted in Punjab, 8.5 million in Sindh, one million in Balochistan, five million in Azad Jammu and Kashmir and 8.7 million saplings in FATA.

Later on in the year, it was reported that the government had begun planting trees on irrigated land to compensate for the loss of forests in Pakistan. However, it was also acknowledged that the rate of deforestation must slow down or the country would have to pay a heavy environmental and economic price.

Steering clear of clean energy

Rather than developing alternative energy resources, power generation units across the country often burned fossil fuels to generate electricity. These units stopped production when the government fell back in making payments to these units for the electricity they generated, leading to excessive load shedding.

On a small scale, people in the urban centres started installing solar panels for generating electricity because of excessive shortage of electricity and gas as well as mounting tariffs. To a much smaller degree, the affluent people in remote areas that were yet to be connected to the national grid installed solar panels for electricity. However, the people in the big cities who could afford it mainly coped with long electricity suspension by installing petrol, diesel or gas-fuelled generators, further adding to urban pollution. The government failed to introduce policies that could spur home owners' interest in alternative energy sources through incentives such as tax rebates.

Except for the increased use of CNG, a cleaner fuel for vehicles, Pakistan is already lagging on all indicators of Millennium Development Goal 7, ensuring environmental sustainability. The relatively lower cost of CNG compared to petrol and diesel had led to hundreds of thousands of vehicles converting to this fuel in recent years. (See Table 4) However, the government has been consistently unable to meet the demand of any of the three main gas consumption sectors, domestic, industrial and CNG for vehicles. Besides the perennial shortages and near suspension of gas to CNG stations across the country for between one to three days and repeated and steep hiking of the tariff, CNG no longer appeared to be a cheap and reliable fuel. In December, the Economic Coordination Committee of the federal cabinet approved a ban on the import of CNG conversion kits and cylinders in view of the gas shortage in the country. The installation of new CNG kits in vehicles was also banned.

In the absence of a working public transport system, the people were forced to buy vehicles to be able to travel in ever expanding cities. This led to an ever-increasing load on the road infrastructure and a commensurate rise in pollution. (See Table 2)

In December, the Punjab government considered moving the Supreme

Court of Pakistan if the federal government did not exempt the CNG buses of Lahore Transport Company (LTC) from gas load shedding. Hundreds of new public transport buses bought for LTC could only be operated on CNG, which was not available on fuel stations in Punjab three days a week.

This situation and the government's stated intent to wean the people off CNG as a fuel risked reversing any gains the country had made on MDG 7.

Deterioration of air quality

Extensive deterioration of air quality was reported throughout the year and little effort was made to attend to the issue. According to a study titled 'Asian Green City Index', conducted by the Economist Intelligence Unit, out of 22 megacities of Asia, Karachi was the least environmental friendly because of its poor air quality, inferior transport system and an inadequate sanitation network.

According to the Economic Survey for 2010-2011, the gravest concern regarding air quality in Pakistan was the presence of excessive suspended particulate matter (SPM) in the ambient air. The major sources of SPM were identified as motor vehicles, burning of solid waste, brick kilns and natural dust. According to the survey, air quality data recorded by continuous monitoring stations in

the federal capital and the four provincial capital cities confirmed the presence of high concentration of SPM. "The level of PM (particulate matter size below 2.5 micron), which is mainly due to combustion source, has reached an alarming point (2 – 4.7 times higher than the safe limit)". The National Environmental Quality Standards (NEQS) for PM 2.5 is 25 microns/m³ annual average.

In a bid to improve air quality, the Punjab Environment Protection Department urged people to refrain

<i>Year</i>	<i>Total</i>	<i>Motorcycles/.....Rickshaws scooter</i>
2000-01 ...	2291.3.....	2218.9 72.4
2001-02 ...	2561.9.....	2481.1 80.8
2002-03 ...	2737.1.....	2656.2 80.9
2003-04 ...	2963.5.....	2882.5 81.0
2004-05 ...	3144.5.....	3063.0 81.5
2005-06 ...	3868.8.....	3791.0 77.2
2006-07 ...	4542.8.....	4463.8 79.0
2007-08 ...	5126.3.....	5037.0 89.3
2008-09 ...	5444.3.....	5355.9 88.4
2009-10 ...	5501.2.....	5412.1 97.3
2010-11 (Jul-Mar)	5558.7.....	5468.9 89.1
% increase/ decrease over 2000-01	142.6	120.4 24.0

Source: National Transport Research Centre

Table 3:
Annual mean values of PM 2.5
(June 2010-May 2011)

City	Level (m3)
Islamabad	91.13
Lahore	116.51
Karachi	41.49
Peshawar	70.86
Quetta	40.86

Source: Environment Protection Agency

from burning tyres and toxic materials for heating purposes. According to news reports, residents of Mughalpora, in Lahore, and other low-income areas were burning wood, plastic and other trash through the winter months during long hours of gas and electricity load shedding to stay warm.

Reportedly, air pollution in Gilgit city in the Gilgit Baltistan region had escalated to the point where locals were

experiencing eye irritation in open areas especially after sunset. The area has little industry but as many as 50,000 people in Gilgit Baltistan burn wood as a source of heating during harsh winters.

In September, it was reported that despite the rising pollution from the industrial area in Islamabad's I-9 sector the Environment Protection Agency (EPA) could not curb pollution or issue notices to the industries not in compliance with the law because its Environment Monitoring System (EMS) had been lying dormant since it was put under the development division of the federal capital's administration after the Federal Ministry of Environment was devolved to the provinces and funds to the EMS blocked. According to the EPA website, the Japanese government had granted the EMS project Rs 973 million in the form of machinery and equipment while the Pakistan government was to provide Rs 260 million to run it. The EMS was envisaged to send weekly and monthly monitoring reports about air quality to EPA to warn of and act against the pollutants.

Management of solid waste

Disposal, collection and management of solid waste, especially electronic waste, remained a cause for concern throughout the year.

In February, 56 hospitals and clinics were served with notices by the Environment Protection Department (EPA) Punjab for improper waste disposal. Subsequently, the provincial EPA directed all district officers to initiate inspection of all private and public hospitals and pathology laboratories for implementation of hospital waste management rules. Non-implementation of these rules was believed to be a reason for spreading of contagious diseases such as hepatitis. In the same month, the health department in Khyber Pakhtunkhwa decided to introduce a uniform waste management policy for all government and private hospitals in the province to ensure proper disposal of medical waste. The decision followed notices issued by the EPA to the health department for lack of a waste management policy which led to improper



Waste disposal remained a problem.

disposal of waste and spread dangerous diseases.

According to media reports in February, a recent study appearing in international journal Environment Monitoring and Assessment found extremely high levels of toxic metal contamination, especially that of mercury, in the roadside soil along National Highway in Karachi, Sindh. The study identified hospital waste (broken thermometers, gastrointestinal tubes, sphygmomanometers, etc), discarded batteries, switches and fluorescent tubes as the potential sources of mercury contamination. E-waste was another important source, on account of a number of toxic elements used in the manufacturing of computers.

High lead concentration was attributed partly to heavy traffic density and the use of lead-containing fuel and lubricants as well as unregulated incineration along the highway of huge quantities of solid waste, including plastic material and demolition waste from old buildings painted with lead-based paints.

The study which raised concerns over an improper waste disposal system, especially that of electronic waste, found Karachi and Hyderabad to be the most polluted on the National Highway network. Burial of E-waste on a large scale was also reported.

The Sindh minister for environment was cited as saying that Rs. 20 billion was required annually for proper and safe disposal of garbage and waste in order to keep Sindh's provincial capital, Karachi, clean.

The state of water contamination

The majority of the Pakistani population is exposed to hazardous, unsafe and polluted drinking water. Water pollution is reported to have been steadily increasing over the years. Sources of this pollution include uncontrolled discharges of municipal as well as industrial waste in water bodies, runoff from agriculture fields where agrochemical usage has been increasing, and other natural as well as anthropogenic activities which take place in the

catchment areas.

Over half of the country's population is considered to lack access to safe drinking water, which leads to greater chances of spread of water-borne diseases which in turn increases morbidity and mortality rates and pose a major threat to the survival and development of children.

Media reports highlighted rising pollution of the Indus River and threats to marine life, especially near Sukkur city, Sindh, where fish, turtles and aquatic birds were dying due to discharge of sewage and chemicals in the river. It was reported that it had become a common practice to release sewage and chemicals from industries into the river.

According to a former member of the National Assembly, untreated water being released into River Sutlej, the longest of the five rivers in Punjab, was affecting public health in the areas along the river. Almost a hundred villages in the area were reportedly contributing to aquatic pollution due to reported discharge of untreated water into the river from India and 350 tanneries in Kasur district, Punjab.

Manchar Lake, Pakistan's largest freshwater lake in district Dadu, Sindh, was reported to have turned briny, threatening human health and survival of fish and birds.

Media reports cited the Ministry of Environment as saying that the incidence of hepatitis B and C was the highest in the industrial city of Faisalabad due to polluted water. Textile factories were found responsible for polluting the main sewage lines in the city by draining hazardous waste water in violation of environment protection laws.

Karachi's coastal area was also reported to be exposed to excessive pollution from industrial and domestic waste. Most of the coastal pollution was concentrated in Karachi harbour where an estimated 90,000 tonnes of oil



Villagers fetching drinking water from a pump surrounded by flood waters.

products from vessels and port terminals were dumped in it every year.

A report prepared by the Pakistan Council of Science and Industrial Research maintains that the biological oxygen demand (BOD) level of effluent in waste released by 12 housing societies around the Lahore Canal stood at 400 parts per million, which was 4,000 percent more than the maximum permissible level of 10 ppm. High levels of effluents in the canal exposed people bathing in it to diarrhea and skin infections.

Tanneries around Lahore and hundreds of industrial units in Sindh were reported to be discharging untreated water and often operating without a treatment plant and were polluting waterways. The majority of these units were said to be export oriented and were legally obliged to install treatment plants.

A report by the Capital Development Authority (CDA) reveals that an estimated 10 million gallons of raw sewage flows directly into Rawal Dam every day. CDA officials were quoted as saying that water from the Rawal lake contained 475 coliform per ml, a bacteria present in human feces. The nitrogen and phosphorous content was high enough to allow harmful bacteria to proliferate and kill the natural fauna and flora. In 2010, the Supreme Court of Pakistan had taken suo motu notice of water contamination in the Rawal Lake and directed the CDA, EPA and Islamabad Capital Territory (ICT) to immediately take steps to halt disposal of discharge into the lake. The CDA planned installing treatment plants in the catchment areas to treat the sewage water, but the project was reported to have been stalled.

Located near Karachi, Haleji Lake, known as a birdwatchers' paradise, was similarly reported to be quickly losing its ecology due to official neglect. The lake used to be a tourist spot and received fresh water supplies when it was used as a water source for Karachi. However, around 15 years ago, the government decided to use Keenjhar Lake for the purpose instead and subsequently supplies of freshwater to Haleji were cut, turning the lake into a stagnant pool of water. A sharp decline in the number of migratory birds coming there and loss of considerable aquatic flora was also reported.

As in other urban centres, many housing societies in Lahore were reported to be operating without proper sewerage system. Fifteen big housing societies and dozens of small and big industrial units from Thokar Niaz Beg to Mohalanwal Bridge in Lahore city were directly discharging their wastewater into the Lahore Canal and subsoil of the area. According to the Environment Protection Agency director, the agency had issued several Environment Protection Orders (EPOs) to the official sanitation authority to install a main trunk sewer line in the said locality but to no avail.

Environmental degradation and its impact on wildlife

The environmental degradation had an acute impact on wildlife across the country. According to the Sindh environment minister, the authorities faced

grave challenges in safeguarding blind Indus dolphins from extinction. The minister claimed that approximately 1,100 specimen of this species now existed in a small fraction. Factors contributing to their extinction were said to include poaching, fragmentation of habitat due to barrages, dolphin stranding in irrigation canals and river pollution. In February, the death of four blind dolphins was reported in Sindh. Experts believe that chemicals and industrial waste in the river water is harmful for the species and dolphins die largely as a result of that near the city of Sukkur in Sindh.

According to the Sindh wildlife minister, every year between 200 and 300 cases of illegal hunting of partridges were registered in Sindh against offenders who were fined under the Sindh Wildlife Protection Ordinance 1972. He cited habitat destruction, deforestation, use of pesticides and chemicals in agriculture, human encroachment, population pressure and overexploitation of natural resources as the major reason for decline in partridge population.

The impact of noise pollution

Dangerously high levels of noise pollution and its adverse impact on human health were reported in 2011, especially in the cities of Karachi, Rawalpindi and Lahore.

Noise pollution in Rawalpindi city was reported to have increased to hazardous levels due to rapid commercialization and use of unfit vehicles. Noise pollution in the city was cited a major cause for hypertension, depression and other psychological diseases. The Punjab EPA measured noise levels in the city at 105 dB (decibels) against the permissible limit of 85 dB fixed by the WHO. Electricity generators and CNG stations were also held responsible for rapid increase in noise pollution.

According to 2010-2011 noise standards set by the EPA, the average equivalent continuous noise level in residential areas should not exceed 45 decibels at night and 55 decibels in the day. In commercial areas, the average should not exceed 65 decibels during the day and 55 decibels at night; and in industrial areas, 75 decibels in day time and 65 decibels at night. The standard noise level in 'silence zones' are 50 decibels during the day and 45 decibels at night. There is a general consensus that the standards are neither observed nor seriously enforced anywhere in the country. Environmental experts believe that noise levels in Lahore city have risen to dangerous levels over the last few years, owing to the authorities' failure to enforce the environment quality standards. The Environmental Protection Department (EPD) blames the city government for the deterioration, while the city district government holds the traffic police responsible. A similar state of affairs prevails in all big cities of the country.

The increasing use of electricity generators at homes and offices has added to the existing high levels of noise pollution around the country. Environmental experts hold that there is a lack of awareness of the environmental hazards



Too many motor vehicles: The main cause of air and noise pollution.

associated with the increased use of these machines.

Official violations of environmental laws

Blatant violation of the Environmental Protection Act 1997 frequently found mention in media reports during the year. The most common infringement was reported to be of the legal requirement under the Act to submit an Environmental Impact Assessment (EIA) or Initial Environmental Examination (IEE) before the commencement of a major project.

Alleged violations of the 1997 law by government bodies/institutions included the following:

- ◆ The building control, planning and development wings of the Hyderabad Development Authority ignored guidelines of the EPA and the legal requirement of filing an EIA/IEE before initiating any housing scheme or construction of a high rise building.
- ◆ The Punjab government was found to be in violation of the law when it failed to submit an EIA before commencing work on the Kalma Chowk flyover project in Lahore.
- ◆ Construction of the Rs. 300 million Supreme Court Bar Complex began in Islamabad city in violation of the law. No EIA was submitted despite requests by the EPA.
- ◆ The Capital Development Authority (CDA) started development work on the Park Enclave housing project in Zone-IV in Islamabad city without submitting an environmental impact assessment.

Two projects namely Activity Based Capacity Development (ABCD) and National Biodiversity Centre (NBC), central to monitoring the environment, were shut down due to lack of funding by the Ministry of Environment. The projects were initiated to provide support to environmental protection agencies in regulating the environment more efficiently and enforcing the necessary

**Table 4:
Environment: MDG targets and achievements**

Name of Sector/Sub-Sector	Physical Targets of MTDf period			Achievement of Target
	Year 2004-05	2009-10 targets	MDG targets 2015	
Forests cover --including State & private forests / farmlands (%age of total land area)	4.9%	5.2%	6%	5.11%
Area protected for conservation of wildlife (%age of total area)	11.3%	11.6%	12.0%	11.3%
No. of petrol & diesel vehicles using CNG fuel	380,000	800,000	920,000	2,500,000
Access to sanitation (national)%	42	50	90	50
Access to clean water (national)%	65	76	93	65
Number of continuous air pollution monitoring stations	0	4	--	7
Number of regional offices of EPAs	0	8	16	6
Functional Environmental Tribunals	2	4	--	4

Source: (Environment Section) Planning & Development Division

mechanism for the same. After receiving the initial reaction from all concerned quarters, a spokesperson for the ministry clarified that a revised plan was made to continue only the most important activities of the said projects.

A parliamentary committee directed the Capital Development Authority (CDA) in February to relocate industrial units functioning in the residential areas of Islamabad. During a session of the Senate Standing Committee on Environment, it was noted that while the CDA had been developing an industrial sector for 15 years environmental hazards in the capital continued to grow due to waste generated in the current set-up. The officials of Pakistan Environment Protection Agency informed the committee that 200 industries were functional in the residential areas of the city. These included eight steel mills, four re-rolling mills, five oil and ghee mills, 31 marble-cutting and polishing centres, about 10 pharmaceutical factories, 23 industries of metal works and engineering and 25 flour mills.

One of the most important and contentious projects of the year was the

Lahore Canal Bank Road Widening Project. The widening of road in Lahore city was challenged in the Supreme Court on the ground that the project must not be executed as it involved extensive felling of trees.

The court dismissed the challenge in September, noting that the project would have an effect on the environment, but its benefits to commuters outweighed the potential harm.

The government planned to add an extra lane on each side of the 14-kilometre road. The Supreme Court had stayed the project in 2006 after conservation groups objected that it would result in great environmental damage through the loss of thousands of trees.

The judges noted in their decision that “only 1,800 trees would be cut”, as opposed to “the apprehension that it would lead to the cutting of 33,000 trees”. The court directed the government to declare the Canal and the green belt along that stretch of the road a public trust. The provincial government was ordered to ensure that “minimum damage” was caused to the green belt and that each tree cut down for the road widening project must be replaced by four 6-7 feet tall trees.

In April, during a National Assembly session, the ministry of environment came under fire for its failure to check the operations of about 800 polluting brick kilns and steel mills established in the residential areas of Islamabad city. While conceding the problem the minister for environment also blamed the Capital Development Authority (CDA) for shelving its plan to relocate industries in violation of the Supreme Court’s verdict of July 5, 2010, directing the authority to take action against polluting industries. A month later, media reports claimed that the federal EPA had asked brick kiln owners to install environment-friendly technology at their kilns to reduce environmental pollution. It was also reported that 27 out of the 40 brick kilns located in Islamabad’s red zone had been dismantled.

According to reports published in July, thousands of people residing near the illegally established textile and steel factories at Kala Shah Kaku, Lahore, were exposed to and ailing from life threatening diseases due to toxic smoke and untreated and contaminated water discharged by industries in the area. Private/public clinics and health units were also reported to have registered cases of infectious diseases including typhoid, intestinal parasites and diarrhea caused by bacteria, parasites and viruses.

News of appalling environmental damage and risk to human life due to waste from the Hattar Industrial Estate (HIE) in district Haripur, Khyber Pakhtunkhwa, was reported in late August. The estate is spread over 1,063 acres and houses 215 operational, 378 closed, 162 under construction and 98 sick industrial units. These include chemical factories, vegetable oil manufacturing, steel, paper, cement, marble, pharmaceutical, textile, poultry feed and beverages industries. In addition to hazardous emissions by marble, fibre glass, cement, poultry feed and steel manufacturing units, most of the units were said to lack waste treatment facilities. The factories discharged an estimated 20,000 gallons of wastewater in Jhar, Noro and Dojal drains ever

day. The industrial waste passed through more than 100 villages of districts Haripur and Attock. A part of the waste was absorbed by cultivated land which put villagers at a greater risk of harmful diseases such as brain tumour, bronchitis, kidney, lung and skin diseases and bone deformity.

In November, it was reported that a year after the federal government banned illegal quarrying at the Margalla Hills, stone crushers had returned to the hills. Margalla Hills was declared a national park in 1980 but illegal quarrying had continued there for decades. A ban imposed by the federal government in October 2010 had brought illegal quarrying there to a halt. Due to devolution, the Punjab government was now responsible for protecting the hills. There were very high levels of air pollution in the area—the total suspended particulate matter at times reached 20,000 cubic metres, according to the Pakistan Environmental Protection Agency. The quarrying had also caused streams and waterways to dry up.

Recommendations

1. *The government must promote awareness of the environmental challenges facing the country and the cost and consequences of environmental degradation. Until that happens officially designating this year or that as a year of forests would mean nothing. Children should be sensitised about the importance of environment at an early age. The government must make protection of those working to protect the environment a priority.*

2. *The existing laws must be enforced to protect the flora and fauna and prevent pollution. Progress and development must always be in sync with ecology and environment and not at their cost.*

3. *There is an urgent need to find a solution to the disruption in policy and implementation regarding environmental challenges following devolution of the subject to the provinces. Strengthening provincial authorities is of crucial significance as is addressing gaps in the laws. Clarity is warranted on who will enforce Pakistan's international obligations after devolution under the 18th Amendment and how.*

4. *There needs to be a realisation that efforts to increase the forest cover in the country have failed despite repeated nationwide tree plantation campaigns. People's ownership of initiatives and follow-up is vital to arrest the deforestation rate and the illegal felling of trees by the timber mafia.*

5. *In the absence of a public transport system worth the name, the people cannot be faulted for feeling compelled to buy vehicles to be able to move around. A workable transport system can address the problems of ever increasing congestion and pollution on the country's roads.*

6. *How Pakistan's cities manage the disposal, collection and management of solid waste, especially electronic waste, must be streamlined without delay. Owners and administrators of housing projects who believe that they can operate without a proper sewerage system in place must be taken to task and efforts made to ensure that the ground water is not polluted.*

Refugees

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

The largest groups of victims of forced displacement in Pakistan in 2011 included Afghan refugees and internally displaced persons from a number of regions across the country.

The total number of Afghans registered with the authorities in Pakistan stood at approximately two million. There were an estimated one million unregistered Afghans in Pakistan, who were not entitled to the protection and legality of stay granted to their registered compatriots.

The number of the internally displaced in Pakistan in 2011 peaked at over 1.2 million people in relief camps across the country. Over nine million people were displaced or otherwise affected by flooding in Sindh. The displacement was caused in Sindh by floods, in Federally Administered Tribal Areas (FATA) by a violent militancy and security forces operations against the Taliban, while in Balochistan the displacement of around 80,000 people uprooted in a military operation in two districts several years ago continued, in addition to flood-induced displacement in the province in 2010 and 2011.

There was little improvement in almost all key areas of concern vis-à-vis displacement highlighted by HRCP over the last three years. Efforts to deal with internal displacement remained singularly reactive. A specific domestic framework/policy to protect the displaced remained missing and steps were

not taken to benefit from the UN Guiding Principles on Internal Displacement to prevent conditions that might lead to displacement. No answers were available to serious questions about safety of the conflict-induced displaced persons returning to their native areas and about the voluntary nature of return, especially in the tribal areas as well as in some flood-affected areas.

Disaster management mechanism remained inadequate, with capability and expertise decreasing as one moved from the national to provincial level and further down towards the grassroots. Organised disaster management planning at the district level was non-existent. There was little assessment of needs of communities hosting displaced persons. HRCP believes that a culture of being reactive instead of taking proactive action to prevent problems of displacement has made many challenges much more grave than they should be. The authorities are still coming to grips with the fact that disaster management is a multi-dimensional problem and needs strategic planning and response beyond mere emergency relief.

The stubborn resistance to compiling data disaggregated on the basis of age and gender to better assess needs continued. That perpetuated a one-size-fits-all approach. The challenges associated with displacement were compounded by the difficulties in access to healthcare and education. Psychological health needs were almost completely neglected in all displacement settings. Education needs of tens of thousands of displaced children were overlooked by the authorities and these children's education often only depended on philanthropists' generosity. Livelihood restoration and compensation lagged far behind immediate relief efforts.

There was no end in sight for the plight of Pakistanis stranded in Bangladesh for over four decades.

Refugees

As in previous years, the forced displacement landscape of the country was for a large part dominated by the Afghan population forced to find shelter in Pakistan after decades of conflict in their country.

At the end of 2011, the total number of registered Afghans in Pakistan after the renewal of their Proof of Registration (PoR) cards, which had expired in 2009, stood at approximately 2 million. The mass registration process for Afghans in Pakistan stopped after 2005, when the first ever registration and census of Afghans were conducted. Only registered Afghans with a valid Proof of Registration (PoR) card were entitled to assistance by UNHCR in Pakistan. The UNHCR-facilitated voluntary repatriation programme for Afghan refugees in Pakistan started in March after a short winter break and continued until the end of the year.

In May, the Senate, the upper house of parliament, was informed that over two million Afghan refugees were still living in Pakistan. The Minister for States and Frontier Regions told the house that according to the National

Database and Registration Authority data, 1.201 million Afghan refugees were residing in Khyber Pakhtunkhwa, 0.491 million in Balochistan, 0.091 million in Sindh, 0.228 million in Punjab and 0.041 million in Islamabad capital territory.

There were 81 refugee camps/villages in Pakistan and no

camps housing Afghans were closed during the year under review.

The impact of the devastating floods of the summer of 2010 continued to be felt by Afghan refugees along with the people of Pakistan. In July, the United Nations High Commissioner for Refugees (UNHCR) asked the Khyber Pakhtunkhwa government to resolve the land dispute at the Azakhel refugee village in Nowshera district that had left thousands of Afghans unable to return to their settlement which was wiped out in the 2010 floods. Azakhel was settled about 30 years ago for Afghans fleeing the war in Afghanistan and some 23,000 refugees were residing there at the time of floods. After the floods, a large number of the displaced refugees had been living with relatives, in rented accommodation or in makeshift shelters and had expressed the desire to return to Azakhel. However, the provincial government said the refugees should relocate to the Shamshatoo camp as Azakhel remained prone to floods. UNHCR said that although not all areas of Azakhel were suitable for reconstruction, houses and infrastructure could be rebuilt on higher ground. Several hundred families had moved to other refugee settlements while about 400 families had reportedly repatriated to Afghanistan.

The extended deadline for Afghan refugees to stay in Pakistan was set to expire at the end of 2012. However, voluntary repatriation of much of the Afghan population in Pakistan by that time seemed unlikely because of the reluctance of the Afghans to return on account of a range of concerns regarding the situation in Afghanistan. The number of Afghan refugees returning home dropped substantially during the year under review—52,096 Afghans returned to Afghanistan from Pakistan in 2011, compared to 109,383 in 2010. According to UNHCR, lack of livelihood opportunities, shelter and security in Afghanistan were the most frequently cited reasons by the refugees for not returning.

According to a new strategy, the government of Pakistan and the UN refugee agency (UNHCR) were reportedly working to introduce alternative

**Table 1:
Afghan refugees repatriated from
Pakistan in 2011**

Province	Families...	Individuals
Khyber Pakhtunkhwa ...	5,782	31,148
Balochistan	2,329	12,138
Sindh	769	3,223
Punjab	900	4,584
Islamabad	143	671
AJK	53	332
Total	9,976	52,096

Source: UNHCR

**Table 2:
UNHCR-assisted repatriation
from Pakistan to Afghanistan
(2002-2011)**

Year	Families	Individuals
2002	281,720	1,565,095
2003	62,524	343,074
2004	67,023	383,598
2005	79,727	449,520
2006	24,232	133,015
2007	61,399	364,476
2008	50,841	282,496
2009	10,138	51,290
2010	19,821	109,383
2011	9,976	52,096

Source: UNHCR

stay arrangements for those Afghans in Pakistan who were not willing to return to their homeland because of security and other reasons. The options reportedly being considered included offering student and business visas to Afghans or resettlement in a willing third country, if they were determined to be refugees.

In July, the UNHCR country representative called upon the government of Pakistan to sign the 1951 refugee convention but nothing suggested that an early

accession was on the cards.

The government reiterated its stance that Afghans staying in Pakistan illegally would be repatriated. According to media reports in mainstream newspapers, over 100 Afghans were handed over to Afghan border authorities for illegally staying in Pakistan. In January, at least 1,400 mud houses were razed in Khyber Agency in FATA after unregistered Afghan nationals ignored notices to vacate land. Most of the Afghans were reported to have left for Afghanistan.

The prolonged stay of Afghan refugees in Pakistan was said to have caused several social and economic concerns. In August, a judge of the Peshawar High Court observed that street crime had increased in areas where Afghan refugees were residing and that decades-long stay of refugees had led to increase in street crime in Peshawar. In December, the federal interior minister stated that Pakistan desired peace but Afghan refugees in the country were involved in terrorism in the country. Earlier the same month, the police chief in the Balochistan province had stressed that Afghan refugees in Pakistan had been forced to flee their country because of war and should not be viewed as Taliban. In Balochistan, nationalist political parties rejected the house enumeration in the province ahead of the national census and called it unacceptable in the presence of 'millions of Afghan refugees' in the province. The nationalists had reservations that Afghan refugees in the province had managed to get Pakistani identity cards and because they were overwhelmingly Pakhtun,

counting them in the census would make the Baloch a minority in the province.

During the year there were several media reports and political groups' claims of Afghan nationals receiving Pakistani identity cards in large numbers. These reports prompted concern from nationalist political parties and government agencies responsible for security and law and order. The chairman of National Database and Registration Authority (NADRA) informed the Public Accounts Committee of the National Assembly in March that NADRA had traced 90,000 Afghan refugees who had acquired Pakistani computerised national identity cards (CNICs) and had cancelled those.

In 2011, UNHCR in Pakistan also assisted a total of 769 refugees from other countries, including Somalia (532), Iraq (93), Algeria (28), Iran, Rwanda, Myanmar, Uzbekistan, Syria and elsewhere.

In addition to refugees UNHCR Pakistan also supported 2,588 asylum seekers from different countries including Afghanistan.

Internal displacement

In 2011, a combination of conflict and natural disasters caused internal displacement in Pakistan. Displacement occurred or persisted in FATA and Dera Bugti in Balochistan, In Sindh, and to a lesser extent in Balochistan, floods uprooted a large number of people for the second year in a row. Cross-border attacks by militants from Afghanistan led to displacement in areas of Khyber Pakhtunkhwa along the Pak-Afghan frontier.

In February, HRCP expressed concern that the problems of the flood-hit population across Pakistan no longer appeared to be a priority for the authorities even though the difficulties facing the affected people remained as challenging as ever and in some areas had even aggravated. It was particularly noted that government policies to deal with the post-flood situation did not take into account the dissimilar needs and the varying nature and extent of damage in



Internally displaced persons gather for registration upon arrival at a camp.

different areas and that lack of a representative local government system and absence of a disaster management plan aggravated the losses. The exceptionally slow pace of work to restore the destroyed infrastructure and irregularities in disbursement of financial assistance to the affected people were lamented.

In July, HRCP called upon the government to take immediate steps to assist a new wave of citizens forced to flee their homes in Kurram and Khyber in FATA and on account of violence in Karachi. [*See the section 'HRCP Stands'*]

In July, it was reported that thousands of people in Karachi had fled their homes in search of safety in the last few months. Many people had sold their properties in areas where they considered themselves unsafe because of extensive violence with some ethnic undertones, but which was largely considered to be perpetuated or supported by political parties engaged in turf wars. [*See the chapter 'Law and Order'*]

Trouble in FATA

Displacement or problems associated with it occurred or continued in six of the seven tribal districts of FATA—Bajaur, Khyber, Kurram, Mohmand, Orakzai and South Waziristan—as well as Frontier Region (FR) Tank during the year under review. The population from these areas was largely forced to flee due to militancy, while some areas were also hit by floods.

In the beginning of July, the security forces launched an offensive against Taliban militants in Kurram Agency in FATA, with the principal objective of securing and reopening the Thall-Parachinar Road. [*See the chapter 'Freedom of Movement'*] The local population began fleeing areas expected to come under attack. The number of the displaced persons from Kurram far exceeded government estimates. The FATA Disaster Management Authority (FDMA) initially estimated that up to 12,000 families could have been displaced, but the number turned out to be closer to 21,000. By the end of July, around 100,000 Kurram residents, nearly one-fourth of the tribal agency's population, had been displaced. Shortages of food and other relief materials for the displaced population were reported.

The officials in Lower Kurram were asked to accommodate the displaced persons at New Durrani camp, a former camp for Afghan refugees. According to the UNHCR, 700 families (4,900 individuals) had sought refuge at the camp, while 8,000 additional families (56,000 individuals) had been registered by local authorities. The affected families were torn between a desire to return home at the earliest and the fact that their homes and indeed the infrastructure were in ruins in the areas cleared for return.

During the year, the authorities declared that Mohmand Agency had been cleared of militants and safe, while parts of Bajaur Agency were also declared fit for return of the uprooted communities. However, representatives of the displaced from Mohmand demanded that the government reconstruct their



Thousands of terrorists were said to have been killed in FATA.

destroyed houses and provide them seeds and tractors to revive agriculture in the area. The Khyber Pakhtunkhwa Provincial Disaster Management Authority (PDMA) stated in mid-December that 100 percent of the Mohmand displaced had returned while up to 50,000 families had gone back to their homes in Bajaur Agency. Another 800 displaced families from Bajaur were still housed in Jalozai camp for internally displaced persons.

In the Mehsud-dominated areas of South Waziristan return of IDPs was very slow. IDPs from Kurram demanded strong guarantee for security of the main road before they would consider returning to Parachinar and other areas.

As in military operations in previous years, the local administration typically gave the residents of militancy-hit areas a day or two to leave as security forces moved in with tanks and artillery. At times the people found it hard to leave because of unavailability of transport and preferred to move to nearby villages or areas near urban centres, rather than going to camps. Most of the families in Khyber had to leave their belongings, including cattle, in October after being ordered to leave for safer places within one day. Announcements were made through mosque loudspeakers and a local FM radio station.

Distinctions among displaced

The authorities in Khyber Pakhtunkhwa were swamped by the IDP influx from Bara in Khyber Agency after the military's crackdown on militants there. The administration's decision to restrict aid to two local tribes, disallowing others from sheltering at Jalozai camp, was criticized by civil society and the excluded IDPs alike. The authorities said that only the Sipah and Malik Din Khel tribes had been affected by the military crackdown in Khyber, whereas members of Akkakhel, Shalubar, Qambarkhel and Zakhakhel tribes insisted

that they too had been uprooted due to the hostilities.

In November, the displaced people from Bara town of Khyber Agency, protested for days at Jalozai and demanded the authorities registered them as IDPs, and provided them with shelter and food items and other relief goods. The residents also said that instead of repeatedly launching military operations in Khyber that seemed to have no effect, the security forces should launch a quick operation once and for all to effectively root out the militants.

Tide turning?: As the year came to a close, the authorities reported that internally displaced persons were returning to their homes in FATA in large numbers. There were considerable concerns about what those returning home were going back to. Many IDPs expressed apprehensions about the security situation and shelter and livelihood opportunities in their native areas. They said their houses had been destroyed and demanded compensation or reconstruction and said that general lawlessness and Taliban militants were factors that had a bearing on sustainable returns.

The Senate was informed in May that 12,279 houses had been damaged (5,851 completely and 4,458 partially) in Bajaur and Mohmand agencies alone during the war on terror. It was stated that it was not possible to carry out a conclusive survey in other agencies to assess the loss because operations against militants were going on. The government said that a survey of the destroyed schools, health centres and houses would soon be launched and reconstruction work completed after the survey. In October, the FATA Disaster Management Authority (FDMA) launched an early recovery need assessment plan for the conflict-hit tribal areas. The assessment was a joint effort of the government and 13 UN agencies and was to be initially launched in lower Orakzai, Bajaur, Mohmand and South Waziristan agencies, where displaced families had returned to their homes. The plan was said to be part of efforts to shift focus from immediate relief to long-term development and recovery.

According to UNHCR statistics, there were 443,686 displaced individuals (92,152 families) in Khyber Pakhtunkhwa as a result of conflict in FATA. There were three operational IDP camps in Khyber Pakhtunkhwa, which were home to 49,180 individuals (9,523 families) while the remaining lived with host communities were or on their own.

In December, chief of Khyber Pakhtunkhwa's Provincial Disaster Management Authority (PDMA) said that there were around 102,000 displaced families (470,000 persons) in the province, down from around 1.1 million people the previous year, who had returned to their native areas, mainly in Swat. The majority of the remaining IDPs were staying in camps, including Jalozai camp near Peshawar, Benazir camp at Risalpur near Mardan, Durrani camp at Sadda in Kurram Agency and Saafi camp in Mohmand Agency. He said the authorities had told international organisations that if the government determined that any area was safe then the information should not be questioned and the government should be assisted in the rehabilitation of those who had returned. The PDMA chief said the government anticipated that the number of

Agency/ FR/camp	Total registration	NADRA verified	Returned	Still displaced
Bajaur	70,258	70,258	69,158	1,100
Mohmand	43,052	39,098	42,555	500
Khyber	5,624	3,205	0	4,150
Orakzai	60,836	36,257	24,869	11,388
Kurram	50,271	22,211	47,42	32,882
South Waziristan	69,279	41,563	6,580	34,983
Bhittani tribe (FR Tank)	2,097	2,097	0	2,097
Total	301,417....	214,689	147,901 ..	87,100

Source: FATA Disaster Management Authority (Jan 2012)

displaced persons living in camps would remain around 400,000 for some time. It was expected there might be displacement from North Waziristan Agency, if the military launched a crackdown and the operation against militants in Khyber Agency continued for long.

According to media reports, humanitarian agencies had been asked to prepare for up to 50,000 families or 365,000 IDPs in case of a military operation in North Waziristan Agency.

Many displaced families did not like to live in camps as they saw that as a loss of dignity and privacy, especially for women, and therefore those who could afford it preferred to either rent houses or move in with relatives. That in turn made it harder to deliver assistance to them. The prices of houses and rentals rose in areas of Khyber Pakhtunkhwa adjacent to FATA as families fleeing violence in the tribal districts looked for housing there. There were reports of the displaced having to pay exorbitant rent for dilapidated houses. The dilemma for the displaced persons was that even those who had money did not know how long the displacement would last and if they spent too much of their savings on accommodation they would not have much left to live on.

Displacement was also reported from Upper Dir in July after attacks by militants from Afghanistan. In August, over 500 families were displaced in Chitral when militants from Afghanistan entered Arandu tehsil, attacked security forces posts and destroyed four bridges. The families were dependent on food items from Afghanistan after the bridges' destruction.

Marooned, again

In Sindh, rehabilitation of the 2010 flood victims was far from satisfactory when the province was once again devastated by floods following torrential

rains. People who had returned to their native areas were often living in tents they had brought with them from relief camps, because their mud houses had been washed away.

After the ravages of the 2010 floods, failure to take effective measures to prevent a recurrence of displacement compounded the woes of the population which was again affected by the floods in Sindh and Balochistan.

In August 2011, flooding caused by torrential rains hit Sindh and affected around 10 million people in the province, according to the Sindh PDMA. At the peak of the crisis, there were 768,457 people in relief camps, of which 6,912 were still there at the year's end. Millions who returned to their native areas went back to destroyed homes and had no option but to stay in the open or in tents. At least 0.7 million houses were destroyed in Sindh and nearly as many suffered damage in the floods. Over 7,000 houses were damaged or destroyed and over 350,000 people affected by the rains and flooding in parts of Balochistan province in 2011.

Even before the latest floods, Sindh had serious problems to contend with. In January, the International Federation of the Red Cross and Red Crescent Societies (IFRC) said that six months after the devastating floods of 2010, over four million people remained without adequate shelter. The IFRC said that after the initial displacement, the families who had left relief camps and temporary shelters had returned to find their homes destroyed or uninhabitable.

According to media reports from Hyderabad, Sindh, the government had suspended water supply, food and amenities to relief camps to 'encourage' the IDPs to return home. While the affected people could not stay at the camps indefinitely, forced repatriation was considered to be adding to the plight of the displaced.

Displaced women

Lack of consultation with women coupled with discriminatory social norms meant that women remained the most vulnerable section among the displaced. There were growing concerns about the situation of affected women during displacement and on their return. All of the problems faced by displaced population were extenuated for women, especially for those who were on their own or had no adult male family members. Besides issues linked to housing and livelihood, tradition was also making it hard for women from conservative areas such as Swat to live on their own. Among them were widows who had no income, and in some cases, no homes. Lack of breakdown of statistics on the number of men, women and children was an elementary hurdle in assessing and addressing their problems.

Allocation of resources

An HRCP study in 2011 looked at financial allocations for refugees / internal displacement/natural disasters in the federal and provincial budgets from a rights perspective. In the federal and provincial budgets of 2009-10, an



Displaced women and children crammed in a vehicle.

allocation of Rs 11.1 billion was made for natural calamities and other disasters. The actual expenditure was Rs 12.5 billion (12.9 percent more than budgeted). In the budget for the following year (2010-11) the government slashed the allocation to Rs 5.01 billion. But amid the massive floods across the country the actual expenditure was Rs 33.88 billion. The budgets for 2011-12 allocated only Rs 8.04 billion. The affected province of Sindh allocated only Rs 0.28 billion in its budget for 2011-12, disregarding the fact that the actual expenditure in the previous year was Rs 10.4 billion.

Healthcare

The problems for returning populations were aggravated because of the collapse of medical facilities and destruction of health centres in conflict areas in FATA. Most doctors had got jobs elsewhere and moved away after the conflict began in earnest in 2008. There were no doctors, and especially no female doctors, left in South Waziristan. The situation was not very different in other conflict-hit parts of FATA. As Taliban ordered women to stop working, women doctors and nurses fled areas under militant control, or stopped working. Those who refused were killed, often after being abducted and tortured.

Humanitarian agencies also expressed growing concern over the situation and the lack of access to health care. Médecins Sans Frontières noted increasing difficulties in providing assistance in parts of Kurram Agency as sectarian violence grew.

It was because of this situation that ailing men, women and children from all over FATA and even from Afghanistan came to Peshawar's Lady Reading Hospital, the main hospital in Khyber Pakhtunkhwa, to seek the medical help they could not get closer to home.

Displacement of people from central Kurram Agency due to a military



A woman displaced by flood lies with her newborn baby in a relief camp.

operation proved to be a blessing in disguise for some 10,000 children who moved to lower Kurram as they were administered polio vaccine after a gap of three years. Around 23,000 children had gone without polio vaccine earlier as health workers had not visited many parts of Kurram for three years because of insecurity and militancy. The entire FATA region is plagued with polio virus. Taliban's doubts that the polio vaccination campaign was a ploy by the US to target them had hampered vaccination in North Waziristan. As many as 140,000 children reportedly could not be vaccinated in Orakzai Agency because of the militancy. [See the chapter 'Health']

In late January, UNICEF said that six months after Pakistan's devastating floods in 2010, nearly a quarter of the children in the worst-hit province of Sindh remained acutely malnourished. With the floods in 2011 the inability of the flood victims to harvest swamped crops in Sindh fueled fears in September that child malnutrition would be further aggravated in the province.

In November, a group of international aid agencies, including Oxfam, Save the Children, CARE and ACTED, warned that over nine million people who had been displaced or otherwise affected by severe flooding in Sindh province were at risk of disease and widespread malnutrition, while relief efforts reaching over five million people were under threat due to lack of funds.

Education

The militancy and large-scale displacement in FATA took a toll on education in the region. Furthermore, thousands of displaced children who were earlier in schools in FATA had to abandon studies and start working due to their families' economic hardships caused by displacement, death or disability of the family's earning hands and the loss of livelihood opportunities.

The large-scale destruction of schools in the conflict areas in FATA made education difficult for the children and the pace of reconstruction was very slow. Along with destruction of houses and security threats, many IDPs cited

lack of schools for their reluctance to return to their native areas in FATA, according to media reports.

According to media monitoring by HRCP, at least 135 attacks were reported on educational institutions across the country in 2011. Of these, 76 attacks took place in Khyber Pakhtunkhwa and 53 in FATA. In FATA, militants blew up 33 schools in Khyber Agency in 2011. There were also reports of the security forces camping in schools, mainly in Khyber Agency. Even the schools that were not attacked remained closed for fear of attacks. Work to rebuild destroyed schools continued at a snail's pace. According to media reports, only one of

Neither IDPs nor refugees

Even the most neglected of internally displaced persons in Pakistan had not gotten a deal as raw as the Pakistanis stranded in Bangladesh since 1971. The scourge of de facto statelessness continued for these people, also known as Biharis, an Urdu speaking community that is a minority in Bangladesh. Over a quarter of a million in number and living in over 60 camps in Bangladesh, they maintain that they were Pakistani nationals until Bangladesh emerged as a separate country in 1971 and should be repatriated. However, Pakistan has declined citizenship and repatriation to them. In the last few years, Bangladesh granted the right to vote to those Biharis who were minors at the time of the 1971 war or were born later. There is still no legal recognition for people who were adults in 1971. They live in refugee-like conditions and face discrimination. They lack access to government jobs, schooling or access to basic facilities, and are unable to open a bank account or take a loan. Even those who manage to find formal employment often face discrimination in wages and inequality of treatment. The effect of prolonged marginalisation across generations has created great stresses. The successive generations that have grown up in these camps see their link with Pakistan differently. The older members still feel affiliation with Pakistan but the young often resent the country their family left everything for and which would not claim them. In 2011, seminars and other gatherings on the anniversary of breakup of Pakistan questioned how Pakistan had given shelter to millions of Afghan refugees but did not extend the same courtesy to their own countrymen stranded in Bangladesh. However, there appeared to be no end in sight for the four-decade long ordeal of Biharis as their recognition and repatriation is clearly not on the official agenda. The stranded Pakistanis in Bangladesh did not even win empty promises that successive government have been so generous with on any given issue.

the 83 destroyed educational institutions in Mohmand Agency was rebuilt. The authorities' response to lack of access to education for the displaced children did not reflect the commitment expected for addressing denial of the fundamental right that primary education was acknowledged to be in the 18th Amendment to the constitution in 2010.

In Orakzai Agency, students of 68 destroyed government schools were reported to be studying at makeshift centres. The 68 schools had been blown up by militants in only the Lower Orakzai tehsil. Around 78 teachers who had refused to perform their duties in lower Orakzai had been sacked. [See the chapter 'Education']

The forgotten ones

While the plight of the flood displaced in Sindh and conflict displaced from FATA and Khyber Pakhtunkhwa got the attention of the media and the authorities, the displaced from the districts of Dera Bugti and Kohlu in Balochistan as well as the Attabad landslide displaced in Gilgit Baltistan were not so fortunate.

Many of the tens of thousands of people who had fled their homes in Dera Bugti and Kohlu districts of Balochistan in the wake of a military operation in 2005 remained displaced and skeptical about their chances of returning to the area in the near future. Many of them had sought refuge in Dera Ghazi Khan, Rajanpur, Jaffarabad, Naseerabad, Jacobabad, Hyderabad, Mirpurkhas and Sanghar districts and even in Karachi, where they eked out a living doing odd jobs.

There were complaints that they had not been considered for the federal government's grant of Rs 1 billion for resettlement of the Bugti displaced because Dera Bugti was a no-go area for them. Lists were prepared and submitted to the deputy commissioner in November. The uprooted families



Protest against 'pathetic conditions' at a tent village in Labour Square area.

claimed that their houses and other properties had been occupied by rivals of Nawab Akbar Bugti, the Bugti tribe's chief who was killed in a military operation in 2005, and that they did not let them return and the promised compensation was being given to the administration's favourites.

The problems of the families uprooted following the January 2010 landslide in Attabad in Gilgit Baltistan remained unresolved. In May, the Gilgit-Baltistan government released Rs 315 million for disbursement among affectees of the Attabad landslide. The money was to be distributed among 457 families who had lost their homes and land in the disaster. Delay in provoked protests by the affected people. In August, the police shot and killed two protesters when nearly 200 people were demonstrating during the Chief Minister's visit to the area in order to highlight delays in payment of compensation to the displaced families. HRCP slammed the killings and the subsequent arrest of at least 33 political activists and reports of maltreatment of some of them in detention. HRCP called upon the government to ensure a fair deal to the affected population.

Census and displacement

Three years behind schedule, when the first phase of the national census finally began in April with the initiation of the house-listing operation, the factor of displacement was cited as an argument for delaying the exercise. Under the housing census, each household was counted along with the family's head while a population census was to follow later. In Balochistan, nationalist parties said that the large number of people rendered homeless by militancy and floods of 2010 meant that they would be missed in the house-counting exercise. They also said that the census would be unacceptable in the presence of "four million Afghan refugees" in the province, who were ethnic Pakhtun and many of whom had reportedly acquired Pakistani national identity cards and if they were counted in the census the ethnic Baloch would become a minority in the province. In Sindh also the nationalists protested that a large number of people still displaced after the floods would be omitted from the count. In May, elders of the Mehsud tribe demanded that the ongoing census be postponed in South Waziristan until the return of the displaced population to the militancy-hit region. [*See the chapter 'Political Participation'*]

Recommendations

1. *Pakistan and the international community must expedite efforts to find lasting solutions to the prolonged displacement of the millions of Afghans. For as long as they are in Pakistan, effective steps must be taken to ensure respect for their rights.*

2. *Emergency response should only be seen as an initial part and not as a solution of problems associated with internal displacement. More thought*

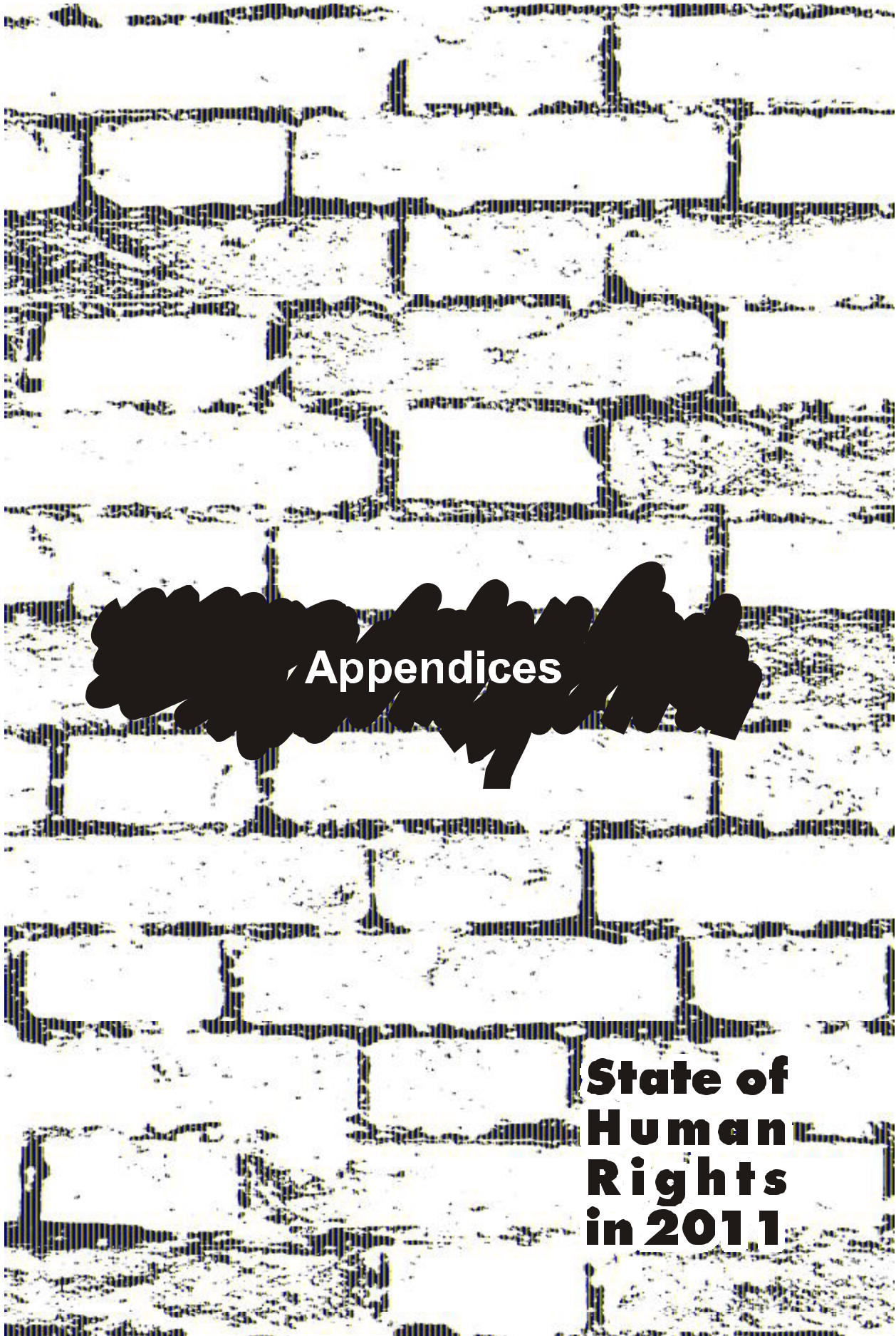
needs to be given to the recovery and development stage.

3. Participation of displaced persons in the decision-making process must be ensured to mitigate their plight. They must have a say in how camps, registration and returns are managed. The challenge of forced displacement should be used as an opportunity to address social norms that discriminate against women, in order to ensure that customs are not used as a fig leaf to deny women their rights.

4. Registration of internally displaced persons must be made simple and easy and treated as an entitlement rather than as a favour.

5. The disproportionate effect of displacement on women and children, including health, education and economic issues, must be taken into account and addressed. Assistance and healthcare should also include psychological counseling.

6. Immediate and meaningful action must be taken without further delay to end the 40-year-long de facto statelessness of Pakistanis stranded in Bangladesh.



Appendices

**State of
Human
Rights
in 2011**

Appendix - I

HRCP activities

The Human Rights Commission of Pakistan carried out a range of activities spanning the entire spectrum of human rights during the reporting period in order to raise awareness among citizens about basic rights and fundamental freedoms as well as to monitor the rights situation in the country.

The various chapter and taskforce offices of HRCP throughout the country organised workshops, fact-finding missions, seminars, surveys and rallies on human rights issues. HRCP Working Group on Communities Vulnerable because of their Beliefs continued to hold meetings to highlight the issues and concerns of religious minorities. HRCP Economic Watch monitored allocations for key human rights concerns in the federal and provincial budgets. Seminars, meetings and workshops focused on a range of human rights issues. Several fact-finding missions were carried out to investigate abuse of human rights. Meetings were held at schools and universities to sensitise students about rights issues. Public meetings were held across the country to engage communities on the issues of peace and tolerance.

On International Day against the Death Penalty, the commission's offices and HRCP district Core Groups across Pakistan held rallies and seminars to demand abolition of the death penalty in the country. HRCP also published a pamphlet and a postcard to raise awareness on the issue and to share with the people HRCP's reasons for demanding an end to the capital punishment. HRCP observed International Human Rights Day as Balochistan Day throughout Pakistan and arranged candle vigils, rallies, seminars and published pamphlets,

posters and handbills in Urdu and English to highlight the challenges facing the people of Balochistan and to express solidarity with them. HRCP also sent a fact-finding mission to Balochistan and published a report based on the mission's findings.

Hundreds of students, academics, researchers and journalists from within Pakistan and abroad visited HRCP's Reference Section to consult its archives. Digitisation of HRCP's archives continued and the digitised archives were to become available online soon.

The HRCP website and blog drew extensive comments on the commission's stance and initiatives, proposed activities and human rights issues in general.

In monthly meetings at all offices, HRCP members discussed human rights and related national and international issues. HRCP Complaints Cell received a large number of queries, complaints and other communications. A breakup of some of the organisation's activities during the year follows.

Meetings/Seminars/Workshops

Jan 1, Multan: Meeting with members and activists to discuss their role in improving education conditions in the public sector in the district.

Jan 6, Lahore: Consultation with trade union leaders.

Jan 15, Multan: Regional workshop on flood-affected areas in Sindh and South Punjab.

Jan 25, Turbat: Lecture on domestic violence and other problems of women in Baloch culture

Feb 8, Karachi: Presentation on 'militarisation and terrorism' by Dr. Ayesha Siddiqi

Mar 13, Multan: Meeting with residents of Cholistan to ascertain their human rights issues.

Mar 8: Activities by all offices on International Women's Day.

Mar 17, Lahore: Consultation on the impact of the 18th Amendment on labour laws.

Apr 14, Islamabad: Launch of HRCP annual report State of Human Rights 2010

May 1, Karachi: Meeting on International Workers Day.

May 4, Lahore: Consultation on bonded labour.

May 5, Multan: Consultation to identify problems of women factory workers.

May 9, Karachi: Meeting with trade union leaders to discuss problems of KESC employees.

May 12, Karachi: Third meeting of HRCP Working Group on

Communities Vulnerable because of their Beliefs.

May 25, Karachi: Meeting of HRCP Economy Watch experts.

May 27, Karachi: Seminar on the state of education in Pakistan.

June 1, Karachi: Meeting to discuss Hindu personal law.

June 4-5, Quetta: Two-day training workshop for HRCP Core Group coordinators.

June 7, Lahore: Workshop with ICRC on international humanitarian law.

June 18, Jhang: Consultation on child rights and hazardous child labour.

June 25, Karachi: Meeting on Anti-torture Day.

June 25, Thatta: Public meeting on peace and tolerance.

June 26, Karachi: Meeting regarding Anti-torture Day at Karachi Press Club.

June 25-26, Multan: Training of HRCP District Core Group coordinators in Punjab.

June 29, Islamabad: Launch of fact-finding report 'Balochistan: Blinkered Slide into Chaos'.

July 20-22, Karachi: Comics workshop on tolerance.

July 21, Islamabad: Focus group discussion on implementation of Prevention and Control of Human Trafficking Ordinance, 2002.

July 29, Khanewal: Public meeting on peace and tolerance.

July 30, Multan: Workshop on 'Community Mobilisation for Civic Rights'.

Aug 26, Lahore: Meeting with trade union leaders to discuss labour issues.

Aug 27, Karachi: A meeting of PIA employees union in collaboration with HRCP to discuss alleged harassment of the workers by the PIA management.

Aug 30, Karachi: Public hearing at Karachi Press Club on target killings in Karachi. Victims' families attended the hearing.

Sep 7, Jhang: Seminar on peace and tolerance at Government Hussania High School.

Sep 8, Kasur: Seminar on peace and tolerance at Al-Nazar Model High School.

Sep 8, Gilgit: Seminar on peace and tolerance at Government High School for Boys.

Sep 9, Kasur: Seminar on peace and tolerance at Punjab Scholars Model High School.

Sep 9, Jhang: Seminar on peace and tolerance at Government High School.

Sep 10, Ghizer: Seminar on peace and tolerance at Government Model

High School for Boys, Gahkuch.

Sep 10, Karachi: Meeting with a visiting Indian delegation.

Sep 14, Skardu: Seminar on peace and tolerance at High School No 1.

Sep 16, Ghanche: Seminar on peace and tolerance at High School for Boys, Khapulo.

Sep 17, Peshawar: Lecture on tolerance and good citizenship at Government High School, Wadpaga.

Sep 17, Vehari: Seminar on peace and tolerance at Govt. Boys High School, Mailsi.

Sep 17, Islamabad: Seminar on media and civil society.

Sep 18, Skardu: Public meeting on tolerance and peace at Aiwan-e-Iqbal.

Sep 19, Islamabad: Workshop on media and civil society.

Sep 20, Quetta: Focus group discussion on peace, security and extremism in Balochistan.

Sep 21, Lodhran: Seminars on peace and tolerance at Pace College and Aims High School.

Sep 22, Peshawar: Lecture on tolerance and good citizenship at Government Higher Secondary School, No 3.

Sep 22, Chiniot: Seminars on peace and tolerance at Govt. Al-Islah High School and Govt. High School.

Sep 23, Peshawar: Seminar on women's rights in tribal areas.

Sep 23, Diamer: Seminar on tolerance and peace at High School for Boys, Chilas.

Sep 24, Quetta: Seminar on civil rights and community mobilisation.



HRCP engaging with the media in Karachi.

Sep 24, Bahawalpur: Seminars on peace and tolerance at Government Girls High School and Government Boys High School.

Sep 24, Karachi: Symposium on human rights in **Sindh University**.

Sep 30, Kahirpur: Seminar on human rights at Shah Abdul Latif University.

Sep 30, Nowshera: Public meeting on peace and tolerance.

Oct 1, Khanewal: Session at Govt. Boys High School, Mian Channu to enhance human rights awareness among students.

Oct 2, Bolan: Public meeting on peace and tolerance at Community Hall, Dahdar.

Oct 2, Karachi: Seminar on human rights at University of Karachi.

Oct 5, Karachi: Symposium on human rights at Public Policy Forum, Department of History, Karachi University.

Oct 8, Peshawar: Lectures on tolerance and good citizenship at Government Higher Secondary School No 3 and Beaconhouse School Systems, Hayatabad.

Oct 10, Karachi: Meeting on International Day against Death Penalty.

Oct 10, Peshawar: Public meeting on peace and tolerance.

Oct 13, Charsadda: Public meeting on peace and tolerance.

Oct 19, Pakpattan: Public meetings on peace and tolerance.

Oct 20, Vehari: Public meetings on peace and tolerance.

Oct 20, Noshki: Public meeting on peace and tolerance, Community Hall.

Oct 20, Noshki: Seminar on peace and tolerance, Government High School, Gharibabad.

Oct 21, Dalbandin: Seminar on peace and tolerance, Government Model High School.

Oct 21, Dalbandin: Public meeting on peace and tolerance, Press Club Dalbandin.

Oct 21, Chaghi: Seminar on peace and tolerance.

Oct 21, Swabi: Public meeting on 'peace and tolerance'.

Oct 22, Karachi: Workshop on peace and tolerance at Edhi Girls' School at university Road.

Oct 22, Kohat: Public meeting on peace and tolerance.

Oct 24, Dera Murad Jamali: Public meeting on peace and tolerance.

Oct 24, Dera Murad Jamali: Seminar on peace and tolerance at National Foundation Public School.

Oct 24, Nasirabad: Seminar on peace and tolerance.

Oct 24, Mandi Bahauddin: Seminars on peace and tolerance at

Government Sir Syed High School and Government MB High School.

Oct 25, Sibi: Seminar on peace and tolerance at Government Model High School.

Oct 25, Sibi: Public meeting on peace and tolerance.

Oct 26, Bolan: Seminar on peace and tolerance, Government High School, Dadhar.

Oct 28, Ziarat: Public meeting on peace and tolerance at Shalimar Hotel.

Oct 28, Ziarat: Seminar on peace and tolerance at Al-Hijrah Public School.

Oct 29, Pishin: Seminar on peace and tolerance.

Oct 29, Pishin: Public meeting on peace and tolerance at Press Club Pashin.

Oct 29, Pishin: Meeting on peace and tolerance at Government High School Machan.

Oct 29, Khanewal: Session organised at Sarye Siddhu Higher Secondary School to enhance human rights awareness among students.

Oct 29, Sahiwal: Public meetings on peace and tolerance.

Oct 30, Abbotabad: Public meeting on peace and tolerance.

Nov 1, Muzaffargarh: Public meetings on peace and tolerance.

Nov 1, Jhang: Public meetings on peace and tolerance.

Nov 2, Hub: Public meeting on peace and tolerance.

Nov 02, Hub: Seminar on peace and tolerance at Government High School.

Nov 02, Hub: Public meeting on peace and tolerance at Press Club Hub.

Nov 03, Lasbela: Public meeting on peace and tolerance at Baldia Rest House.

Nov 3, Lasbela: Seminar on peace and tolerance at Government High School.

Nov 3, Kasur: Public meetings on peace and tolerance.

Nov 3, Nowshera: Lecture on tolerance and good citizenship at Government Centennial High School.

Nov 5, Lodhran: Public meetings on peace and tolerance.

Nov 12, Karachi: Fourth meeting of HRCP Working Group on Communities Vulnerable because of their Beliefs.

Nov 16, Multan: Activities on International Day on Tolerance.

Nov 18, Dir: Public meeting on peace and tolerance.

Nov 22, Charsadda: Lectures on tolerance and good citizenship at Government Higher Secondary School Dargai and Muslim Public School Charsadda.

Nov 23, Dera Ismail Khan: Public meeting on peace and tolerance in Tank.

Nov 26-27, Lahore: Two-day HRCP staff capacity-building workshop.

Nov 28, Charsadda: Lectures on tolerance and good citizenship at Government Higher Secondary School Umarzai and Government Higher Secondary School Sherpao.

Nov 28, Mardan: Lectures on tolerance and good citizenship at Islamic Children Academy Shergarh and Al-Muslim School Shergarh

Nov 29, Bahawalpur: Public meetings on peace and tolerance.

Dec 1, Swabi: Lecture on tolerance and good citizenship at Government High School and College.

Dec 3, Buner: Public meeting on peace and tolerance.

Dec 10: Meetings and vigils across Pakistan on International Human Rights Day, which HRCP commemorated as a day of solidarity with the people of Balochistan.

Dec 12, Swabi: Lecture on tolerance and good citizenship at Allama Iqbal Public School.

Dec 16, Manshera: Public meeting on peace and tolerance.

Dec 17, Batgram: Public meeting on peace and tolerance.

Dec 18, Haripur: Public meeting on peace and tolerance.

Dec 19, Multan: Human rights awareness programme at Shahwar Boys High school.

Dec 20, Quetta: Symposium on human rights at Balochistan University of Information Technology and Management Sciences (BUIIMS).

Dec 20, Multan: Public meetings on peace and tolerance.

Dec 22, Chiniot: Public meetings on peace and tolerance.

Dec 23, Kharan: Seminar and public meeting on peace and tolerance.

Dec 24, Quetta: One-day training workshop on child abuse at Boys Scouts Hall, Halli Road.

Dec 27, Nankana/Sangla Hill: Public meetings on peace and tolerance.

Dec 29, Lahore: Seminar on human rights, Beaconhouse National University.

Dec 30, Dera Allahyar: Public meeting on peace and tolerance, Community Hall.

Dec 30, Hyderabad/Multan: Day of solidarity with bonded labour.

Dec 30, Swat: Public meeting on peace and tolerance.

Dec 30, Sheikhupura: Public meetings on peace and tolerance.

Dec 30, Karachi: Launch of HRCP report 'Perils of Faith' at Karachi Press Club.

Dec 30, Dera Allahyar: Seminar on peace and tolerance.

Dec 31, Usta Muhammad: Seminar and public meeting on peace and tolerance.

Fact-findings

Jan 20, Karachi: Target killing in Pahlwan Goth area of Karachi.

Jan 20, Karachi: Search operation in Orangi Town, Karachi.

Jan 25, Bahawalpur: Alleged murder of a young woman, Saima, by her family in the name of honour.

Jan 31, Karachi: Blasphemy charges against a 17-year old boy, Samiullah.

Feb 1, Lodhran: Hate campaign against an Ahmedi college owner in Dunyapur.

Feb 10, Karachi: Extra-judicial killing of a man in Manzoor Colony.

Feb 14, Karachi: Murder of Waqas Masih after sexual assault by a police constable.

Feb 14, Karachi: Forced marriage of a woman, Gul Bakhsh

Mar 18, Karachi: Death of Qamar David, a blasphemy accused, in a Karachi prison.

Mar 21, Hyderabad: Murder of two Christian worshippers.

Mar 24, Surang: Death of 43 miners at a PMDC-operated coal mine following an explosion in the mine.

Apr 25, Hyderabad: Murder of two transgender individuals.

Apr 26, Sanghar: Killing of nationalist leaders of Jeay Sindh Muttahida Mahaz.

Apr 30, Kalach Chabwari: Problems for a couple after they married by choice.

May 4-7 Balochistan: HRCP's fact-finding mission to the province.

May 6, Kasur: Excesses committed against peasants.

May 9, Karachi: Murder of two fishermen in Kakka village.

May 20, Karachi: Arrest of a family visiting India for staying beyond their visa duration.

June 5, Rahim Yar Khan: Living conditions of Hindus from the Bheel caste.

June 12, Karachi: Murder of Hidayatullah, editor-in-chief of *Fori Khabar*.

June 18, Karachi: Extra-judicial killing of two Lyari residents by Sindh rangers.

July 7, 2011, Hyderabad: Two nationalist activists disappeared.

Jul 26, Hyderabad: Fact-finding into registration of a blasphemy case against a Hindu trader.

July 29-31, Karachi: HRCF fact-finding mission investigated the causes of frequent flare-ups of violence in the city.

Aug 15, Turbat: Extra-judicial murder of Abu Bakar.

Aug 18, Multan: Honour killing of a woman and her daughter for rejecting a marriage proposal for the young woman.

Aug 27, Multan: Blood donation by a Hindu that helped save a Muslim woman's life.

Sep 8, Chiniot: Death in police torture.

Sep 18, Multan: Blasphemy case against Noor Elahi.

Oct 5, Khanewal: Abduction and abuse of a 13-year old girl.

Nov 3, Multan: Murder of a couple by the woman's relatives in the name of honour.

Nov 7, Shikarpur: Murder of three Hindus.

Dec 6, Karachi: Rape of a 6-year old girl.

Dec 13, Karachi: Recovery of 50 chained boys from a madrassas in Sohrab Goth.

Dec 21, Karachi: Extra-judicial murder of Syed Tabish Haider Rizvi.

Demonstrations/rallies/protests/visits

Jan 5: Demonstrations and candle vigil held across Pakistan for Punjab Governor Salman Taseer, who was assassinated on January 4.

Mar 3, Hyderabad: March against the murder of Federal Minister for Minorities Shahbaz Bhatti.

Mar 8: Activities in connection with International Women's Day all over Pakistan.

Mar 8, Karachi: Demonstration against the murder of Shahbaz Bhatti.

Mar 22, Islamabad: Peace dialogue with a visiting Indian delegation.

Apr 9, Islamabad: Meeting with families of missing persons from Balochistan.

Apr 23 Karachi: Protest against a Supreme Court verdict acquitting convicts in the Mukhtaran Mai rape case.

May 7, Karachi: Protest rally against the murder of two activists of Pakistan Fisherfolk Forum by land mafia.

May 18, Hyderabad: A rally for human rights.

June 9, Hyderabad: Protest demonstration to condemn extra-judicial



HRCP kept calling for an end to enforced disappearances.

killing of a young man by the security forces personnel in Karachi.

Aug 19, Islamabad: Demonstration against target killings in Karachi.

Sep 1, Gilgit: Visit to Central Jail Gilgit.

Sep 13, Islamabad: Protest demonstration against the killing of Hazaras in Balochistan

Sep 13, Turbat: Visit of district jail Turbat

Sep 20, Gilgit: Visit to Central Jail to met three journalists jailed there for six months in a contempt of court case.

Oct 4, Quetta: Protest demonstration over killing of members of the Hazara community.

Oct 10, Multan: Rally to demand abolition of the death penalty.

Dec 8: Protest rallies across Pakistan against the murder of HRCP Khyber Agency coordinator Zarteef Afridi.

Dec 9, Hyderabad: Protest demonstration against the murder of Zarteef Afridi.

Dec 10, Karachi: Posters exhibition on right to education, in collaboration with Arts Council of Pakistan and Poster for Tomorrow.

Oct 15, Quetta: Peace rally against sectarian killings and other violence.

Dec 30, Hyderabad/Karachi: Day of solidarity with bonded labour.

Complaints Cell

HRCP Complaints Cell received a large number of complaints about

violation of human rights from within Pakistan and abroad. An ever increasing number of people sent in their complaints by emails and text messages. Complaints were also received through letters and fax. HRCP brought the complaints to the attention of the authorities to redress the complainants' grievances. HRCP also issued Urgent Appeals in cases of pressing nature.

The breakdown of the complaints was as follows:

Excesses by police/administration	263
Excesses by non-state actors/influentials	382
Violation of women's rights/domestic violence	233
Miscellaneous	162
Complaints from abroad	50
Total complaints	1,200
Letter written to different officials	500
Reply received	137

Website

The HRCP website (www.hrcp-web.org) contains electronic versions of its publications, including Urdu monthly magazine Jehd-e-Haq, press statements issued by the organisation, and information about HRCP's mission and activities.

Publications

HRCP Annual Report: State of Human Rights in 2010 (English/Urdu)	
Jehd-e-Haq: 12 monthly issues	(Urdu)
The Upheaval in AJK Judiciary	(English)
Police Organisations in Pakistan	(English)
Life at Risk	(English)
Judicial Action to end Bonded Labour	(English)
Balochistan: Blinkered slide into chaos	(English)
Balochistan–Daawat–Intishar	(Urdu)
Adam Rawadari Ki Waba Aur Us Kay Mohalak Assraat	(Urdu)
Karachi: Unholy Alliances for mayhem	(English)
Budgeting for Rights	(English)
Perils of Faith	(English)
Killing with immunity	(English)
Calendar 2012	

Pamphlets

Balochistan is smouldering

Solidarity with people of Balochistan

Posters

Jabari Mushqat Ki Laanat Kab Tak (Urdu)

Balochistan Sulagh Raha Hai (Urdu)

Growhi Mazdooroan ki Hamayaat Ka Din (Urdu)

HRCP Internship Programme 2011

Seven interns from Pakistan and abroad joined the HRCP Internship Programme in summer 2011. The interns and their research topics were:

- ◆ Human trafficking in Pakistan and implementation of Human Trafficking Ordinance 2002
— Sophia Akram
- ◆ Eradicating honour killings in Pakistan
— Shafkat Sakina Chaudhry
- ◆ Targetting *vani* / compensation marriages
— Hafsa Ahmad
- ◆ Public and private sector shelters in Lahore: a comparative study
— Mariam Faisal
- ◆ Religious minorities in Pakistan: constitution, law and conversion
— Waqas H. Butt
- ◆ Pakistan's blasphemy law: a general overview
— Sania Sufi
- ◆ Living in darkness: lack of electricity and human rights in Pakistan
— Taimur Ahmed

Appendix - II

HRCP stands

The Human Rights Commission of Pakistan (HRCP) continued to publicly comment on issues and events affecting the rights of the people. Excerpts from the stands taken by HRCP in 2011 follow:

Democratic rights and political conditions

May 5: Endorsing the observations of its fact-finding mission that probed the murder of four political activists in Sanghar district a fortnight earlier, HRCP expressed disgust at police callousness and called upon the Sindh government to immediately hold a judicial probe into the brutal murders and bring the killers to justice. On April 21, three Jeay Sindh Muttahida Mahaz (JSMM) activists were killed when more than a dozen armed men ambushed their vehicle in Sanghar. The attackers, some of them in security agencies' uniform, later set the JSMM activists' car on fire. A fourth activist in the car received serious burn injuries and died in a hospital in Karachi on April 30. The HRCP mission found reason to believe that the four political activists were killed in a premeditated manner, either by security forces personnel or in collusion with them. The mission received reports of police failure to help the only JSMM activist who had survived the initial attack, as he pleaded to be rescued from the burning car. Policemen allegedly tried to prevent the local people from rescuing the activist by telling them that he was a terrorist. The fact-finding mission reported that at least some of the attackers were in official security agencies' uniforms, police had taken their time to get to the attack site, little had been done to prevent the escape of the attackers and the half-

hearted attempts at investigating the horrendous crime needed to be probed in a transparent judicial inquiry. It noted that the assailants had attacked the activists' car without provocation and targeted them in such a manner as to ensure that none of them survived. The car was later on torched to ensure that evidence of the grisly killings was destroyed. HRCP said that the apathetic and callous attitude of the police on the day of the attack and afterwards was nothing short of scandalous and merited closer scrutiny. It shared the mission's concern that the Sanghar carnage had the potential, and might well be an attempt, to create tensions between the native Sindhi and settler population in the province. The Commission said that serious measures were all the more crucial amid fears that this may be the beginning of Balochistan-style killings in Sindh. HRCP said that Pakistan must learn lessons from past experience about the price it has had to pay for actions of trigger-happy security personnel and for countering political dissent with unlawful use of force.

Freedom of assembly

March 29: HRCP slammed the brutal police action against lady health workers (LHWs) in Sindh, including the indiscriminate use of batons and tear gas on men and women peacefully protesting for the regularisation of their service. HRCP condemned the police violence and called upon the government to release all detained LHWs and other staff members and to withdraw all cases registered against them. It called upon the government to compassionately consider the legitimate demands of the demonstrators and provide medical treatment to those injured at the hands of the police.

March 30: HRCP said that the registration of cases against hundreds of tenants in Khanewal district under the anti-terrorism law was utterly unwarranted. The tenants had attempted to join a march to Lahore to press for their demand for ownership rights of the land that they had been cultivating for generations. The Commission said that although the authorities had largely refrained from using force to prevent the tenants' march elsewhere in Punjab, in Khanewal the tenants were baton-charged by the police and faced tear gas shelling and detention in their bid to march to Lahore. Use of force against unarmed tenants was uncalled for when the police had already blocked the road by placing containers on it. Scores of marchers had been unaccounted for since the police action. HRCP demanded that the authorities immediately acknowledge detention of every tenant in custody, inform the family and the tenants' organisations about the place of their detention and produce them in court at the earliest if there were any charges against them. All other tenants must be released forthwith. The commission noted that the police had established checkpoints outside villages of tenants and emphasised that the authorities should listen to the tenants' demands instead of harassing them.

November 25: HRCP censured the merciless beating and ill-treatment by police of nurses protesting for their rights in Lahore and called upon the government to be more imaginative and less heavy-handed in dealing with the

people's peaceful demands for their rights. Police used batons without restraint to disperse the protesters and it mattered little whether the attackers were policemen or policewomen. The police action was manifestly ruthless and disproportionate to any 'hazard' the nurses were deemed to be causing. This was not an isolated incident confined to any particular city or province. Protesting teachers in Balochistan, employees of the country's biggest telecommunication company as well as gas department employees, among countless others had been dealt with in a similarly harsh manner even when they were not posing any threat to public security. The government must find a better method of dealing with these things and try listening to the people's demands rather than relying on the use of force to disperse those who came out on the streets to demand their rights.

Workers' rights/economic conditions

January 7: A meeting of representatives of trade unions organised by HRCP deplored the lack of regard for labour rights and international conventions while adopting new labour laws following the transfer of the subject to the provinces under the 18th Amendment. The labour representatives took exception to the provision of the 18th Amendment that abolished the system of labour legislation at the national level. National legislation was necessary, they said, to facilitate workers' organisations on the national scale. They said that several provisions of Punjab Industrial Relations Act 2010 were in conflict with the country's international obligations under International Labour Organization (ILO) conventions and the recently ratified International Covenant on Economic Social and Cultural Rights (ICESCR). They deplored the fact that the rights available to the workers even in the colonial era before Pakistan's creation had been curtailed or abolished by the new law.

The following recommendations were jointly endorsed by the trade union leaders and HRCP:

- ◆ The meeting expressed surprise that the National Industrial Relations Commission (NIRC) had chosen to curtail its tenure. There is an urgent need to clarify the position of all-Pakistan trade unions registered before the 18th Amendment came into force. Law and equity demand that such bodies should be allowed to continue.

- ◆ Section 3 (1) of the Punjab Industrial Relations Act 2010, which abolishes the workers' right to form a union in an establishment where less than 50 workers are employed, violates ILO Convention 87 and Article 17 (1) of the constitution. This section must be repealed. Workers of around 4,200 brick kiln in Punjab are likely to be excluded from the ambit of the law and from forming lawful unions.

- ◆ The new Punjab labour law reduces the number of outsiders in a union's executive from 25% to 20%. This is contrary to the workers' right to

derive strength from the society wherever a union lacks expertise.

- ◆ The appointment of presiding officers of labour courts and tribunals by the provincial government without reference to the High Court will undermine workers' confidence in labour courts. All appointments to labour courts must be subject to the High Court's approval.

- ◆ The trade unions regret the failure of the Punjab lawmakers to define the role and obligations of 'contractor'. They also protested against the fact that the law approved by the Punjab Assembly is less friendly to labour than the Ordinance it was asked to debate and turn into an Act.

- ◆ The trade unions regret that the points raised by them at the consultation held by the Punjab government, especially regarding revival of labour inspection system, have not been heeded. There is no hope of due enforcement of the minimum wage in the absence of a system of labour inspection.

- ◆ A tripartite mechanism of workers, employers and the government traditionally used for resolution of labour disputes has not found a place in the Punjab law. It is a matter of concern that a proposal to that effect by workers and employers prior to the enactment of this law has been ignored. Workers' councils that had representation both from workers and from employers have also been abolished. Both mechanisms must be restored to give the workers and employers sufficient say in resolving work-related disputes. The meeting demanded that all matters concerning labour must be decided after due consultation with all stakeholders as laid down in ILO Convention 144.

- ◆ The meeting agreed that the right to work, to a fair wage and social security are essential for paying due respect to the right to life and called upon all authorities to conform to the ILO conventions and fulfill the state's obligations to the workers under the recently ratified ICESCR.

- ◆ Instead of a collective bargaining agent (CBA), the new law allows the management to deal with workers directly and individually. The meeting expressed concern that this arrangement is bound to undermine workers' rights and would lead to exploitation.

- ◆ Workers have serious concerns that funds for workers' welfare, such as EOBI, which are now to be handed over to the provinces, are being squandered on excessive salaries and perks for bureaucrats and whatever facilities were available to workers through these funds may diminish as a consequence.

October 26: HRCP expressed shock at the people ending their lives out of desperation caused by poverty and helplessness and the authorities' failure to improve the lot of the people. It drew attention to the case of Raja Khan from Naushero Feroze who committed suicide near parliament and joined nearly 1,600 people who have taken their own lives in 2011 out of desperation over their misery. The commission said that on the one hand the people are being killed by terrorists and other criminals and on the other poverty and desperation are sapping the will to live out of the people. "This callousness is not reserved

for those ending their own lives. It also extends to those who desperately want to keep body and soul together. These include Pakistan Railways pensioners some of who had spent the whole of Tuesday night outside a bank in Lahore for their turn to get their pension dues. One of the pensioners who had waited in the queue all night collapsed and died outside the bank on Wednesday morning. It is exceptionally disconcerting that no one from the authorities deemed it important to show up there to reassure the pensioners and to persuade them to go home. Why must the people be humiliated to get what they are entitled to? Why must someone die before the authorities are woken from their slumber?" The most distressing aspect was the apathy shown by the government in response, which was giving way to violent behaviour in society and the people are increasingly keen to launch vociferous protests in the hope that their plight would be noticed by someone, HRCP said, demanding the government pay heed to the people's needs and demands and strive to meet them without the people resorting to protests and demonstrations.

Freedom of movement

February 25: HRCP expressed disgust and alarm at the introduction of restrictions by the government on Pakistanis traveling to India, coming into effect from March 15, and called the move contrary to basic human rights and a bid to put the clock back. HRCP noted that according to an official statement, the government had made the decision to regulate foreign visits of public servants, artists and journalists 'in the interest of Pakistan's security and to safeguard the country's prestige' and the rule would also apply to students going abroad on scholarship. "Ridiculous decisions such as these are precisely why the security and prestige of the country are where they are. Not only is the decision bound to be counterproductive in a region where the people have long suffered because of the iron curtain that regional borders have become, but the mandatory requirement to obtain no-objection certificate from the Interior Ministry before being allowed to travel abroad also violates basic human rights, particularly provisions of the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights. While a good many other measures may be in order to restore the prestige of the country, the curbs on international travel are bound to further dent it."

Rights of women

February 2: HRCP called upon the Punjab government to ensure an immediate and transparent investigation of an alleged incident of honour killing of a young woman in a village of Bahawalpur district. The young woman, Saima, had left her parents house in November 2010 and went away to Karachi with a man named Dilawar she wanted to marry as her family wanted her to marry someone else. Saima's family had then taken Dilawar's father to Karachi with them and brought Saima back to Bahawalpur three days later and assured her that she would be married to Dilawar. However, she was confined in her

house for the next two months, where she died in unexplained circumstances early on January 22. In a letter to the Punjab government, HRCP said: “The family claims that Saima has committed suicide by consuming a poisonous substance and for obvious reasons wants that version to be accepted. No report is yet available to determine the cause of death but the doctor who had conducted the post mortem examination says that there were visible marks of torture on her body and that the cause of death could be determined only from findings of a chemical laboratory test report.” HRCP expressed concern over reports that the police were not taking interest in the investigation and one of the rich accused was being pampered by police. It expressed the apprehension that crucial evidence in the case may be destroyed unless prompt action was taken to investigate the matter properly. HRCP also feared for the safety of the persons who had highlighted the case and demanded adequate protection for them and an assurance of safety to any witnesses who may want to come forward.

April 22: HRCP expressed its alarm and disappointment at the Supreme Court verdict acquitting the men accused of raping Mukhtaran Mai nine years ago and stated that the decision would add to difficulties that rape victims faced in bringing their tormentors to justice. The Commission lamented that insufficient police investigation and delay in registering a case with the police had been made basis for acquittal of the accused. HRCP also had serious concerns that the courts lacked the capacity and sensitivity to properly appraise evidence in rape cases. Members of the jirga that had decreed that Mukhtaran should be raped were publicly identified, as were her rapists. It was neither unusual for police to submit flawed challans to facilitate acquittal, nor rare for courts to demand better investigation if they were not satisfied with the probe. The idea that delay in the registration of the rape case created doubts about the veracity of the charge ignored the trauma and harassment rape victims faced. These aspects had also been acknowledged in the dissenting note by one of the judges on the three-member Supreme Court bench. HRCP expressed concerns over Mukhtaran Mai’s safety and urged the government to take adequate steps to ensure that she was not harmed by the influential accused. HRCP also hoped that the government would seek a review of the verdict and the court would ensure that flaws in the police investigation were removed. In a country where rape remains widespread and often goes unreported such verdicts would discourage victims from reporting the crime for fear of further agony for themselves and their families. It could also lead to increase in crimes against women as perpetrators will be confident of getting away scot free.

December 15: HRCP welcomed the unanimous adoption of two pro-women rights bills by parliament and demanded urgent steps to ensure that the changes in the law are implemented and benefit women. Legal sanction to enforce women’s rights and prohibition of forced marriages, marriage with Holy Quran and barring women from inheriting property were seen as extremely encouraging and it was hoped that that the changes in the law would lead to addressing violence and discrimination against women, and promote economic

independence for them. “Effective implementation also requires a change of mindset and approach, and the civil society must also join the government in highlighting the pressing need for the changes these laws envisage and remain vigilant in tracking progress and ensure that the change in laws indeed ameliorates the condition of women.”

Death penalty

January 11: HRCP noted with concern the issuance of death warrants for a man in a prison in Sukkur, Sindh. Calling upon the government to continue with the moratorium on the death penalty in place since 2008, HRCP urged the government to urgently withdraw the warrants and also issue another notification staying execution of all death penalty convicts in Pakistan, as the notification issued by the president in August the previous year had suspended executions until December 31, 2010. HRCP also demanded that the government expedite work to turn the informal execution moratorium into a permanent one.

October 9: HRCP called upon the government to follow through on the commitment it made three years ago to abolish the death penalty in the country and in the meanwhile to immediately make the informal moratorium on executions formal. HRCP reiterated its opposition to the death penalty and its belief that this punishment allowed for a very high probability of miscarriage of justice on account of critical deficiencies in the law, administration of justice, police investigation, and chronic corruption. HRCP called upon the government to share with the people its reasons for putting in place the moratorium on executions, take effective measures to address the objections of the people who oppose the abolition of the death penalty, and mobilise public support for its abolitionist policy through a sustained awareness campaign. The government was also urged to sign the Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.”

Jails and prisoners

July 18: HRCP expressed shock and anger at the death of a prisoner, accused of blasphemy and murder, who was mentally challenged and the circumstances of his detention that have again exposed the possibilities of abuse of blasphemy laws and the flaws in the prison system.

Shaukat Ali, the latest victim of the blasphemy law and a grossly unsatisfactory prison system, died in a Lahore hospital after being shifted from the jail where he had been since January 2007 and charged with alleged desecration of the Holy Quran. “There is no explanation as to why he was kept in prison for more than four years. He was said to be a mentally challenged person but was denied psychiatric treatment. In 2010 he was accused of murdering a fellow detainee and again little notice was taken of his mental condition. Quite obviously anyone charged, however wrongly, with an offence under any blasphemy-related laws lost all claim to be treated as an innocent.

The provincial government must hold a thorough inquiry into the matter and punish anyone found guilty of dereliction of duty or inhuman conduct. Such instances put a question mark on the Pakistani people's claim to sanity and respect for reason, their survival even, HRCP said.

Minorities/freedom of belief and religion

January 19: HRCP asked the Balochistan government to address concerns of members of non-Muslim communities residing in Balochistan regarding growing incidents of abduction against them in the province, including the abduction of Maharaj Lakhmigar of Qalat on December 21, and of Rajeev Kumar from Noshki on January 10 in addition to several other incidents reported in the media in the last few months. HRCP said that while those abducting Lakhmigar had asked for his community to raise funds for his release, without mentioning any amount, Kumar's abductors were yet to contact the family. The spate of abductions had increased a sense of insecurity and vulnerability across the non-Muslim population in the province, HRCP said and added: "Balochistan has long enjoyed considerable reputation as an area where non-Muslims have lived in relative peace and safety. No effort should be spared to ensure that that reputation remains untarnished."

July 19: HRCP noted with concern the barring of Sikhs from a gurdwara in Lahore and called the restriction by Evacuee Trust Property Board (ETPB) scandalous and a violation of fundamental rights. Around four years ago, a group of Muslim young men had claimed that the gurdwara was built on the site of burial place of a Muslim saint. The ETPB had allowed both communities to observe their religious rituals according to their own beliefs at the gurdwara. Police outside the gurdwara prevented the Sikhs from congregating to commemorate an eighteenth-century saint on July 16 because the Shab-e-Barat was to be observed two days later. HRCP called police deployment to prevent the congregation at the gurdwara shocking, ill-advised and entirely uncalled for. It said that the ETPB had no right to ask members of a religious faith to postpone rituals of their faith inside their places of worship, or to give precedence to religious rituals of one faith over another. HRCP called upon the government to immediately take measures to ensure that the Sikh community's right to observance of their faith was not interfered with by state or non-state actors. It was hoped that actions of state authorities would be aimed at enhancing inter-faith tolerance rather than picking favourites.

September 9: HRCP expressed its acute concern at serious excesses against non-Muslims in Pannu Aqil, Sindh, including reports of houses burnt, property looted and women violated. The commission said: "Those who commit excesses against non-Muslims are among the worst enemies of Pakistan, but perhaps they have been emboldened by the flabbiness of the state in dealing with them. The government must immediately intervene to save the citizens from this savagery and try those who riled up and led the mob to attack the

non-Muslims and heaped shame upon the nation by their barbaric actions.”

September 21: HRCP slammed the killing of at least 29 Shia pilgrims in an attack on their bus near Mastung, calling the absence of security for them outrageous, particularly when pilgrims travelling in the area had been attacked previously and were known to be at risk. To the official line that the authorities were not given prior intimation about the pilgrims’ bus, HRCP said: “How convenient that instead of finding those who failed to perform their duty, the victims have been blamed. This just adds insult to injury. What good are the checkpoints set up everywhere if they cannot even find out if a vehicle using the road needs additional security?... The official condemnations that have followed the attack give little comfort to the bereaved families and no one buys the oft-repeated vows of action which never materialise. There is a complete breakdown of writ of the state with the citizens finding themselves increasingly on their own.” HRCP called the attack a failure on many levels and exposed once again the diminishing writ of the state. Continued sectarian bloodshed across the country, particularly in Balochistan, was a direct consequence of the authorities’ perpetual failure to take note of sectarian killings in Quetta which have been going on for many years. The killers had been emboldened by a persistent lack of action against sectarian militant groups.

October 05: HRCP called upon the president and the prime minister to take immediate, direct and personal initiative to prevent the killing of members of the Hazara community in Quetta and ensure action against all those who have failed to protect citizens’ lives. In her communication to the president and the prime minister, the HRCP chairperson said: “These killings must cause your government serious anxiety for a number of reasons. First, these killings and the failure of the administration to stem the odious tide or to apprehend the culprits reveal a state of lawlessness no civilised government can countenance. That this is happening in a city swarming with Rangers and Frontier Constabulary personnel can only be attributed to the federal authority’s failure to exercise due control. Secondly, the fact that victims are members of a religious sect that is in a minority is causing alarm. Failure to protect the lives and property and basic freedoms of the Hazara people will have serious law and order implications across the country and make Pakistan a pariah in the comity of nations. Finally, whatever their faith and calling the Hazaras are as honourable citizens of Pakistan as anyone else and the protection of their lives and liberty is a duty for which you will be held accountable.” The president and the premier were urged to take all necessary steps to protect the lives and all other rights of the Hazaras.

November 9: HRCP said the brazen murder of three men from the Hindu community in Shikarpur district on Eid day demonstrated that the perpetrators believe they could get away with murder simply because the victims were non-Muslim. HRCP hoped that the authorities realize where they had fallen short in protecting the fundamental rights of the religious minorities, including their right to life. The government must wake up to the monumental challenge

of allaying an acute sense of insecurity and vulnerability among members of religious minority communities. HRCP welcomed expressions of concern from top government officials in the wake of the ‘abhorrent murders’, as the prime minister had described them, but also wants to emphasise that promises of strict action must be followed through and steps taken to reassure the affected community that their tormentors would be held to account. The government was asked to devise a mechanism to ensure protection for those vulnerable on account of their faith and train the police on how that can be implemented, instead of suspending policemen after an attack. The people also expected Pakistan’s political parties to publicly and unambiguously condemn faith-based violence and remind the government of its responsibility to ensure rights and provide protection to all citizens.

Natural disasters / IDPs / refugees

February 11: HRCP voiced concern that the problems of the flood-hit population all over Pakistan seemed to have come off the priority list even though the difficulties facing the affected people remained as challenging as ever and in some areas had even aggravated. HRCP had been conducting damage and needs assessment in 33 flood-affected districts across the country and monitoring relief efforts there. In January and February the Commission held consultations with its activists who had worked to collect information in the past six months about the situation in the flood-affected areas in order to assess the situation of the flood-affected people. The following findings emerged:

- ◆ Government policies to deal with the post-flood situation lacked consistency and did not take into account the dissimilar needs and the varying nature and extent of damage in different areas.
- ◆ Absence of a disaster management plan aggravated the damages. The National Disaster Management Authority (NDMA) was formed around four years back but lacked preparedness to cope with the situation. Provincial Disaster Management Authority (PDMA) was not even in existence in Punjab when floods hit, and in other provinces also failed to address the problems of the people in a meaningful manner.
- ◆ Lack of a representative local government system and District Disaster Management Authorities (DDMAs) made post-floods work more centralised and excluded the affected people from the decision-making process.
- ◆ No early warning was issued in Khyber Pakhtunkhwa before the flood, leading to severe damages.
- ◆ Serious allegations of corruption in distribution of material and financial assistance by the official and non-government organisations were reported from flood-hit areas across the country. Discrimination on various grounds, including political and official patronage, was also reported in

provision of assistance and in reconstruction.

- ◆ Work to restore the destroyed infrastructure, including roads, bridges, schools and health facilities, was exceptionally slow, which had grave implication not only for health and education of the people but also for revival of livelihoods. Infrastructure was particularly badly hit in Khyber Pakhtunkhwa, which needed to be given more importance.

- ◆ The pace of issuance of Watan Cards was very slow and complaints of bribery and favouritism and issuance of cards to ineligible persons abounded. In only a few affected areas more than 50 percent of those eligible had actually received the cards. The recipients had only been able to withdraw the first instalment of Rs. 20,000 and not the second instalment of Rs. 80,000.

- ◆ Farmers and tenants who lacked influential patronage missed out on financial and material assistance, including seeds and fertilizer, building material or work for their subsistence.

- ◆ The policy of building model villages and houses at a distance from the affected populations' farmland was considered unworkable as the farmers were unlikely to move there.

- ◆ Families living in rented houses faced problems because owners of the properties claimed aid meant for those living in the properties when the floods hit. Similar complaints have been made by tenants who were cultivating agriculture land on lease.

- ◆ All these problems were extenuated for women who also faced problems in getting relief items in long queues, and on account of cultural norms found it difficult to communicate their problems to the predominantly male staff.

- ◆ At many places in Punjab, Sindh and Khyber Pakhtunkhwa floodwater and sludge were still there nearly half a year after the floods, rendering resumption of farming and return to normal life impossible.

HRCP demanded that these crucial areas must be given urgent attention to minimise the problems afflicting the affected populations more than six months after the floods began.

July 12: HRCP called upon the government to take urgent steps to assist the citizens forced to flee their homes because of military operations against militants in the tribal areas and violence in Karachi. The Commission drew the government's attention toward the fresh waves of internal displacement reported from Kurram Agency in FATA and in Karachi. Most of the 40,000 people reported to have fled their houses in Kurram had found shelter with host communities and in government buildings, rather than in formal camps. Lack of food and other items for the displaced population have already been reported. Displaced families from Khyber Agency faced difficulties with regard to registration, which was to make them eligible to receive rations. Thousands of people reportedly fleeing their homes in Karachi for the sake of safety and

the risk of new floods aggravating the plight of the population affected by the floods in 2010 persisted. HRCP urged the government to take urgent measures to cater to the needs of the people and emphasised that the focus must remain on efforts to prevent displacement from occurring in the first place. Even when military operations became indispensable they must be conducted in such a manner that the citizens' problems were minimised. HRCP again urged the government to put in place a legal and policy framework that recognised the needs and rights of the displaced persons and catered to their protection and assistance needs.

September 22: HRCP expressed alarm at the arrest of over two dozen political activists in Gilgit Baltistan and reports of maltreatment of some of them in detention. At least 33 people had been arrested in Gilgit Baltistan following protests against the August 11 killing of two people in police firing when the people were protesting in order to highlight delays in payment of compensation to families displaced by the Attabad landslides. HRCP took serious exception to the manner in which the authorities had chosen to deal with public resentment following the August 11 killings. The policemen accused of the killings were yet to be arrested but many political and civil society activists had been held in a crackdown against the protesters. HRCP said that a judicial probe into the incident was underway and the authorities should wait for its findings instead of ordering a crackdown on the people. "Furthermore, it is a matter of grave concern that rehabilitation of those displaced by the January 2010 Attabad landslides is yet to be completed and the people feel that their concerns are not being addressed. This obviously is the root cause of public unrest. HRCP calls upon the government to ensure that violence against political activists is stopped forthwith, due process rights are respected, findings of the judicial inquiry are made public and urgent measures are taken to rehabilitate the displaced and remove their grievances."

Law and order

January 12: HRCP expressed deep shock and grief at the murder of parents of Justice Javed Iqbal, a senior judge of the Supreme Court, and condemned the killing as "absolutely unconscionable". The Commission said that it would not like to comment on the motives behind the killing until the matter had been thoroughly investigated. "However, if there is even the slightest indication that this is some kind of a message to the judiciary, that would be an even more sinister incident than the ghastly murders. The incident only underlines the state of disorder and lawlessness and the extent of perils to life and liberty even in the country's main cities... Mere apprehension of the culprits would not do. The people must be given due assurances that guarantees of life and liberty are more than mere words."

June 16: HRCP condemned the loss of life in the latest upsurge of violence in Karachi, criticising the government's failure to ensure security for life and calling for measures that reflected the urgency the situation demanded in order

to find a lasting solution to the bloodletting in the port city. At least 32 people had been killed in the last three days alone. HRCP said that Karachi was no stranger to violence or the absence of law and order. However, it was scandalous that the alarm and indignation that such a heavy toll on human lives should evoke was absent. HRCP had deep concern over the continued loss of life caused by exploitation of ethnic differences by the political parties. It was sadder still that the solution to the strife in Karachi was seen only in the context of retaining coalition partners, and not as a tragedy of human lives being lost every day. The people were justified in asking who was looking after their concerns. Their growing exasperation with the government over its abject failure to ensure security of life and its lack of concern over the killings was entirely understandable. "Political appeasement and rhetoric have not worked in the past and would only encourage more violence in the future. The people would very much like to know if the government has a plan to deal with this violence. Does the government have the ability and the commitment to stop the killings? If it attaches importance to the right to life then why has it failed to find a lasting solution to the bloodletting so far? Why have the killers enjoyed impunity and struck at will? Does the government have the will to ensure that no effort would be spared to identify, apprehend and bring to justice the killers without exception? Would the demands for across the board de-weaponisation in Karachi finally be heeded? Answers to these questions would determine what hope there is of restoration of law and order and respect for people's rights and life in Karachi," the commission said.

August 1: HRCP completed a fact-finding mission in Karachi (July 29-31, 2011) to ascertain the causes of the current wave of violence in the country's largest metropolis in which heavy losses in life and property have already been caused. In view of the importance of the task, the mission was headed by the HRCP chairperson and included the commission's vice-chairpersons for Balochistan, Khyber Pakhtunkhwa and Sindh and senior members of the governing body. The members of the mission held detailed discussions with representatives of political parties, lawyers, media persons, police officials, businessmen, teachers and intellectuals, hospital and medico-legal authorities and development experts. They also visited some of the worst affected areas, such as Katti Pahari, interviewed a number of affected families, and held a public hearing open to all citizens.

The fact-finding mission's interim statement said:

- ◆ Despite its best efforts the mission could not meet more than a few officials. We regret that the chief minister had no time for the HRCP mission and are constrained to point out that the insensitivity of political authorities and their denial of access to civil society organisations, however insignificant they may be, are amongst the major causes of the collapse of administration in Karachi.

- ◆ The testimonies gathered by the mission are being compiled and analysed. This process may take some time before the commission can present

its findings before the people. By way of interim observation, HRCP would like to state:

- ◆ Karachi is in the grip of a multi-sided wave of insecurity-driven political, ethnic and sectarian polarization that has greatly undermined its tradition of tolerance and good-neighbourliness.

- ◆ While gangs of land-grabbers and mafias have tried to exploit the breakdown of law and order, they do not appear to be the main directors of the horrible game of death and destruction; that distinction belongs to more powerful political groups and it is they who hold the key to peace.

- ◆ Nearly all political parties agree that it is necessary for all to respect each other's position and legitimate interests and desist from attempts to capture political heights through violence

- ◆ It seems the problems inherent in Karachi's urban growth and its expansion as an industrial and commercial mega city have not been tackled imaginatively or even properly appreciated. The problems of employment, housing, transport, education, health, supply of water, electricity and gas need to be sorted out with the help of civil society's pool of talent and knowledge.

- ◆ Practically everybody the HRCP mission talked to called for de-weaponisation of Karachi and offered to join efforts in this direction. There is no reason why an all-party campaign to recover weapons, including the licensed ones, should not be launched.

- ◆ HRCP acknowledges the fact that various elements and factors have contributed to weakening of the state's capacity to keep order, yet the ultimate responsibility for the present situation and for meeting it lies with the state.

- ◆ The complaints against law-enforcing agencies received by the HRCP mission range from dereliction of duty, abandonment of post, and long delays in responding to distress calls to downright collusion with criminals. Unless these shortcomings are removed the people of Karachi can have little hope of peace and security.

- ◆ A few of the people interviewed expressed complete disappointment with democratic governance and looked up to extra-constitutional forces for deliverance. HRCP cannot approve of this tiny minority's penchant for jumping out of the frying pan into fire.

August 26: HRCP expressed alarm at the abduction of Shahbaz Taseer, son of assassinated Punjab Governor Salmaan Taseer, and called upon the government to ensure his early and safe recovery.

The commission said the abduction highlights the government's inability to afford security and protection even to those known to be at high risk. "Such brazen crimes reflect a general deterioration of law and order and add to the sense of insecurity that the people have now grown accustomed to. If those assigned special security are not safe from being snatched in broad daylight in the heart of the country's second most populous city, the lot of the common

person is not that difficult to imagine.” The commission demanded that rather than responding to crime after the act, the government must invest its efforts and resources in preventing crime, irrespective of the victim’s identity.

October 10: HRCP has expressed grave concern over mounting threats to the right to life across Pakistan as well as widespread impunity for killings and demanded more robust and meaningful efforts to protect human rights, particularly the right to life. A statement issued at the conclusion of the HRCP Council meeting said: “The Human Rights Commission of Pakistan takes serious note of the litany of threats to the right to life in Pakistan. It expresses serious concern that all manner of killings remain pervasive in Balochistan, including horrific bloodshed as a result of targeting of the Hazaras, and victims of enforced disappearance continue to be recovered as dead bodies. There is large-scale killing in the tribal areas and no effort has been made to get to the truth despite months passing since reports emerged of a mass grave in Mohmand Agency. Killings of citizens in Karachi violence are now seen as the norm. The open season on journalists continues and the climate of impunity for journalists’ killers is such that it amounts to virtual immunity for murder. Violence against women is taking an ever increasing toll. It is a reflection of the scale of the killings that bloodshed that should shake the conscience of the nation at times does not even sufficiently register. The primary responsibility for restoring law and order and respect for right to life lies with the government, and HRCP calls upon it to pull its act together. However, the challenges it faces are so grave that the government alone would find it difficult to overcome them. It must persuade all political parties to achieve a consensus on tackling these mammoth challenges. The government must also expand meaningful interaction with the civil society. Furthermore, all threats to the right to life do not arise out of law and order issues; convoluted notions of honour have also played a big part in that. In the face of such varied threats to the right to life, HRCP calls upon the government to mount a multi-faceted response, in collaboration with the larger civil society, to reassert the writ of the state, restore law and order, bring perpetrators of all acts of violence to justice and initiate more robust efforts to end the prevailing climate of impunity for murder. There must also be increased focus on social emancipation and protection of rights of those at increased risk.”

December 30: HRCP strongly condemned the target killing of police surgeon, Dr. Baqir Shah, in Quetta. The commission said it was deeply regrettable that Dr. Shah, who had reported receiving death threats and had earlier been injured in an attack, was provided no protection. The doctor had conducted the post mortem of the bodies of five foreigners killed by security forces in Kharotobad in May and had concluded that the five had died of gunshot wounds and were unarmed. Dr Shah’s killing demonstrated the impunity with which death squads operated in Balochistan, the Commission said and demanded a transparent probe into the murder, as well as into all the targeted killings occurring with increasing frequency in Balochistan, and

stressed that findings of the probe must be made public. HRCP also reiterated its demand for an end to the culture of impunity for security agencies.

Freedom of expression / media's role

January 14: Expressing alarm at the targeted killing of TV journalist Wali Babar in Karachi, HRCP noted that on the same day at least seven other citizens had also lost their lives in the latest spree of violence in the city. That Babar was the second journalist killed in Pakistan in 2011 less than a fortnight into the new year underlined the perils Pakistani journalists faced. Pakistan was declared the world's deadliest country for journalists in 2010 by international media advocacy groups. All indicators suggested that the dismal trend would continue. While the motive for Babar's murder were yet to be established, any hope of finding and bringing to justice his killers depended on the importance the government attached to investigating the murder fully. Otherwise, the long record of impunity for those killing and assaulting journalists in Pakistan seemed set to continue. The recurring pattern of death in Karachi was a stark negation of the most basic of rights that the state was under an obligation to protect. HRCP demanded the state took a long, hard look at its shortcomings in crucial areas even in the country's main cities, particularly Karachi, and share with the people its plan to improve the situation. "The task of the law enforcement agencies must be more than merely delivering dead bodies and injured to hospitals and claiming to be on high security alerts after the fact," HRCP added.

May 31: HRCP voiced concern over the disappearance of journalist Saleem Shahzad and reports that he might have been abducted by a state agency. HRCP reminded the government of the numerous threats that journalists in Pakistan had to contend with without having to worry about abduction by state agents as well. HRCP called upon the government to ensure safe recovery of the journalist and if members of any state agency were found involved they must be proceeded against in an open trial to deter future violations. Even if state agents were not involved, the government was expected to ensure that journalists were able to carry on their work in an atmosphere free from intimidation and threats.

June 1: HRCP expressed grief and indignation at the brutal murder of journalist Saleem Shahzad, calling it a vile attempt to muzzle the media and demanding that the government ensure the arrest and prosecution of the murderers. HRCP called the murder a depraved attempt to silence the media. The identity of the perpetrators might only be established through a transparent probe, but the timing and manner of his abduction made it clear that he was targeted because of his work as a journalist. The quick disposal of his body and burial strengthened doubts of the involvement of state actors. The messages that the killers tried to drive home are as chilling as they are unmistakable: that they can go to any length to target anyone who dares speak up, and that they have little fear of being caught or punished. Pakistan had long been an acutely

unsafe environment for journalists, with the highest number of journalists killed in any country in 2010. Almost all of these cases remain unprosecuted and unpunished. For the authorities to remain in denial in the face of such stark threats and violence against journalists is a scandal of the highest order and amounts to complicity. HRCP said that the government's action in the next few days would determine how serious it was in its claims of doing everything to ensure freedom of the media. Impunity for Shahzad's murderers was a virtual death warrant for any journalist who crossed anyone. HRCP demanded a professional and scientific investigation to apprehend the killers and said that a solemn attempt to nab the killers would send out a clear message, as would the failure to do that. The government was urged to give compensation to the bereaved family and consult media organisations with a view to allay journalists' apprehensions about their safety and security.

July 13: HRCP demanded that cases registered against four journalists in Mianwali under the anti-terrorism law following protests against electricity load shedding in the district should be immediately withdrawn. The Commission has also asked the government to bar the police from harassing the journalists. HRCP expressed concern that cases had been registered against the four journalists under Anti-Terrorism Act for exercising their right to peaceful protest. Concern was expressed over reports that one of the four journalists had been arrested tortured and mistreated in custody. The commission called upon the government to rein in the police and ensure that vengeful and strong-arm tactics were not used to punish those who had participated in the protests on July 4 in a peaceful manner. The government was advised to address the concerns of the people rather than victimising those who had raised a voice against people's suffering. The Commission also urged the government to release the detained journalist and withdraw cases against all the media persons.

August 15: HRCP condemned the murder of a journalist, Munir Shakir, in Khuzdar and abduction of another, Rehmatullah Darpakhel, in the North Waziristan tribal region and called upon the authorities to effectively address threats to journalists' safety and end impunity for violence against them.

HRCP called it a matter of grave concern that despite escalating violence against journalists, including several murders, the government had failed to safeguard their lives. Over two dozen journalists from North Waziristan were so fearful for their lives that they were reported to be considering quitting the profession.

HRCP urged the authorities to investigate Munir Shakir's killing to identify and prosecute his killers, and take immediate steps to ensure the safe recovery of Rehmatullah. HRCP demanded that the government do all it can to ensure that Rehmatullah's abduction did not end in an unfortunate manner as did Hayatullah Khan's, another journalist from North Waziristan who was abducted in December 2005 and whose bullet-riddled body was found six months later. HRCP express alarm that the findings of a probe into Hayatullah's death by a

judge of the high court had not been made public.

September 17: A workshop organised by HRCP called upon the media to assume its responsibilities as one of the most responsible institutions of civil society and resist attempts by state and non-state actors to hegemonies it and otherwise influence its performance.

Participants of the workshop on 'Media and Civil Society' appreciated the difficult circumstances in which the media had to operate in Pakistan. While expressing solidarity with all the legitimate demands of the working journalists, the participants felt that the freedom of the media would be meaningless unless it discharged its responsibilities as a wide awake watchdog for public interest.

The participants discussed media's treatment of matters related to vulnerable groups—women, children, minorities, workers and students—and noted that while the coverage of developments concerning these groups had increased in quantity, the media still had to develop empathy with the marginalised and the underprivileged. The media's inability or reluctance to condemn excesses against women and non-Muslim citizens contributed to continuance of such practices. The media must not be content with merely reporting a wrong done to any citizen or group of citizens, but must also discharge its responsibility to help the victims in getting redress and recompense. The participants said that free press was a product of democracy and it has responsibility to sustain the system which gives it sustenance and legitimacy. They pleaded for training and capacity building of journalists by media organizations as well as determining minimum qualifications for journalists. Editorial control in the news media should be exercised by journalists, who are mindful of journalistic ethics and standards, rather than by the corporate interest of the owners, the workshop concluded.

December 2: HRCP called the banning of BBC and other foreign news channels across Pakistan arbitrary, futile and a violation of citizens' rights. The 'unofficial' ban on BBC and other foreign news channels by cable operators across the country was a matter of grave concern because it was not only an utterly unacceptable denial of access to viewers but also a flagrant violation of the right to information and freedom of expression. HRCP noted with dismay that the government had failed to act to prevent this arbitrary blocking of foreign news channels despite the lapse of a number of days. Any grievance against the broadcasters could be raised through legal recourse. Pakistan Electronic Media Regulatory Authority (PEMRA) and the Ministry of Information must end the ban on these channels and also proceed against those responsible in order to prevent a recurrence.

Police/paramilitary excesses

June 9: HRCP strongly condemned the point-blank shooting of an unarmed young man by the Sindh Rangers in Karachi. The incident, captured on video

and broadcast by a television channel, showed the man was surrounded by Rangers personnel when one personnel took aim and shot him. HRCP called the shooting another indication of law enforcement personnel becoming increasingly trigger-happy. It said that this trend was seen across the country and the impunity enjoyed by those tasked with law enforcement was encouraging such tendencies. HRCP demanded a transparent investigation and justice for the young man killed, and compensation for the family. It also emphasised that sensitization and training of law enforcement personnel was critical to preventing occurrence of such avoidable deaths.

August 03: HRCP expressed alarm and disgust at a policeman ‘raiding’ a renowned art gallery in Lahore, beating the woman curator there and harassing others on the premises. The policeman had accused her of running a place of *fahashi*. “The policeman’s merciless beating of a woman is something that cannot be expected of any civilized human being and is all the more revolting because the offender is an officer of a force tasked with protecting people from the sort of excesses he committed. The policeman had no warrants, nor any legal authority to barge into the art gallery like he did along with a police party, which advised the curator to leave the room after her beating rather than intervening to save her from the assault.” HRCP hoped that its revulsion and contempt for the policeman’s actions was shared by the government and a case would be promptly registered against the offender, and that he would be effectively prosecuted for his repulsive actions. HRCP also urged the government to make a formal apology to the curator for the actions of a government agent.

Anti-terror measures/disappearance / detention

January 6: HRCP expressed alarm at the recovery of dead bodies of two missing persons, Qambar Chakar and Ilyas Nazar, from Turbat and demanded that all cases of missing persons being found dead must be investigated and the culprits brought to justice. The two had reportedly been abducted by security personnel on November 25 from Turbat and December 21 from Pasni. The Commission demanded the government ensure immediate release of abducted HRCP coordinator Siddique Eido and all other citizens in illegal and unacknowledged detention of the security agencies. The recovery of the bodies increased distress of families of other missing persons who had pinned their hopes on courts for the safe recovery of their loved ones. An independent and transparent probe must be held into all such killings. “The volatile situation in the province is all the more reason why the government must make sure that its agents strictly adhere to due process of law and respect human rights,” HRCP said.

Militancy/ extremism/ intolerance

January 4: HRCP expressed alarm at the assassination of Punjab Governor Salman Taseer and condemned it as a manifestation of growing intolerance

and violence in society. The Commission demanded a thorough inquiry to establish the motives of the killer and stated that it would be exceedingly unfortunate if it turned out that the governor's call for sanity following the death sentence to Asia Bibi on charges of blasphemy or differences with political opponents in any way led to his assassination. "The fact that the killer was a policeman is a matter of acute concern and shows the extent to which the services have been infected by intolerance," HRCP said.

March 2: HRCP expressed its sense of outrage at the murder of Federal Minister for Minority Affairs Shahbaz Bhatti and HRCP coordinator in Khuzdar district Naeem Sabir and called the assassinations the work of militants out to eliminate anyone who raised his voice against persecution of the vulnerable people. The Commission stated: "The assassins of Shahbaz Bhatti and Naeem Sabir may perhaps belong to different groups but they represent the militant hardliners who are out to obliterate the rights of the non-Muslim citizens of Pakistan and eliminate the human rights defenders who raise their voice against persecution on any ground." It demanded that the government must do all it could to ensure that the two murders did not join a long list of similar killings where impunity for the killers and perpetrators had been the norm. The Commission also reminded the government of its responsibility to offer succour to the bereaved families of human rights defenders so targeted.

Human rights defenders

January 6: HRCP demanded that its activist Siddique Eido, abducted from Pasni on December 21, 2010 by men in security forces uniforms, must be released immediately. Siddique, HRCP's coordinator in Pasni, was abducted by individuals in FC uniforms in presence of several witnesses, including at least four policemen. It was alarming that even after a fortnight Siddique had neither been released nor produced in court, the Commission said. HRCP demanded immediate release of Siddique and all other citizens in illegal and unacknowledged detention of the security agencies.

February 10: HRCP called upon the Balochistan government to ensure safe recovery of HRCP activist Siddique Eido, who was abducted by men wearing security forces uniform. In a letter to the Balochistan chief minister, HRCP expressed concern that despite the lapse of 50 days no progress had been made in securing Siddique's release. The Commission said: "At the very least, statements of the four policemen of Pasni Police Station accompanying Siddique at the time of his abduction must be recorded and they should be asked to provide as much information as they can about the identity of his abductors." HRCP expressed concern that Siddique might be tortured in custody and that his life was in grave danger. It demanded his immediate recovery and apprehension and trial of all those involved in abducting or illegally detaining him.

April 28: HRCP expressed deep shock and outrage over the barbaric murder of abducted human rights defender (HRD) and HRCP Core Group

Coordinator for Pasni, Siddique Eido, whose tortured body was found in Ormara. The Commission slammed the government's failure to ensure Siddique's safe recovery and urged justice for his murder. Siddique had been abducted in the presence of several policemen, but still no action was taken to publicly identify or prosecute his abductors and secure his release. Siddique had worked to highlight incidents of enforced disappearance and other human rights violations in the region and recently his own disappearance had also been challenged in the Supreme Court. HRCF had repeatedly highlighted threats to Siddique's life in communications to the government and security forces officials and is disappointed beyond words by the degree of official inaction and callousness which amounts to collusion in Siddique's murder. This was the second time in 2011 that a human rights defender associated with HRCF has been targeted. On March 1, HRCF Core Group Coordinator for Khuzdar, Naeem Sabir, was shot and killed. His killers remained at large. The murders highlighted the grave threats that human rights defenders in Balochistan faced on account of their work. Most of the challenges that the state faced in Balochistan were of its own making. Targeting of human rights defenders would only make those challenges worse. HRCF demanded that the government make up for its abject condonation of criminality by ensuring that Siddique's murderers were brought to justice in an open trial and the families of Siddique Eido, Naeem Sabir and other persons killed after abduction by security personnel were compensated. HRCF demands that the government stop and prevent harassment and intimidation of human rights defenders in Balochistan and create conditions where they could carry out their work without fear.

December 8: The commission condemned and condoled the brutal killing of Zarteef Afridi, HRCF's coordinator in Khyber Agency, and called upon the government to apprehend his killers and address growing threats to human rights defenders in the region. Zarteef Afridi was a tireless human rights defender who dedicated his life to promoting human rights, tolerance and peace in a region beset with conflict. Repeated threats to his life had failed to deter him from his work. In his death, the civil society had lost a committed campaigner for the cause of human rights. Zarteef's murder also underscored the escalating threats that those working for human rights faced in Pakistan, particularly in the tribal areas. HRCF called upon the government to realize its duty to do everything within its power to apprehend Zarteef's killers and show through its actions in the next few days its commitment to protect and facilitate human rights defenders.

Education

June 3: The target killing of teachers and political activists in Balochistan was outrageous, HRCF said, calling upon the government to make a greater effort to stop the killings than it had so far.

HRCF lamented that in circumstances that were both tragic and familiar unidentified armed motorcyclists had killed a teacher, Saba Dashtiari, in Quetta,

and a political activist, Nasim Jangiyan, in Turbat. It demanded to know why after so many murders the authorities were no closer to nabbing the culprits and said that the continuing killings that despite heavy deployment of security personnel the killers of the people enjoying impunity and striking at will was utterly unacceptable. HRCP demanded that every possible measure must be taken to prevent the bloodletting and every incident of unlawful killing and violence targeting teachers and political activists in Balochistan investigated with the priority and importance that the government is required to attach to human life. The situation also demanded serious measures to address the glut of weapons across the country, particularly in Balochistan.

June 27: HRCP expressed alarm at torture against students of Punjab University's Philosophy Department by armed activists allegedly belonging to Islami Jamiat Talaba (IJT), which left seven students injured. The Commission noted with concern that two dozen young men, at least five of them carrying firearms and the rest armed with rods and sticks, attacked a boys' hostel of the university, dragged students out of their rooms and severely beat them up. At least seven students were injured and two had to be hospitalised, including one who was thrown down from the first floor. HRCP voiced serious concerns over a pattern of violence and intimidation against teachers and students for which IJT had been blamed. The commission was also alarmed by the display of weapons at the university and apprehended that unless those responsible were held and tried for the crime the students might start thinking that the only way for them to protect themselves against attacks by hooligans was by acquiring weapons themselves. HRCP called upon the university administration and the Punjab government to take stern action to ensure that such lawlessness and hooliganism in one of the country's biggest universities did not go unpunished.

Concerns over Balochistan

Statement of HRCP fact-finding mission to Balochistan

May 7: Deeply concerned at the rapidly deteriorating situation in Balochistan, the Human Rights Commission organised a fact-finding mission to the province between 4 and 7 May. The teams visited Khuzdar, Turbat and Quetta, meeting a wide cross-section of people, including government representatives.

At the outset, HRCP would like to express its deep anger and sadness at the killing of two of its activists, Siddique Eido and Naeem Sabir. Siddique Eido went missing in December 2010; his body was recovered from Ormara on 28 April. HRCP had thrice brought the case of his disappearance to the authorities' attention. Naeem Sabir was shot dead in Khuzdar in March this year.

The key findings of the HRCP mission are:

1. Enforced disappearances continue to be a matter of great concern. The

commission set up to investigate the case of missing persons has been largely ineffective, leading to people's frustration

2. It has been noted that dead bodies recovered have had signs of extreme torture. 33 bodies have been found in Khuzdar; at a rate of 1 body every 3 days

3. All authority seems to vest with the security forces. The civil administration, elected by the people and meant to represent them, appears to have ceded its powers

4. There is strong evidence of the complicity of security forces in killings which are found to be deliberate. One specific instance: on 1 Dec, 2010, in Kech, the FC started attacking a house at 4 a.m. and continued the attack till 2 p.m the next day, despite the civil administration's request to the FC Colonel that the family members were willing to get all those present in the house to surrender. They killed 5 members of the family, including a boy. This represents a case of deliberate extra-judicial killings. In some cases, FIRs were registered in Turbat. The FC local commander in Kech agreed to talk only after permission was received from IG FC which was not ultimately received.

5. There was widespread complaint against the attitude of the FC personnel at checkpoints

6. The sectarian attack of 6 May in Quetta is highly condemnable. It happened while the HRCP Mission was present in the city. Six people died and many were injured in spite of the presence of the police nearby and the FC check posts. It is regrettable that findings of inquiry commissions into sectarian killings have not been released. No effort has been made at reconciliation of the communities, either

7. Members of the minority communities narrated the heightened sense of insecurity they are living in. There have been targeted killings, as well as kidnappings for ransom. In some cases, victims were killed in spite of ransom being paid. In some instances, children have been taken out of school.

8. There is migration of some communities, including Hindus, Hazara/Shias, who are being targeted

9. Targeted killings are rampant – these include professionals such as teachers and doctors, as well as traders

While a detailed report will be issued later by HRCP, the following are some of the main recommendations:

- ◆ The system of enforced disappearances must end; it is a total negation of rule of law that mutilated bodies are found of missing people – instead of their production before courts of law

- ◆ Any operation conducted by law enforcement agencies must be within the framework of rule of law, and under civilian oversight. The provincial government must meet its obligation of ensuring law and order

- ◆ The Frontier Corps should act only in aid of the civilian forces and under civilian control. There should be an immediate end to the complete

impunity from the process of law the FC currently enjoys in Balochistan

- ◆ The provincial government, representing all political parties of the province, needs to assert its authority and act in the interest of the people that brought it to power
- ◆ The higher judiciary must instruct the subordinate judiciary to actively pursue cases of human rights violations
- ◆ The police must exercise its responsibility of recording FIRs and actively investigating cases of enforced disappearances, targeted killings and discovery of mutilated bodies, as well as of kidnappings
- ◆ Places of worship of minorities must be protected and freedom of worship be ensured. Members of minority communities should be assured of their safety
- ◆ It should be noted that internal security can never be guaranteed by violation of rights
- ◆ Victims of violence must be compensated immediately.
- ◆ The government must ensure protection of all teaching staff and that educational institutions function properly in a peaceful manner.

November 21: HRCP expressed concern at an insurgent organization's announcement in Balochistan that three abducted employees of a gas company had been sentenced to death by a "court" of the insurgents and would be executed soon. HRCP demanded that the three men must be released and rights of all citizens respected. The commission said: "HRCP notes with dismay the 'sentencing' of three abducted employees of gas company, who the insurgents say would be executed within 20 days. This marks a further deterioration in the long suffering province. HRCP has repeatedly expressed its concern at the state of human rights in Balochistan and urged respect for rights from all quarters, the security forces in particular. However, HRCP reiterates unequivocally that complaints of excesses by one side to the conflict in the province do not justify the other acting in the same manner and that the insurgents indulging in tactics that they accuse the authorities of would be counterproductive. HRCP hopes that sanity will prevail and the abducted employees of the company would be released unharmed immediately and that civilians would not be punished on the pretext of siding with one side or the other." The Commission also called upon the government to show urgency and commitment in resolving the lingering conflict in Balochistan through political means.

December 9: On International Human Rights Day, HRCP called upon every citizen to join the people of Balochistan in their struggle for the realisation of their rights and to urge the government to make vigorous efforts to ensure respect for the rights of the people in the province.

In a statement, the commission said, "This year HRCP is commemorating December 10, the International Human Rights Day, in solidarity with the people

of Balochistan in support of their aspirations to realize their rights. This is because we believe that the human rights situation facing the people in Balochistan, irrespective of their ethnic, religious or sectarian identity, is an issue of foremost concern in the country today. HRCP reiterates its grave distress at the absence of adequate measures to resolve lingering issues of human rights violations. It is a matter of grave alarm that 107 new cases of enforced disappearance have been reported in Balochistan in 2011, and the 'missing persons' are increasingly turning up dead. Bodies at least 225 'missing persons' have been recovered from various parts of the province since July 2010. It is scandalous that not a single person has been held accountable for these disappearances and killings. The situation is particularly grave for non-Muslims and minority Muslim sects. As many as 80 members of the Shia Hazara community have been killed in the province this year alone, for no reason other than their religious belief. HRCP also has serious concern at targeted killing of teachers, intellectuals and non-Baloch 'settlers' in Balochistan and calls upon all political elements in the province and beyond to unequivocally condemn these killings and play their role in ending such callous acts of violence. The precarious situation in Balochistan has been further compounded by targeting of human rights defenders in the province by the various parties to the simmering conflict, making access to reliable information on the human rights situation all the more difficult. The murder of two HRCP activists and three journalists in the province in 2011 signifies the dangers that those highlighting human rights violations face on a daily basis. HRCP calls upon the government to deal with threats to human rights defenders and facilitate their safe access to all parts of the province. It also expects the civil society and the media to engage more diligently with the issue and play their role in ending the silence on violations of human rights and demand justice for violations. The primary responsibility for ensuring rights and tackling this unfortunate state of affairs lies with the government, but that does not mean that the people have to remain passive spectators until the state is woken from its slumber. The people must realize that these problems are not Balochistan's problems alone and that their resolution is a vital prerequisite to the progress and prosperity of the country. It is time for every citizen to join the people of Balochistan in their struggle and reassure them that they do not stand alone in their struggle for the realisation of their rights. HRCP urges the government to take immediate and meaningful measures to ensure all human rights for all people in Balochistan, including their right to life, justice, peace, progress, control over their resources and democratic management of their affairs."

December 20: HRCP expressed deep sorrow at the death of at least 55 young men from Quetta's Hazara community when a boat carrying around 250 people, 170 of them from Pakistan, capsized off Indonesia. HRCP called upon the government to help the families learn about the fate of the passengers as well as urgently address reasons that forced Hazaras and other people from Balochistan to leave Pakistan even in the face of grave danger to their lives.

The commission said: “That the Hazara young men chose to leave Pakistan by taking such grave risks is a measure of the persecution the Hazara community has long faced in Balochistan. Other Pakistani passengers, also from Balochistan, were believed to be unemployed young men looking for a way to improve their life as well as businessmen who felt insecure amid growing incidents of kidnappings for ransom in the province, particularly in Quetta. HRCP sympathises with the bereaved families and would investigate the matter further. As the identities of those who have drowned and others who are still missing remain unknown, the anxieties of the families in Pakistan are beyond description. Irrespective of how the young men ended up in Indonesian waters, the government must immediately facilitate the families’ access to information about the fate of their loved ones, ensure that the survivors get help and the recovered bodies are brought home. HRCP also calls upon the government to take a long hard look at the state of affairs in Balochistan and reflect on the reasons that compel young men to take such grave risks in order to escape persecution, insecurity and poverty. The government must also identify and punish those who contributed to the death of the boat’s passengers by illegally ferrying them across borders. In view of its obligation to protect the lives of all citizens, the government must also take urgent steps to find a way to put an end to the persecution of the long suffering Hazara community.”

Miscellaneous

January 15: HRCP expressed grief at the passing of Minhaj Barna, veteran journalist and a leading member of journalists’ trade unions. A statement by the Commission said: “HRCP is grieved at the passing of Minhaj Barna, a former president of the Pakistan Federal Union of Journalists and All Pakistan Newspaper Employees’ Confederation. His services for the promotion of freedom of expression and the economic rights of the journalist community can never be forgotten. Mr Barna was also one of the founder members of HRCP and remained a steadfast defender of people’s basic rights all his life.”

April 16: Following a two-day meeting in April, the HRCP Executive Council issued a statement calling upon the institutions of the state to discard pursuit of personal agendas and join hands to reverse the worsening conditions for the populace.

The HRCP Council said: “The people have been struggling to safeguard and assert their rights amid dismal conditions across the country. But the people’s achievements in that struggle, small though they may be, reinforce belief in their ability to turn the corner. Whatever capacity human rights defenders in Pakistan, including HRCP activists, have is crucial in the circumstances but that cannot supplant the state’s responsibility to protect and ensure rights for all people.

Balochistan: The human rights situation is grave across the country but nowhere is it more so than in Balochistan, as bulk of the problems stem from poor political management. HRCP extends solidarity and sympathy to the

people in the province, who have long been struggling for their rights amid persistent injustices, discrimination, enforced disappearances and now disposal of dead bodies of missing persons by the roadside. The state must afford appropriate protection to all citizens and consider meaningful political measures to engage the disgruntled elements. All target killings, of Baloch or non-Baloch, must be unreservedly condemned by all actors, who must play their role in identifying, isolating and bringing to justice the killers.

Minorities: The religious minorities in Pakistan are faced with their grimmest hour in the country's history. They have been victims of increased faith-based violence, and rapidly contracting space for non-Muslims. HRCPC is perturbed beyond words by reports of members of minority communities fleeing the country for the sake of safety. No well-directed effort to mitigate their suffering is visible. HRCPC calls for urgent steps to address their plight.

Violence: The state's capacity to deal with violence perpetuated in the name of religion has seriously declined, and has almost been surrendered in Punjab. There is complete impunity for individuals and groups inciting violence. The repeated cycles of killings in Karachi have left the citizens with an acute sense of insecurity. The state's response to this bloodletting must reflect the people's grave concern. Incidents of mob violence across the country reflect brutalization of society and people's lack of faith in the state's ability and capacity to provide justice. All incidents of violence, irrespective of the perpetrators, must be investigated and those found responsible should be effectively prosecuted. Reports of judicial enquiries into mob justice, target killings and violence against minority communities must be made public and the recommendations suggested given weight.

Extra-legal killings: The Commission is alarmed at continued extra-legal killings across the country, including those carried out by police in the provinces, those in the country's conflict areas and those in the form of the so-called 'collateral damage'. HRCPC demands that every extra-legal killing should be investigated and the perpetrators tried in accordance with law. Appropriate compensation must be given to the families of the individuals killed in an unlawful manner by state agents.

Governance: The people are extremely concerned over poor governance, particularly over the institutions of the state encroaching upon each others jurisdiction. All institutions must work in unison to overcome the complex challenges facing the country.

Local bodies: The void left at the grassroots by winding up of the local government system has exacerbated the governance crisis. The local bodies elections must be held at the earliest to enable the people to run their affairs through their elected representatives.

Tribal Areas: It is a matter of serious concern that the debate for bringing the tribal areas into the national mainstream is no longer part of the official discourse. The reform process must be set in motion at the earliest, the people

of the region should be consulted and their concerns addressed.

Financial difficulties: The people's difficulties have aggravated amid a combination of inflation, plummeting standards of living, difficulties in obtaining utilities, unemployment, crime and violence. The alarming statistics of suicides—at least 2,400 citizens took their own lives in 2010—speak volumes about the frustration and desperation of the people. The state must ensure basic human rights, such as education, health and a dignified living, for all citizens irrespective of their financial state.

Floods: It is a matter of serious concern that the devastating flood of 2010 have been forgotten and the measures required to address the needs of millions of citizens remain lacking.

Displacement: The challenges thrust upon the people by internal displacement need to be addressed on priority. All possible actions must be taken to prevent displacement from occurring and to cushion the people from its effects where displacement is inevitable.

Women and children: Violence and discrimination against women remain as insidious as ever. The state must proactively and effectively prosecute the perpetrators in every incident of violence, harassment or discrimination against women. The necessary financial and administrative commitments must be made to realize the recently acknowledged right to education. The state must come up with a clear response to the widespread violence and abuse against children and set up effective mechanisms to deter and punish violations.

Finally, the fact that Pakistan has now signed all the core international human rights treaties must lead to improved conditions for the people. HRCP calls upon its members and the civil society at large to strive for removal of the problems listed above and form larger alliances to effectively further the human rights agenda.”