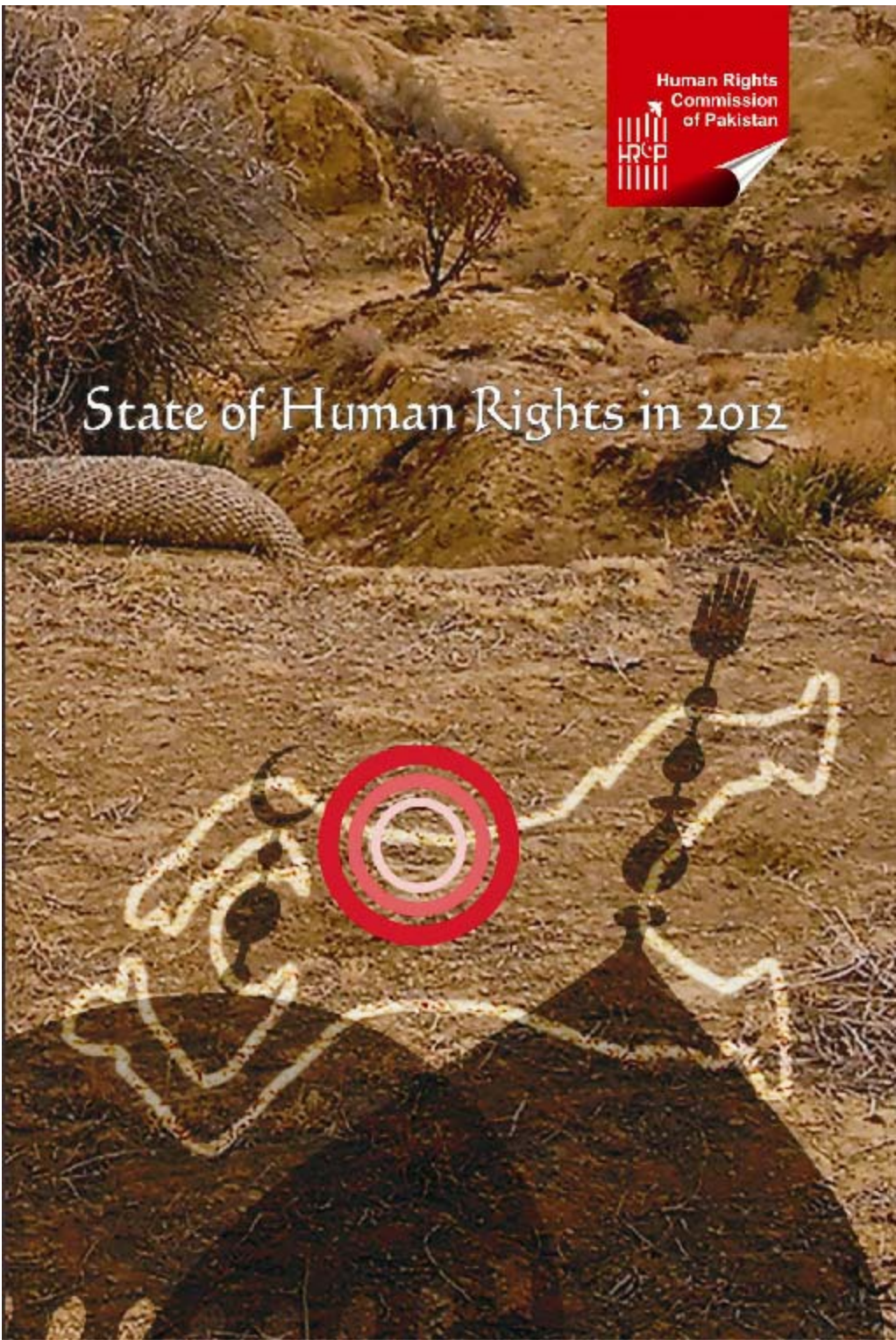




# State of Human Rights in 2012





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**Human Rights Commission  
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

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

**i**

**Abbreviations**

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



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

# 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 and still does in both India and Pakistan. 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

*Nikahkhan*: 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

There is no question that the human rights situation remained murky across the country in 2012, but the unprecedented milestone of a democratically elected government about to complete its tenure offered hope that, given the chance, the people of Pakistan could extract themselves from the quagmire. It is something worth celebrating that despite their differences the political parties in Pakistan suppressed the temptation to play any role in derailing the democratic process. Even though Pakistan could have done without the lies and half-truths at the UPR process, engaging with the process itself was a step forward. Inviting to Pakistan the UN Working Group on Enforced and Involuntary Disappearance, and facilitating the visits of the UN high commissioner on human rights as well as the special rapporteur on the independence of judges and lawyers were interpreted as a commitment to discard the policy of isolationism. How the working group's recommendations or suggestions made by other UN authorities are implemented would determine if Pakistan can indeed rid itself of the scourge of enforced disappearances once for all.

2012 was a year of many challenges where Pakistan did not prove equal to the task. The pace of implementation of human rights treaties that the country had ratified left a lot to be desired. No progress was made at all in implementing treaties such as the Convention on the Rights of Persons with Disabilities. It was another year when pervasive intolerance was widely tolerated. The religious and sectarian minorities

paid the price for that with their blood. With violence and intimidation rising ever higher the Hazaras and religious minorities voted with their feet—leaving Pakistan to seek a sanctuary elsewhere. In the name of honour, cultural practices and religion, women were denied their rights and made to suffer the most horrendous of violations. Human rights defenders, NGO workers, and political activists and journalists were in the crosshairs in particular. The ignominy of a constant failure to protect their lives was matched only by a persistent inability to catch their killers.

Most of the FATA region remained outside the national mainstream. For all the military operations there and elsewhere, the militant extremists kept lurking around the corner. Wanton and large-scale killing of citizens in Pakistan's biggest city raised questions of both the willingness and the ability of the authorities to stem the rot. The number of persons going missing in Sindh started to match those in Balochistan. New attempts to curtail essential liberties were sold as measures indispensable for citizens' safety and security. The reform introduced in Gilgit Baltistan in 2009 itself remained in need of reform. The political parties that had forever demanded the devolution of authority from the federal government to the provinces did not allow even minimal power to be passed on to the grassroots.

Health and education no longer appeared to be entitlements. In the public sector, quality healthcare and education were severely inadequate, while in the private sector they were seen as nothing more than profit-making ventures.

The economic rights of the populace did not get due attention, and workers were left to fend for themselves amid a struggling economy weighed down by crippling energy shortages. Internal displacement became a perpetual phenomenon, amid increasing insensitivity to the miseries of the conflict-affected people of FATA in particular.

Faced with such difficult odds, the youth and women of Pakistan, that biggest resource that could help the country turn the corner, remained untapped. Ensuring their inclusion and their right to participation in running the affairs represented the hope that matters of humans and human rights could be dealt with better than they have been thus far.

**Najam U Din**

*Editor*

# Highlights

## ■ Laws and law-making

- ▶ The most significant enactments in 2012 included the 20th Constitutional Amendment which was related to electoral matters.
- ▶ The law for the establishment of a National Commission of Human Rights came into force but remained unimplemented.
- ▶ The National Commission on the Status of Women (NCSW) became autonomous. It sponsored four bills concerning minority rights but little progress was made concerning their passing.
- ▶ Bills on accountability, freedom of information, and one aimed at increasing minority seats in the National and Provincial Assemblies failed to complete the legislative process.
- ▶ No domestic legislation to facilitate implementation of international human rights instruments was possible.
- ▶ 22 Acts were made and eight ordinances issued.

## ■ Administration of justice

- ▶ A state of confrontation between the judiciary and the executive persisted as the Supreme Court extended the limits of judicial activism and the government was found wanting in compliance.
- ▶ Prime Minister Yousaf Raza Gillani was convicted of contempt of court and lost his office and seat in the National Assembly. His successor barely escaped the same fate and eventually complied with

## ■ Freedom of movement

▶ In Moharram, the Punjab government barred 929 clerics from entering Punjab and 439 clerics were banned from making speeches.

▶ After attacks on Shia pilgrims travelling through Balochistan in 2011, it was made mandatory for the pilgrims to obtain a no-objection certificate from the authorities before starting off on their journey to Iran via Balochistan but killing of Shia pilgrims continued in 2012.

▶ People's travel within the country was affected by shortage of gas. According to the chairman of All Pakistan CNG Association 1,800 out of the country's 3,395 gas filling stations were closed down for weeks on end and the government closed another 800 stations because of non-payment of bills.

▶ Excessive delays were experienced in the issuance of both normal and urgent passports owing to the breakdown of machinery used for issuing machine-readable documents.

## ■ Freedom of thought, conscience and religion

▶ Violence against and harassment of religious and ethnic minorities continued and little effort was made to bring the perpetrators to justice.

▶ The issue of blasphemy law reform was left untouched. Rimsha (14), a Christian girl, charged with burning the Holy Quran was acquitted but Ryan (17) stayed in jail, and Sherry Rehman, envoy to the US, faced being booked for blasphemy.

▶ 583 people were killed and 853 injured in 213 incidents of sectarian-related terrorist attacks and sectarian clashes.

▶ As many as 20 Ahmadis were killed on account of their religious identity.

▶ In Karachi, at least six churches were attacked, two of them within a period of 10 days in October.

▶ In March, the 150-year old Baba Karam Singh temple was demolished overnight by the land mafia in Mardan, Khyber Pakhtunkhwa.

## ■ Freedom of expression

▶ At least 14 journalists were killed in Pakistan in 2012.

▶ According to Press Freedom Index, Pakistan was one of the deadliest countries for journalists for the second year running, with a ranking of 151 out of 179 countries.

▶ Two journalists filed a petition in the Supreme Court, asking for formation of an accountability commission to probe the sources of income of different channel owners, anchors and advertising agencies

in the country.

- ▶ According to UNESCO, at least 5.1 million Pakistani children were out of school, 63 percent of whom were girls.

- ▶ As many as 913 girls and women were killed in the name of honour in 2012. These included at least 99 minor girls.

- ▶ 74% of the girls married off in Charsadda and Mardan districts of Khyber Pakhtunkhwa in 2012 were under 16.

## ■ Children

- ▶ A marginal decline was observed in infant mortality and under five year mortality rates in 2012 but Pakistan still lagged behind other South Asian countries.

- ▶ 58 cases of polio, a disease that afflicts only two other countries in the world, were reported from 28 districts of Pakistan.

- ▶ Pakistan had the world's second highest number of out-of-school children aged five to nine years. At 2.8 percent of its gross national product (GNP), Pakistan's expenditure on education was the second lowest in South Asia.

- ▶ During the first six months of 2012, 1,573 incidents of child sexual abuse were recorded.

- ▶ Almost 10 million children were engaged in child labour.

## ■ Labour

- ▶ Pakistan suffered one of the worst industrial disasters in its history when a fire in a Karachi garments factory claimed at least 270 lives.

- ▶ Thousands of workers were rendered jobless due to increasing gas and electricity shortages which led to downsizing in both public institutions and private companies.

- ▶ Out of approximately 10,000 brick kilns in Punjab, only 3,836 were registered.

- ▶ Of the 58 million workers in Pakistan by official reckoning, only 2.1 million were registered for social security benefits.

- ▶ Although 60 percent of the population is dependant on agriculture, lack of responsible innovation and investment in infrastructure, high input costs, failure to impart the requisite skills to the farmers, and salinity and wate-logging, continued to cause decline in the produce.

## ■ Education

- ▶ The literacy rate in the country stood at 58 percent.

▶ Green benches were established in high courts across Pakistan to deliver environmental justice. However, only 15% of the cases filed at these benches could be decided and 20% of the fines imposed by them could be collected.

▶ 10 air pollution monitors set up in Lahore, Quetta, Peshawar and Karachi were shut down and no subsequent efforts were made by the government to develop a mechanism for monitoring of air quality.

▶ World Health Organization deemed water from Keenjhar Lake, a protected wetland under the Ramsar Convention on Wetlands, unfit for consumption.

▶ Over 2,500 trees were cut down for development projects.

### ■ Refugees

▶ Even though 83,000 Afghans were repatriated to Afghanistan in 2012, 1.6 million registered and one million unregistered Afghans still remained in Pakistan.

▶ At least 800 Afghan nationals were taken into custody in 2012 under Foreigners Act for their presence in Pakistan without valid documents.

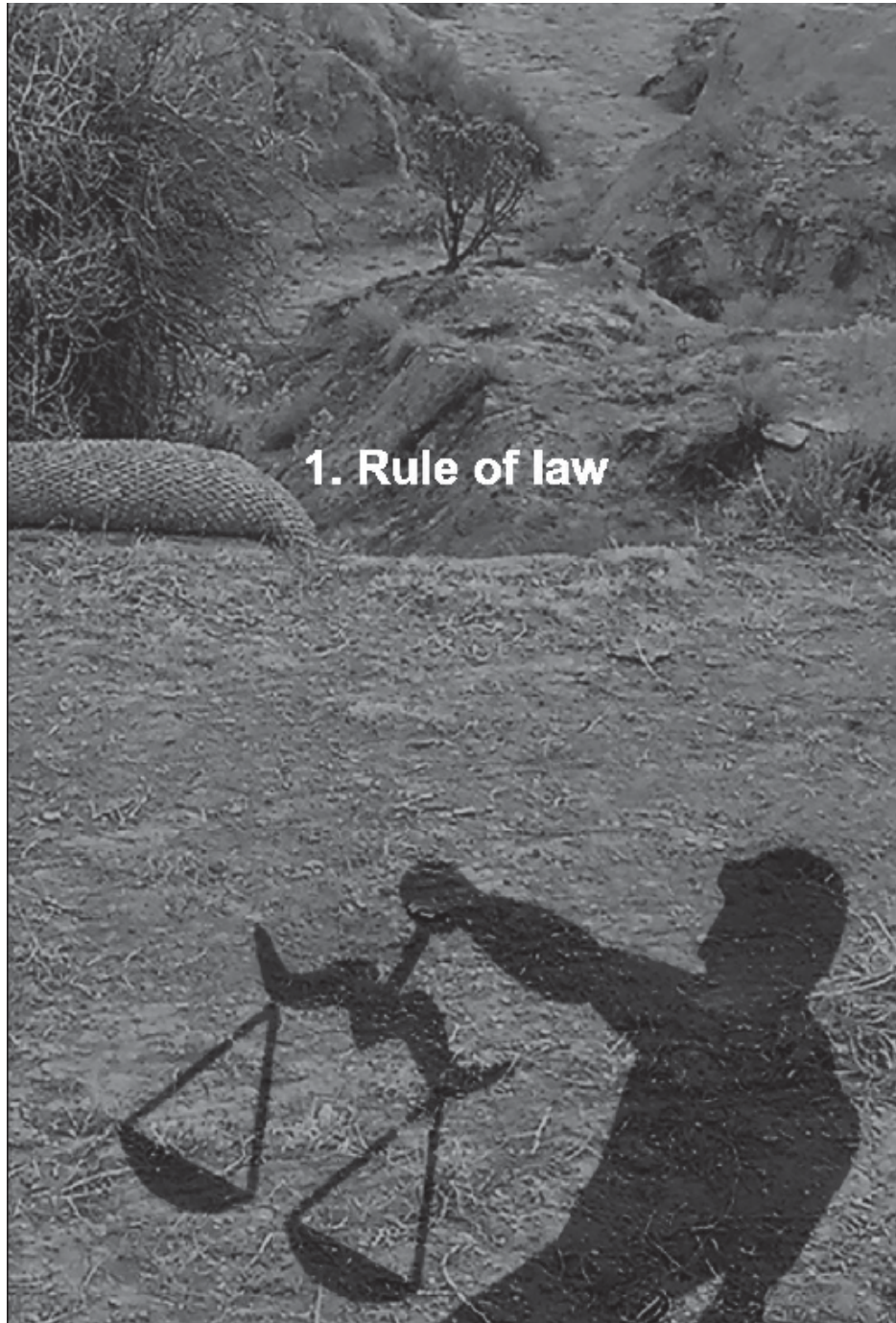
▶ Nothing was done to bring home a quarter of a million Pakistanis stranded in Bangladesh since 1971.

▶ At least 757,996 Pakistanis (163,102 families) remained internally displaced by conflict.

▶ The monsoon floods and drought in Tharparkar forced over a million people from their homes.



# 1. Rule of law





# Laws and law-making

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

## **Constitution of Pakistan**

Preamble

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

Article 4

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

Article 8(1)

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

## **Universal Declaration of Human Rights**

Preamble

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

Article 21(1)

Despite the numerous challenges it faced from various directions the government was able to push through the parliament nearly two dozen pieces

of legislation in 2012, about the same number that were enacted in 2011.

The significant enactments made during the year included the Twentieth amendment to the constitution that introduced numerous changes in the articles related to electoral matters, the Act that made the National Commission on the Status of Women autonomous, the Act that provided for the establishment of a national commission for human rights, the Drug Regulatory Authority Act, and the law to provide for free and compulsory education in the federal area to children aged 5 to 16.

However, several important bills did not complete the legislative process. These included the bill for a new accountability law, a bill to amend the freedom of information law, and a constitutional amendment bill that aimed at increasing minorities' seats in the National Assembly.

While the bill making the National Commission on the Status of Women autonomous became a law little progress was made on the four bills sponsored by the commission: the Hindu Marriage Bill of 2011, the Christian Marriages (Amendment) Bill 2011, the Christian Divorce (Amendment) Bill 2011, and the Criminal Law (Amendment) Bill 2011 (about domestic violence).

Perhaps the most significant omissions were neglect of the need for legislation required for meeting the obligations assumed under international human rights treaties and to provide for changes dictated by the 18th amendment.

Two records of sorts were set during the year. First, the law providing for the establishment of a national commission of human rights, that came into force on May 30 remained unimplemented till the end of 2012 and no commission was set up.

Secondly, the Contempt of Court Act, 2012, became the only piece of legislation in the country's history to be struck down within less than a month of its enactment.

### **Acts of parliament**

The following enactments were made during 2012:

1. The Carriage by Air Act, 2012; February 06; to provide for adherence to the Montreal Convention.
2. The Constitution (20<sup>th</sup> Amendment) Act, 2012; February 28; to amend the articles of the constitution relating to electoral matters.
3. The Shifa Tameer-i-Millat Act, 2012; March 02; for the setting up of a university.
4. The Private Power and Infrastructure Board Act, 2012; March 02.
5. The National Commission on the Status of Women Act, 2012; March 08; to give the commission autonomous status.

6. The State Bank of Pakistan (Amendment) Act, 2012; March 10.
7. The Industrial Relations Act, 2012; March 14; to provide for labour unions in the federal capital and inter-province organisations.
8. The Pakistan Trade Control of Wild Fauna and Flora Act, 2012; May 04.
9. The NFC Institute of Engineering and Technology, Multan, Act, 2012; May 04; to set up the institute.
10. The Modarba Companies and Modarba (Floatation and Control) (Amendment) Act, 2012; May 04.
11. The Delimitation of Constituencies (Amendment) Act, 2012; May 04.
12. The Stock Exchanges (Corporatisation, Demutualization and Integration) Act, 2012; May 07.
13. The National Commission of Human Rights Act, 2012; May 30.
14. The Finance Act, 2012; June 28.
15. The Contempt of Court Act, 2012, July 11; (struck down by the Supreme Court)
16. The Medical and Dental Council Act, 2012; August 07.
17. The Special Economic Zones Act, 2012; August 12.
18. The Drug Regulatory Authority of Pakistan Act, 2012; November 03; to establish the authority.
19. The Intellectual Property Organisation of Pakistan Act, 2012; December 03, to establish the organisation.
20. The Criminal Law (Amendment) Act, 2012, December 03; to criminalise the illegal business of and dealings in fake prize bonds.
21. The Right to Free and Compulsory Education Act, 2012; December 18; to provide for free, compulsory education for children aged 5 to 16 in the federal area.
22. The Airport Security Force (Amendment) Act, 2012; December 23; to resolve discrepancies in posts and salaries of staff between ASF and other law-enforcing agencies.

### **Ordinances**

While no less than eight laws were made through the exercise of the President's power to issue Ordinances, the effect of the 18<sup>th</sup> Amendment in preventing the practice of reissuing ordinances became evident. Two 2012 ordinances were regularised and made into Acts within the year and only two were extended for 120 days each through resolutions by the National Assembly. The most significant measure was the Validation Ordinance issued on June 24

and extended for 120 days on October 24. It extended protection to actions taken during the period between Prime Minister Yousaf Raza Gilani's conviction for contempt and his exit from office.

The following ordinance were issued during 2012

1. The Drug Regulatory Authority of Pakistan Ordinance, February 17; extended for 120 days by the National Assembly on June 10 and regularised as an Act on November 03.

2. The Finance (Amendment) Ordinance, 2012; February 20; to amend the Finance Act 1989 and Income Tax Ordinance 2001.

3. The Intellectual Property Organisation of Pakistan Ordinance 2012; to establish the organisation; regularised as an Act on December 03.

4. The Capital Gains Tax Ordinance, 2012; April 29.

5. The Juvenile Justice System (Amendment) Ordinance, 2012; May 25; to extend the law to the federal territory.

6. Validation Ordinance, 2012; June 24; extended for 120 days by the National Assembly on October 23; to give protection to measures adopted between April 26 (the date on which Prime Minister Gilani was convicted and sentenced for contempt) and June 19 (the date on which he quit the office of the PM).

7. The Services of Pakistan (Redressal of Under-Representation) Ordinance; October 01; to redress under-representation of provinces in the Pakistan services.

8. The Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order (Amendment) Ordinance; December 07; to allow the ombudsman to delegate his powers to a grade 21 officer in his secretariat.

### **Recommendations**

1. *The need for domestic legislation to ensure implementation of international human rights treaties did not receive due attention from parliament in 2012 too. Unless this trend is reversed Pakistan's adherence to such treaties will lose its purpose.*

2. *The failure to establish the National Commission on Human Rights despite the adoption of the required legislation in May 2012 points to the urgency of devising mechanisms to ensure timely enforcement of enactments.*

3. *The bar to repeated extension of the life of presidential ordinances placed under the 18<sup>th</sup> amendment is bearing fruit. Care will have to be taken though to avoid the consequences of failure to get essential ordinances validated in time.*

4. *Affirmative action is required to make adoption of private members' bills, especially those moved by women and members of minority communities, easier than it is at present.*



# 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

For the superior judiciary 2012 was a year of hectic activity. As the legislature and the executive progressively suffered a loss of credibility the third organ of the state, the judiciary, assumed the role of the supreme, and often the sole, defender of the constitution and public interest. Instances of misgovernance, favouritism, abuse of authority, corruption and, above all, the poor reputation of the custodians of power enabled the Supreme Court to extend the limits of judicial activism. On quite a few occasions the court was perceived to be encroaching on the domain of the other two pillars of the state but its defenders relied on ends to justify the means.

Judicial activism played no small a role in motivating people from diverse walks of life to treat the Supreme Court as the port of first call. They included leaders of opposition parties (Nawaz Sharif, Imran Khan, Abid Hasan Minto, Qazi Husain Ahmad) and even a federal minister (who went for the Prime Minister). Members of the legal fraternity became petitioners in a good number of cases in the public interest litigation category, which had political overtones. The Supreme Court human rights cell was kept busy by a large number of

citizens seeking redress for a variety of grievances. At one stage the cell was said to have received 14,757 complaints over a period of three months only.

As the year progressed a state of confrontation between the judiciary and the executive became evident though both sides often denied this.

Buoyed by an iconoclastic streak in the people's mindset and the eagerness of a powerful section of the media to don the mantle of a comrade-in-arms the judiciary not only passed orders but also made sure they were implemented. It succeeded in establishing complete control over appointment of judges of superior courts, over-ruling the parliamentary committee and the president and ignoring the protests of the bar representatives.

It was also the year when the judiciary tried to establish the majesty of the law by a generous resort to the law of contempt. One prime minister was convicted of contempt and forced out of office and another barely escaped following suit, and quite a few other cases were carried into the new year. In the process the honourable judges acquired a new and more authoritative idiom of expression, in the courtroom and at public fora, that their predecessors had studiously avoided, steeped as they were in traditions of restraint and under-statement.

### **No martial law now**

The superior judiciary frequently declared that thanks to its state of alertness the nation had been rid of the spectre of martial law.

While hearing the reference filed by President Zardari for revisiting the Bhutto case, Chief Justice Iftikhar Mohammad Chaudhry, presiding over an 11-member bench, declared on January 04 that there was no room at all for military courts in the country because the constitutional court of ultimate jurisdiction had already shut the door on such courts for ever. The CJ said to the federation's counsel, Babar Awan; "This is a loud and clear message to all: nobody should be under any illusion now: as long as we are sitting (here) and functioning under the constitution, Inshallah, nothing with happen to the system. The days are over when people heard that something could happen overnight."

Addressing the Rawalpindi Bar Association after inaugurating the newly established judicial complex in Rawalpindi a few days later, the CJ declared that the SC had shut the door on martial law. Nobody had the courage to impose martial law in the presence of a free and fair judiciary.

The CJ said the court could have objected to Zardari's swearing in by Justice Abdul Hameed Dogar but they did not want anarchy in the country.

Similar statements were issued by other leading judges. For instance, the Chief Justice of the Peshawar High Court told the media on January 19 that the SC verdict of July 31, 2011, whereby CJ Iftikhar Chaudhry regained his office, was a complete code of conduct (for judges) and that doors to dictators

had been closed.

### **NRO case & PM's conviction**

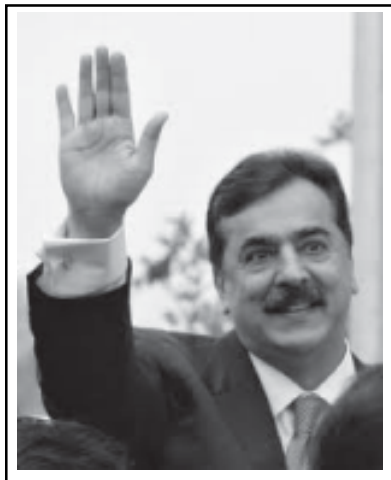
On the third day of the year 2012 the Supreme Court launched the process of ensuring implementation of its verdict on the National Reconciliation Ordinance (NRO) of December 16, 2009, which led to Yousaf Raza Gilani's conviction for contempt and his exit from the office of the Prime Minister. His successor, Raja Pervez Ashraf, escaped a similar fate as a result of a last minute compromise.

The main issue in the case turned out to be the direction to the Prime Minister, as the federation's chief executive, to write a letter to the Swiss authorities for reopening the cases against President Asif Ali Zardari.

On January 03 the Supreme Court (a 5-member bench headed by Justice Asif Saeed Khosa) told the government to implement its order by January 10, failing which the court would itself determine its course of action. On the next hearing (January 10) the court passed a short order whereby the Chief Justice was requested to create a larger bench to consider what action should be taken against those who had wilfully defied the court's order of 2009.

The whole case against the Prime Minister rested on paragraph 178 of the Supreme Court judgment of December 16, 2009 in Mobashir Hassan vs Federation. This paragraph ordered the federal government and other concerned authorities to take immediate steps to seek revival of the case in Switzerland against Asif Ali Zardari that had been closed on the basis of a letter written by Malik Mohammad Qayyum, the then Attorney-General.

The court observed that "In such a case of a brazen failure or refusal of the federal government to obey... the buck stops at the office of the chief executive of the federation, i.e., the Prime Minister."



Gilani: ousted for contempt.

The court said six options were available to it:

1. Hand down a declaration that may affect the Prime Minister's qualification to be chosen as a member of parliament. Similar action possible for apparent breach of oath against the President and the Law Minister.
2. Initiate contempt of court proceeding against the Prime Minister, the law minister and the law secretary for failing or refusing to implement the NRO judgment.
3. Appoint a commission to execute the relevant parts of the NRO

judgment under Article 187 of the constitution.

4. Give opportunity to the President to claim protection under the immunity clause (Article 248) of the constitution.

5. Remove chairman NAB as his conduct *prima facie* amounts to misconduct, attracting section b(1) of the National Accountability Ordinance, 1999.

6. Exercise judicial restraint and let the decision be that of the people of Pakistan or their representatives in the parliament.

The larger bench (seven judges, headed by Justice Nasir-ul-Mulk) issued a contempt notice to Prime Minister Yousaf Raza Gilani for refusing to write a letter to the Swiss authorities for reopening the case against President Zardari. The Prime Minister appeared before the SC and declared that he fully respected the Supreme Court but he believed the President enjoyed immunity.

On Feb 02, the court ordered the Prime Minister to appear on February 13 to face the contempt charge. Justice Nasir-ul-Mulk declared: "We are satisfied that *prima facie* there is enough case to proceed further in the contempt case." Before the next hearing, an eight-member bench, headed by Chief Justice Iftikhar Mohammad Chaudhry, dismissed the Prime Minister's intra-court appeal against the order of February 02. On February 13 the court indicted Gilani for contempt for wilfully flouting, disregarding and disobeying the court's order given while striking down the NRO on December 16, 2009. Mr Gilani pleaded 'not guilty' and said he would defend himself.

The Prime Minister's defence did not convince the court which passed the following short order:

"For the reasons to be recorded later, the accused, Syed Yousaf Raza Gilani, Prime Minister of Pakistan/Chief Executive of the Federation, is found guilty of and convicted for contempt of court under Article 204 of the constitution of the Islamic Republic of Pakistan 1973, read with section 3 of the Contempt of Court Ordinance (Ordinance V of 2003), for wilful flouting, disregard and disobedience of this court's direction contained in paragraph 178 of the judgment delivered in the case of Dr Mobashir Hassan vs the Federation of Pakistan; after our satisfaction that the contempt committed by him is substantially detrimental to the administration of justice and tends to bring this court and the judiciary into ridicule.

"As regards the sentence to be passed against the convict, we note that the finding and the conviction for contempt of court recorded are likely to entail some serious consequences in terms of Article 63(1) g of the 1973 constitution, which may be treated as mitigating factors towards the sentence passed against him.

"He is therefore punished under section 5 (punishment) of the contempt of Court Ordinance (Ordinance V of 2003) till the rising of the court today."

The Prime Minister's sentence lasted less than a minute and the government

relied on the National Assembly Speaker's decision on whether Gilani stood disqualified from continuing as a member of the National Assembly and as Prime Minister.

The Speaker of the National Assembly decided that "the charges against Syed Yousaf Raza Gilani are not relatable to the grounds mentioned in paragraph (g) or (h) of clause (1) of Article 63, therefore, no question of disqualification of Syed Yousaf Raza Gilani from being a member arises under clause (2) of Article 63 of the constitution."

The Speaker's ruling was challenged in the Supreme Court by Tehrik Insaf chief Imran Khan and a PML-N leader, Khwaja M. Asif.

The SC held that Syed Yousaf Raza Gillani had become disqualified from being a member of parliament and had ceased to be the Prime Minister. The Chief Justice in his five-point short order on June 19, 2012 said:

1. The court was competent under Article 184(3) to ensure enforcement of fundamental rights.
2. The SC, while exercising its power of judicial review, was not debarred from inquiring into the Speaker's order of May 25, 2012.
3. As Gilani's conviction for contempt by a 7-member bench of the SC had attained finality, he had become disqualified from becoming a member of parliament and ceased to be the prime minister on April 26, 2012.
4. The Election Commission was directed to notify Gilani's disqualification.
5. The President should take the action required to meet the situation.

The Election Commission promptly notified that Syed Yousaf Raza had ceased to be the Prime Minister on April 26, 2012, and thus his tenure came to an end on June 14.

The new Prime Minister, Raja Pervez Ashraf, faced the same situation that his predecessor had failed to resolve. The court however eased the pressure to some extent and on September 18 the Prime Minister declared that he had decided to comply with the court's orders. He told the court: "After contemplating from all angles, realizing its implications and considering the earlier suggestions of the court, I have authorized the law minister to withdraw the letter written by then Attorney-General Malik Qayyum. Our apprehensions, I will say openly, are not about the individual capacity of President Zardari but about his office."

The letter drafted by the Law Minister did not satisfy the court and it told the government to finalise the text soon or face contempt. Finally, the following text was approved by the SC:

"This is with reference to the letter dated 22<sup>nd</sup> May 2008, addressed by Malik Mohammad Qayyum to Daniel Zapelli, Attorney-General, Geneva, Switzerland. In view of the directions given by the Supreme Court of Pakistan in paragraph 178 of its judgment dated 16<sup>th</sup> December 2009 the aforesaid letter is hereby withdrawn and may be treated as never written and, therefore, revival

of requests, status and claims, is sought.

“This is without prejudice to the legal rights and defences of the Presidents/ Heads of State which may be available under the law, constitution and international law.”

The letter was dispatched to Geneva on November 07 and the contempt notice to the Prime Minister was withdrawn a week later.

Thus ended one of the most sensational cases in Pakistan’s judicial history. There was little doubt in law circles that the arguments advanced and the precedents set during the extended hearings of the case were going to be debated for a long time.

The task of implementing the judgment of 2009 in relation to other beneficiaries of the NRO remained pending but not much was reported about these cases.

### **The Memo case**

The memo case, regarding a memorandum sent to the US military chief, Admiral Mike Mullen, by a US businessman, Mansoor Ejaz, who claimed that it had been dictated by the Pakistan Ambassador to the US, Husain Haqqani, that had been admitted for hearing by the Supreme Court in the last weeks of 2011, dragged on through the year and remained undecided.

Most of the proceedings were held before the three-member commission (the chief justices of the Balochistan, Islamabad and Sindh high courts) that had been set up by the SC on December 30, 2011. The formation of the commission was challenged by several lawyers, including Husain Haqqani’s counsel, Asma Jahangir, who declined to appear before it (though she continued to appear in the case before the SC).

The commission did not succeed in securing the attendance of Mansoor Ejaz and Husain Haqqani. The former refused to come to Pakistan (citing grave threats to his life) and it was after much haggling that he agreed to walk into the Pakistan High Commission in London to have his statement recorded, in the presence of the commission’s secretary who had specially flown there, while the commission watched him via a video link.

When his turn came, Husain Haqqani, who had been allowed by the SC to return to the US, also declined to come to Pakistan. He too cited threat to life as the reason and demanded the facilities allowed to Mansoor Ejaz, a request that was not conceded.

The deadline given to the commission expired on March 31. It was given another six weeks, and four more weeks were allowed on May 10. A couple of days later Husain Haqqani dissociated himself from the commission, saying that the constitution did not provide for it. Soon afterwards the commission completed its probe. In the final phase of its deliberations the commission





The cast of a high drama.

asked the Foreign Office about the public money spent by Husain Haqqani.

The report of the commission was unsealed before a nine-member bench of the SC, that had been formed to take the matter further, and the court passed an order requiring Husain Haqqani to be present at the hearing of the

case as he had to “answer about the findings recorded by the commission.”

According to the commission, whose findings were read out in the court by the Attorney-General, the memorandum delivered to Admiral Mullen was authentic and Haqqani was its author and architect. While seeking American help he also wanted to become indispensable to the US. According to a press report, Haqqani, by offering his services as part of a proposed national security team to a foreign government, voicing ‘great fears’ that ‘Pakistan’s nuclear assets were now legitimate targets’ and thus seeking to bring these assets ‘under a more verifiable, transparent regime’, stating that ISI maintained ‘relations with the Taliban’ and offering to ‘eliminate Section S of the ISI’, and to ‘help pigeonhole the forces lined up against US interests, created fissures in the body politic and were acts of disloyalty to Pakistan and contravened the constitution.’

Husain Haqqani described the commission’s report one-sided, “partial and politically motivated” and vowed to address the legal flaws in it.

The commission exonerated President Asif Ali Zardari of any direct involvement with the memo. It said “no evidence was produced before us that would indicate the President Asif Ali Zardari had either authorized the preparation of the memorandum, or directed that it be sent to the American administration.”

At its last hearing in the SC in December the case was adjourned till January 28, 2013.

### Asghar Khan Case

Air Marshal Asghar Khan’s complaint about the manipulation of the 1990 general election by the ISI and a special cell in the presidency, that was made in 1996, was finally decided by the Supreme Court in 2012. In its short order, announced after extended hearings in October, the court made the following



points:

- ◆ The citizens of Pakistan have a right to freely elect their representatives in a free, fair and lawful election.
- ◆ Corrupt practices marred the general election of 1990. It has been established that an Election Cell in the presidency provided financial assistance to favoured candidates/parties to achieve desired results and deprive the people of their right to choose their representatives.
- ◆ The president is bound by his oath to do right to all people and if he fails to do this he violates the constitution and renders himself liable to action under the constitution and the law.
- ◆ The president, the army chief and the ISI head or their subordinates are not supposed to create an election cell to support any candidate/party because that will deprive the people of their right and such action will be in violation of the constitution.
- ◆ In the 1990 election an Election Cell in the presidency was aided by the army chief, General Aslam Beg, and the ISI D-G, Gen. Asad Durrani, though they participated in the unlawful activities of the Election Cell in their individual capacities.
- ◆ The ISI and MI have no role in politics regarding the formation or destabilisation of political governments, nor can they help or favour politicians, groups or parties to achieve success.
- ◆ It has been established that President Ghulam Ishaq Khan, with the support of Gen Aslam Beg, Gen Asad Durrani, and others working for MI, now retired or dead, were supporting the working of the illegally established Election Cell.
- ◆ Mr Younas Habib, the then CEO of Habib Bank, at the direction and behest of the above-mentioned functionaries, arranged/provided Rs 140 million, belonging to public exchequer, out of which Rs 60 million were distributed among politicians whose incomplete particulars were provided by Gen. Durrani. However, without a thorough probe no order can be passed against them.
- ◆ Any extra-constitutional act calls for action in accordance with the constitution and the law against the officers/officials of the armed forces without any discrimination.
- ◆ The nation deeply respects the armed forces for always sacrificing their lives while defending the country against both external and internal aggression.
- ◆ Involvement of the officers/members of secret services, such as ISI, MI, IB etc., in unlawful activities, individually or collectively, calls for strict action against them under the law.
- ◆ Any Election Cell in the presidency or ISI, MI or within their formations shall be abolished immediately and any notification for the creation of such a



Trial ordered but yet to be held.

body shall stand cancelled forthwith.

- ◆ The late Ghulam Ishaq Khan, Gen. Aslam Beg and Gen. Asad Durrani violated the constitution by helping politicians and parties to defeat their rivals. The federal government shall take necessary steps against them under the law.

- ◆ Legal action shall be initiated against the politicians who had accepted money in the 1990 elections and Mr Younas Habib. If sufficient evidence against them is collected by FIA after transparent investigations they will be sent up to face trial.

- ◆ Civil proceedings shall be initiated against the persons mentioned above for the recovery of money received by them with profit.

- ◆ An amount of Rs 80 million said to have been deposited in an account maintained by MI and the profit on it shall be transferred to Habib Bank, if its liability has not been adjusted so far, or to the government of Pakistan.

At the request of Asghar Khan's counsel, the court made the office of the president (not his person) a party to the case and notice was issued to the president's secretary to explain whether an election cell had been working in the presidency. The secretary informed the court that no such cell had been working in the presidency since 2008. The CJ observed that the court had not asked about a cell in 2008-2009; it had asked about any cell's functioning in 1990. The secretary informed the court that there was no record of an election cell in the presidency in 1990 either.

The reference in the court's judgment to the need for the president to be above party politics generated a debate among lawyers and many thought the court's dictum was as much directed at Asif Ali Zardari as it was at Ghulam Ishaq Khan. Some experts thought the verdict could affect Zardari's eligibility

for election as a member of parliament in future.

During the hearing the court had taken notice of a press report to the effect that the post-2008 government had used Rs. 270 million from the account of the Intelligence Bureau to destabilise the Punjab government in 2009, and ordered inquiries. In the detailed judgment in the case the court separated the matter of use of IB funds not only in 2009 but also in 1989 from the Asghar Khan case and ordered registration of the news item as a CMA to be taken up in future.

### **Contempt Act 2012 struck down**

After Prime Minister Gilani had been convicted of contempt of court the government rushed through parliament a bill to replace the law of contempt. The new law, Contempt of Court Act, 2012, was designed to make conviction for contempt somewhat more difficult. The law was challenged in the Supreme Court soon after it was enacted.

After holding that the petitions against the new Act were maintainable under Article 184(3) of the constitution, the court found that many provisions of the Act were in violation of the constitution. In regard to some other provisions the court said they were vague and favoured contemnors, or envisaged immunity that could not be granted, or violated the independence of the judiciary or the principle of trichotomy of powers or equality, or would delay proceedings or make prosecution impossible.

The court said that after various provisions of the Contempt of Court Act, 2012, had been found ultra vires the constitution, no purpose would be served by keeping the other provisions of the legislation on the statute book. Also the principle of severality did not apply to the case.

“Thus, having been left with no constitutional option the COCA 2012 is ruled unconstitutional, void and *non est*,” the court said and added that the Contempt of Court Ordinance of 2003 stood revived from the day the COCA 2012 was enforced.

### **Comments on judiciary’s functioning**

As judicial activism touched a new high and the new procedures for the appointment of judges were put in place the volume of discussion on these matters also grew. At the same time quite a few authorities abroad offered comments and recommendations for guaranteeing judicial propriety.

### **ICJ report**

The International Commission of Jurists (ICJ) released in April its report on the independence of the judiciary on the basis of the field trip to Pakistan it had carried out in 2011 (autumn), in which it raised certain questions about the Supreme Court’s activism.

While Pakistan’s judiciary was independent, it had stepped into areas

normally reserved for the government and that gave rise to concerns over the balance of power, the ICJ said, and added: “Parliament and government are weak, which leads to the Supreme Court filling the gap by intervening in matters germane to the administration.”

“This occurs to the extent that Supreme Court even challenges constitutional amendments and intervenes to strengthen its own (power), and particularly the power of the Chief Justice as far as the appointment of judges is concerned. A concern in respect of the balance of powers thereby arises... (We) obtained a complex picture of the administration of justice in Pakistan towards the end of 2011”.

Some of the conclusions reached by the ICJ are:

- ◆ While many of the problems created by military dictatorship appear to have been, or are, being meaningfully addressed, particularly with regard to the judiciary, there are still occasional tensions between the elected government and the military establishment which might lead to dramatic developments. By and large it can be said that the judiciary is independent of the executive and the legislature.

- ◆ There are, however, certain difficulties connected with the general problems of the State, and we wish to emphasize two of them:

- a) The administration of justice cannot function properly when its personnel – including advocates – are not motivated by the desire to contribute to the common good by administering justice, but abuse their position for personal benefit. This is quite obvious.

- b) It appears, as the case of Justice Pervez Ali Shah demonstrates, that there are violent currents of religious militancy in the State. These must be brought under control otherwise the rule of law cannot be solidly established and maintained.

- ◆ There are still problems with the nomination of judges. There are strong political tensions which lead to the result that not always the candidate best qualified is promoted. The proceedings are not fully transparent.

- ◆ The so-called suo motu proceedings are generally being used as a strong instrument to support the rule of law and protect fundamental rights. This is commendable as a matter of principle and as long as the proceedings are used restrictively and on the basis of transparent criteria. We have not seen evidence of abuse in their practical application.

- ◆ Yet, some of these same suo motu proceedings give rise to concern in respect of their administration. There seems to be an element of arbitrariness in the decision to apply them, and when they are inappropriately applied they may upset the balance of power and interfere with the ordinary course of justice. We came to the view that they are used rather excessively.

Some of the ICJ’s recommendations are:

- ◆ The Government of Pakistan is encouraged to continue and strengthen

its efforts to fight corruption wherever it occurs, particularly in connection with the administration of justice.

- ◆ The Government of Pakistan and all the provincial governments should significantly increase the funds allocated to the judiciary in order to improve the equipment of courts, particularly district courts, and to further raise the salaries of judges (and other personnel of the courts, as the case may be).

- ◆ In the appointment and promotion of judges the influence of the Bar ought to be increased.

- ◆ All authorities involved in the appointment and promotion of judges should make it a principle that persons of highest competency, integrity and independence are appointed; other important considerations, such as achieving gender balance, should also be integrated.

- ◆ A code of ethics for lawyers, consistent with protecting the independence of legal profession and the role of lawyers at all levels ought to be elaborated and adopted (where one does not already exist), and rigorously implemented, primarily by the Bar Councils and, if need be, by the courts.

- ◆ The Supreme Court should establish precise rules as to the composition and allocation of cases to Chambers.

### **UN Special Rapporteur**

The UN Special Rapporteur on the Independence of Judges and Lawyers, who visited Pakistan for 11 days in May, also touched on the subject and called for clear criteria to guide the use of suo motu powers by the judiciary.

In her preliminary report, Ms Gabriela Knaul commended the use of the inherent powers of the Supreme Court in cases related to gross human rights violations, like that of enforced disappearances in Balochistan. In some cases the court was upholding human rights law and contributing to combating impunity. However, the absence of proper guidelines could undermine the suo motu jurisdiction and jeopardize timely disposal of pending cases.

Referring to other issues covered by her mandate, she urged the government to bring the whole of Pakistan under the jurisdiction of the superior courts and said the existence of a parallel superior court (the Federal Shariat Court) created an ambiguity. This left space for interpretations which might be contradictory, she said.

She also expressed concern over cases under the “so called blasphemy law”, and referred to judges being coerced and the lawyers’ being reluctant (out of fear) to take up defence. Poor quality of investigations by the police also was a matter that caused concern.

As the first holder of a UN Human Rights Council’s special procedure mandate to visit Pakistan, Ms Knaul expressed the hope that Pakistan would keep its doors open to other rapporteurs who had expressed interest in visiting

this country.

### **Justice Louis Arbour**

The critics of Pakistan judiciary's extended activism included Justice Louis Arbour, President of the International Crisis Group and a former United Nations High Commissioner for Human Rights. Speaking at a function at the Woodrow Wilson Center in Washington, after her visit to Pakistan, she said that the judges who were restored through the 2007 lawyers' movement had become intoxicated with their own independence and that their current direction threatened to harm the very democratic order that had restored them to the bench.

According to her it was possible that the Supreme Court ended up dissolving the democratically elected government with the help of the military, putting in place an extended caretaker government in what would be, for all intents and purposes, another coup.

### **The Balochistan case**

The Supreme Court resumed early in January hearing the 2010 petition on the law and order situation in Balochistan that had been filed by the then president of the Balochistan High Court Bar. It rejected the situation reports submitted by the provincial government. In March the court decided to hear the case at Quetta.

At Quetta, while conducting proceedings on the law and order situation in Balochistan, the court also took up the matter of disappearances. On April 5, the court was informed that 10 persons had been picked up in Quetta (Saryab Road area) but three of them had been freed. The Chief Justice ordered the police to produce the seven persons in the court the next day. He also ordered the home secretary to arrest the three provincial ministers who were reported to be involved in cases of kidnapping for ransom.

As the hearings continued the families of 'missing' persons brought scores of other cases to the court's notice. Serious charges were made against the Frontier Corps and the Frontier Constabulary and the provincial ministers were taken to task. The court kept issuing orders for the recovery of the "missing persons" and for help to their families.

On several occasions the court said the constitutional order had broken down in Balochistan. The CJ asked the authorities to act "before we get to the dead end" and warned that "another government" might go along with the Balochistan government. The officials were asked to mend their ways before a UN team arrived. (The court also questioned the logic of inviting the UN Working Group on Involuntary and Enforced Disappearances.)

The court in October ruled that the Balochistan government had failed to maintain law and order, and told the federal government to stop being a silent spectator and adopt appropriate measures to protect the lives and properties



of citizens.

In November some observations made by the army chief and the chief justice created a short-lived impression of tension between their institutions. Central to the controversy was General Kayani's plea against unwarranted criticism of the armed forces and their commanders and his remark that no individual or institution had a monopoly to decide what was right or wrong in defining the ultimate national interest. Whether the General had the SC in mind was not clear but the Chief Justice probably thought he had and declared that the days when tanks and missiles guaranteed security had passed and the SC was the ultimate protector of the constitution. Further, when somebody referred to the army's respect for the judiciary, the CJ said that it had already been witnessed the previous day.

However, both sides exercised restraint and whatever the matter was it was not heard of again. Most probably it was realized that lawlessness in Balochistan, disappearances, or even occasional criticism of the military top brass, were not matters worth a tiff between the Big Two.

As the hearings continued into the last month of the year the SC got extremely critical of the federal and provincial (Balochistan) governments for failing to restore order and for defying the court's orders. On December 05 it declared that the Balochistan government was ruling at its own risk and cost.

In its interim order in the case regarding the law and order situation in Balochistan on December 12, 2012, the Supreme Court said the Balochistan government had lost the constitutional authority to govern the province and could not be allowed to continue as a silent spectator to the violation of fundamental rights.

The court said it was the constitutional obligation of the federation to exercise all constitutional options to ensure that the fundamental rights of all people were fully protected but nothing had been done. The court believed that "even now it is the constitutional obligation (of the federation) under



Their families waited for them  
in vain.

Article 184(3) of the constitution to control the internal disturbance in Balochistan.”

“The federal government is, therefore, called upon to ensure immediate action under the constitution to provide security to the people of Balochistan against all the criminal aggression, including the recovery of mutilated dead bodies, missing persons, target killings, abduction for ransom and sectarian killings,” the court said.

Eventually Islamabad imposed governor’s rule in Balochistan.

### **Disappearances**

While the petitions for the recovery of victims of enforced disappearance filed in 2007 stayed on its roster the Supreme Court kept taking up this matter in the course of hearing the petition regarding the law and order breakdown in Balochistan. A greater part of the hearing was held at Quetta.

Besides looking into old cases of enforced disappearances the court took prompt notice of new incidents of disappearance that were brought to its notice by Baloch activists.

Early in May the three-member bench, headed by Chief Justice Iftikhar Mohammad Chaudhry, summoned the Balochistan Chief Minister and the Home Minister and ordered that they “will have to assure the Supreme Court that under Article 9 of the constitution, complete protection to life and property of the people will be ensured by the government. Besides that neither any citizen will be lifted or kidnapped nor any incident of killing and throwing of bullet-riddled bodies of missing persons will take place.”

Neither the ministers nor the FC chief appeared in response to court summons. The court felt further offended when the Balochistan police chief declared that the FC had picked up the three “missing” persons whose production the court had ordered. The court declared that if the police and the FC continued to ignore its orders it would order the military authorities to take the necessary action.

At a later hearing the CJ noted that as many as 25 people had surfaced but the police had failed to establish as to who had abducted them and where they had been kept for so long. The court observed everybody was blaming the security and intelligence agencies and evidence was also available against them. The CJ further said “The missing persons’ problem is a burning issue and the main cause for the deteriorating law and order situation in Balochistan. There must be a political solution to the problem.”

At the next hearing the Deputy Attorney-General broke down under the court’s intense questioning and resigned from his post, saying that he had a right to live his life with respect.

The court took serious notice of the Balochistan Home Minister’s failure to appear and told that Interior Secretary that if the minister did not want to





Protests against enforced disappearances continued throughout the year.

appear he should be arrested and produced in chains, if needed. The CJ said if the prime minister did not think restoration of order and implementation of the constitution was his responsibility, the constitution would take its course, and hinted at the emergency option.

At subsequent hearings too the SC expressed its sense of frustration and embarrassment as it did not have answers on the issue of disappearances. The CJ said he was dismayed at the authorities' failure to recover the "missing persons". Dead bodies started appearing in Quetta as soon as the judges landed there and the disappearance of every third person was blamed on the Frontier Corps.

Towards the end of September the SC lost hope of a breakthrough. "After six months of efforts by the court the result is zero", the CJ said. The court ordered the federal and Balochistan governments to admit in writing that they had miserably failed to establish the writ of law in Balochistan.

Eventually the court dealt with disappearances within the case on law and order and passed an order in the latter case.

### **Peshawar High Court**

The high courts also remained seized of the issues raised by involuntary disappearances, especially the Peshawar High Court (PHC). The latter court heard such cases throughout the year because disappearances had become quite common in Khyber-Pakhtunkhwa.

Apparently losing patience at the dilatory tactics used by government officials and what the court thought amounted to defending the intelligence and security agencies, the PHC division bench, headed by Chief Justice Dost Mohammed Khan, summoned the federal defence secretary, the human rights

adviser to the prime minister, the KPK Chief Secretary, the Additional Secretary, Interior, and the Judge Advocate-General of the Army and all of them assured the court of cooperation in tracing and recovering the involuntarily disappearing persons.

In a brief order the court said: “The respondents assured the court that the matter of enforced disappearances would be taken up by the political federal authority with the heads of armed forces and spy agencies and a strategy would be devised to address the issue in order to redress the grievances of the missing persons’ relatives.”

In May the court was told by the KPK special secretary for home and tribal affairs that 1,930 ‘missing persons’ had been identified. Of these, 1,035 had been released on surety bonds approved by PHC and 895 had been shifted to internment centres. At a later stage the court warned the intelligence agencies that if they did not cooperate it could ban the internment centres.

At one of the hearings, when the court had before it 176 cases of disappearance, it was told the security agencies had freed nine ‘missing persons’ and the body of one such person had been recovered from a hospital.

On the same day the PHC took notice of the appearance of dead bodies in gunny bags, particularly in Nowshera and Peshawar. CJ Dost Mohammad Khan said 16 bodies had been recovered over a few days and neither law-enforcement agencies nor public representatives had bothered to take notice. Earlier, the CJ had said the court should not be compelled to issue orders which might cause the fall of the provincial and federal governments. The court was hearing cases regarding frequent dumping of dead bodies.

Meanwhile at the beginning of October the commission on ‘missing persons’, headed by Justice (R) Javed Iqbal, said that 80 cases of disappearance had been reported to it during the preceding three months. The commission said that on January 01, 2011 it had 138 cases pending before it and it received 714 new cases during 21 months (till Sept 30, 2012).

By the beginning of November the court appeared to be losing patience with the various agencies. It directed that all security agencies and the Chief Secretary should meet to prepare a final list of ‘missing persons’ by December 04. The list was presented on December 18. The court was told 45 ‘missing persons’ had been released, 261 detainees were described as hard-core militants and shifted to internment centres. Some were to be shifted to a de-radicalisation centre.

The hearings continued into the new year.

### *Strictures*

The PHC chief justice passed extremely severe strictures on the government, the intelligence agencies and the police in a ‘missing persons’ case.

Sheikh Mohammad from Charsadda district had filed a habeas corpus

petition that his son, Gul Mohamamd, had been arrested by the law-enforcing agencies along with his driver on August 23, 2010. After a month the driver was released but his son was described as missing. Towards, the end of 2011 Gul Mohammad's body was found lying by the roadside. The body bore marks of torture.

The CJ observed that unfortunately the police had adopted the tactics used by (intelligence) agencies and had rented places where persons were illegally detained. The court ordered registration of cases in four cases of disappearance and observed that the government should do away with the (constitutional) provisions related to fundamental rights if it wanted to continue with the practice of keeping persons in illegal detention.

During the hearing of cases about 'missing persons' by the Peshawar High Court an officer of the Judge Advocate-General of the Pakistan Army claimed that the young men de-radicalised at the military rehabilitation centres after the Swat operation were again joining militant groups.

The Chief Justice (of the PHC) observed: "The de-radicalisation of militants would be effective if the government provides them jobs, particularly of gardeners and class IV, and ensures a tight surveillance system."

### **RPPs case**

The Supreme Court (March 30) held that the contracts made for the execution of rental power projects during 2006-2008 had been finalized in a non-transparent manner and ordered these deals to be rescinded. The court also ordered the Chairman of the National Accountability Bureau (NAB) to prepare references for corruption against all those who were responsible for entering into these contracts.

The verdict was given on applications moved by federal minister Faisal Saleh Hayat (PML-Q) and MNA Khwaja Asif (PML-N).

The court held the finance ministry, WAPDA and the power-generating companies responsible for causing huge losses (billions of rupees) to the public exchequer by raising the amount of down-payment to the companies from 7 to 14 pc and purchasing electricity from the RPPs at increased rates.

Those in the line of fire included former ministers for Water and Power Liaquat Jatoi and Raja Pervez Ashraf, finance minister Naveed Qamar and finance secretary Waqar Masud.

The NAB's inability to initiate proceedings against the persons named in the verdict for many months caused much annoyance to the court and eventually it directed the NAB chairman to arrest Raja Pervez Ashraf who had by then become Prime Minister.

The court observed in the judgment that non-availability of electricity to citizens was tantamount to depriving them of one of the essentials of life. It said: "The government of the day, under Article 29, read with Article 2-A of

the constitution, is bound to formulate policies for the promotion of social and economic well-being of the people, which includes provision of facilities to citizens for work and adequate livelihood, with a reasonable rest and leisure, etc..

“In the cases of *Bank of Punjab vs Haris Steel Industries*, *Liaquat Husain vs the Federation* Article 9 has been interpreted and its scope has been enlarged to each and every aspect of human life. Therefore, whenever a policy is framed with reference to uplifting the socio-economic conditions of the citizens, (the) object should be to ensure enforcement of their fundamental rights.”

Non-availability of power amounted to depriving citizens of one of the essentials of life, the court said.

### **The Adiala Eleven**

The Supreme Court remained seized of the plight of the Adiala group detainees who had been taken into custody by a military intelligence agency after they had been acquitted by an anti-terrorism court and a high court had struck down Punjab government’s order for their detention. No substantial relief to them was possible.

The 11 detainees included three sons of an old widow, Ruhaifa. In a petition to the Supreme Court she challenged the military authorities’ decision to try the detainees, three of whom had died in a Peshawar hospital in 2011, under the Army Act. A fourth detainee also died before the petition was heard.

On January 30 the court was informed by the counsel for ISI and MI that out of the seven surviving detainees four had been admitted to the Lady Reading Hospital in Peshawar, while the other three were being held at an internment centre at Parachinar, established under the Action in Aid of the Civil Power Regulation. The latter were in the custody of the provincial government (KPK).

The court ordered the counsel to present all the seven surviving detainees on February 9. At one point the Chief Justice, who was heading the SC bench, told the counsel for ISI and MI that they were required to produce the detainees because the government had given them in their custody. The court also ordered the counsel to file a statement explaining the circumstances in which the four prisoners had died.

The detainees were not produced on the appointed date. On February 10<sup>th</sup> the court directed the agencies to produce the seven men by February 13. This time the court order was complied with and the seven detainees – Mazhar-ul-Haq, Shafiq-ur-Rehman, Mohammad Shafiq, Dr-Niaz Ahmed, Abdul Majid, Gulroze, and Abdul Basit were brought to the court.

All the seven men looked frail and weak, and were unable to speak or walk. Those present in the court room could hardly bear the sight of the disease-racked skeletons. The CJ ordered their full medical examination and asked the Khyber-Pakhtunkhwa Chief Secretary to report on the detainees’

health every four days. The detainees were also not to be shifted to the Parachinar internment centre so long as the matter was pending in the court.

Further, the court asked the Attorney-General and the counsel for ISI and MI to submit the record of the prisoners' detention prior to January 26, 2012. The court also wanted to know whether the detainees had been proceeded against under any law and if so, what the result was.

All the detainees were taken to the Lady Reading Hospital in Peshawar. Five of them, who were said to have recovered, were later on sent to the Parachinar internment centre.

Ruhaifa died soon after seeing her (unrecognizable) sons, Abdul Majid and Abdul Basit, in the SC, and her petition lapsed. The court, however, allowed her lawyer to amend the petition. The case was clubbed together with petitions challenging the Action in Aid of Civil Power Regulation of 2011 and sec 2(1 d) of the Army Act 1952. To be able to hold the detention of anyone at the Parachinar internment centre, or any other centre in the FATA, illegal, the court wanted to make sure that its jurisdiction could be extended to the tribal areas.

The surviving members of the Adiala Eleven remained incarcerated.

The case will be long remembered as one of the instances of the SC's will being frustrated through resort to one stratagem or another.

### **Challenge to Army Act**

Faced with the possibility of an adverse ruling by the Supreme Court, the army agreed to remove a serious flaw in the Army Act 1952.

The petitioner had challenged the rule under which anyone convicted by a court martial under the Army Act was given neither a copy of the judgment nor were grounds of conviction communicated to him. This caused problems while filing an appeal. The SC was requested to direct the army to amend the Act of 1952 as the laws applicable to the navy and the air force had already been amended. The counsel for the army argued that the Army Act was older than the laws made for the two other services and amending it could entail replacement of half of the Act. The court observed that anything in conflict with Article 10-A (the right to fair trial/guaranteed under the 18<sup>th</sup> amendment) would be struck down. The impugned provision of the Army Act could also be struck down under Article 25 on the ground of its being discriminatory. The counsel was asked to ascertain the army's mind.

On the next hearing the court was told the army authorities were prepared to amend the Act of 1952 but needed time to do so. Action was awaited.

### **Election matters**

The Supreme Court intervened more than once in election-related matters. At the beginning of the year the court rejected the Election Commission's



The Election Commission too received SC's directives.

(ECP) request for an extension of the deadline for the publication of the final list of voters beyond February 23, 2012. Noting that 37 million votes in the list could not be verified the court observed that free and fair polls were not possible without updating of the electoral rolls. The pressure on the ECP resulted in its secretary's decision to resign his job but after a few months he set some kind of a record by returning to his position, apparently determined to act more vigorously. The issue of updating the voters' list was resolved.

Later in the year the court ordered door-to-door verification of voters' list and demarcation of constituencies in Karachi. While the former order was duly carried out, though not without a heated response from MQM, the latter order remained unimplemented till the end of the year.

A more substantial order, this one about election expenses, came in the middle of the year on a petition by the President of the Workers' Party.

The SC ordered the ECP to monitor election expenses with a view to discouraging extravagance, show of wealth, power and pageantry. The points made in the order were:

- ◆ Each candidate should deposit the amount allowed for his contest in a scheduled bank and all election expenses must be met out of that account.
- ◆ The 'First Past the Post' system violates the principle of election by a majority of voters. The ECP should explore ways of ensuring true representation of the people and rule of majority in all legislatures.
- ◆ The ECP should take steps to make voting compulsory.
- ◆ The number of polling stations should be increased and the distance between a polling station and the residences of voters should not be more than two kilometres.
- ◆ In place of the 'parchi' issued by candidates' camps the ECP should



adopt other means to inform the voter of his polling booth. Candidates' election camp near polling stations should be banned.

- ◆ No carting of voters by candidates should be allowed. The ECP should arrange for transport for voters.

- ◆ The ECP must undertake door-to-door checking of voters' lists.

The ECP enforced the SC orders in the by-election to the Multan National Assembly seat vacated by Syed Yousaf Raza Gilani after his disqualification. The inability of the ECP to provide transport to all voters was confirmed and opinion was divided whether the condition of meeting election expenses out of a specific account alone could check extravagance.

### **Lal Masjid case**

The Supreme Court took suo motu notice of complaints by persons affected during the Lal Masjid operation of 2007 and directed the federal government to give compensation to the heirs of all the 103 persons who were killed during the operation.

A three-judge bench of the SC, headed by Chief Justice Iftikhar Muhammad Chaudhry, also ordered the capital police to register an FIR for the recovery of persons who 'disappeared' after the operation.

The bench observed that Islamabad police had not initiated any inquiry to determine the status of those who were killed in the operation, as this was required for compensation.

The Chief Justice asked the Deputy Attorney General (DAG) present why didn't the government compensate the heirs of those who were killed in the operation? The DAG told the court that the government had only compensated the relatives of 11 security forces personnel and three citizens. He said that the heirs of those who were "waging a war against the state" were not compensated.

The Chief Justice said, "It was a small matter. No one was waging war against the state." He said the situation could have been controlled had a better strategy been evolved at that time.

The court also asked Islamabad police to register an FIR on complaints of parents who said their sons had been missing and the police were not investigating the issue. In its written order, the court asked police to avoid scandalising institutions and register an FIR in accordance with the law.

The court also approved a deal between Lal Masjid chief cleric, Maulana Abdul Aziz, and the Islamabad administration for the allocation of 20 kanals in Sector H-11/4 for the reconstruction of Jamia Hafsa.

### **SC on obscenity**

Taking action on a petition by Qazi Husain Ahmed and a letter from Justice (R) Wajihuddin Ahmad 'against growing vulgarity and obscenity in society

through the TV channels, illegal use of Indian channels, cellular network and internet', the Supreme Court ordered Pemra to take steps necessary to stop the spread of obscenity.

The court was surprised to hear from the acting chairman of Pemra that the government had no policy to monitor TV programmes, nor did it have a definition of obscenity. When he said obscenity and vulgarity were relative terms, interpreted differently by different people, the court referred him to the Pemra Ordinance and the Code of Conduct which prohibited airing of obscene or pornographic material.

The court was quite critical of the prevalence of vulgarity on TV channels and told Pemra to do its duty. It also objected to the airing of programmes against the judiciary. "The court is aware of programmes solely aimed at maligning the judiciary," the CJ observed.

The Deputy Attorney General present requested the court to also take notice of programmes that parodied politicians and party leaders. The Chief Justice observed these programmes were in good humour and people enjoyed watching them. Justice Tariq Pervez concurred.

Qazi Husain Ahmed's counsel requested the court to set up a commission to define obscenity and examine the programmes that ridiculed the judiciary. The court did not agree and gave the Pemra head time to do some research. The case remained pending.

### **Appointment of judges**

The procedure for appointment of superior courts' judges laid down in the 18<sup>th</sup> Amendment continued to pose problems. In view of the Judicial Commission's insistence that the parliamentary committee could not block or reject its nominees the provision for parliamentary oversight became practically redundant.

On two occasions the judiciary-executive tension on this subject caused wide concern. After Prime Minister Gilani had been ousted from his office the SC CJ realized the court did not have the strength to hear his appeal, as several SC judges had excused themselves from hearing the matter. The CJ indicated the need for the appointment of an additional and an ad hoc judge of the SC to meet the situation. The idea was strongly opposed by lawyers' representatives and ultimately it was dropped.

When the CJ of the Islamabad High Court was being elevated to the SC the appointment of his successor became a contested issue. The Judicial Commission recommended Justice Kasi for the position while the President thought Justice Riaz Ahmad, being senior to Justice Kasi, deserved to be promoted. He filed a reference before the SC which was heard at length. But before this reference was disposed of the SC, acting on a new petition, ordered



the appointment of Justice Kasi as CJ of the Islamabad High Court and the presidency issued the required notification.

### **Green benches formed**

A significant development during 2012 was the creation by all high courts of 'green benches' to hear cases pertaining to environmental issues.

The decision to this effect was taken on the recommendation of the 'Bhurban Declaration 2012 – A common Vision on Environment for the South Asian Judiciaries' adopted during South Asian Conference on Environmental Justice held from March 24 to 25 under the aegis of the Supreme Court.

The Chief Justice of Islamabad High Court (IHC) constituted a green single bench and a green division bench at Islamabad. All the courts of senior civil judges-cum-judicial magistrates as well as civil judges-cum-judicial magistrates at Islamabad were declared as green courts. The courts of district and sessions judges in Islamabad were declared as green courts to hear all the cases/appeals.

The CJ of the Lahore High Court (LHC) established a green single bench and a green division bench at the principal seat at Lahore and different branches. The courts of senior civil judges-cum-judicial magistrates at the headquarters and the courts of civil judges-cum-judicial magistrates at sub-divisions were declared as green courts. All courts of district and sessions judges in Punjab were given the status of green courts to hear appeals.

Similar action was taken by the Chief Justices of the Sindh, Peshawar and Balochistan high courts.

### **Dual nationality**

The Supreme Court ruled that Pakistanis holding the nationality of another country could not hold high elective offices because by acquiring citizenship of a foreign state they created a serious conflict of interest, as such persons took oath of allegiance to the foreign state after renouncing their allegiance to Pakistan.

More than a dozen members of the parliament and provincial assemblies were disqualified.

The court made it clear that its verdict did not affect Pakistani citizens' right to acquire a foreign country's nationality, a right granted by the Citizenship Act.

A long-drawn-out case concerned Interior Minister Rahman Malik. He was given notice to prove that he had renounced his British nationality. The documents submitted by him were not accepted as proof of his claim and he was disqualified from continuing as a Senator. He resigned his seat and was appointed an adviser. Later on he was re-elected as Senator from Sindh and

again sworn in as Interior Minister. Finally the documents proving his renunciation of British nationality were accepted.

### **Dual office case**

The Lahore High Court kept hearing the case in which President Zardari's right to hold two offices (the other office being that of PPP co-chairperson) throughout the year. Earlier, in May 2011, the court had directed President Asif Ali Zardari to either step down from the office of the President or resign his position as co-chairperson of PPP and stop taking part in politics. The proceedings during 2012 were in the nature of securing compliance with the 2011 directive. In June SC gave President Zardari 68 days till September 05 for compliance.

In the last quarter of the year the federation started defending the President's right to retain two offices and the court kept calling for compliance. The matter was carried over to 2013.

### **The Arsalan case**

Real estate tycoon Malik Riaz's disclosure that the Chief Justice's son, Dr Arsalan, had been receiving money and other benefits from his organization caused quite a stir. Chief Justice Iftikhar Mohammad Chaudhry took immediate notice of the matter. Declaring, as the head of a three-member bench, that the matter would be decided according to the Quran, a copy of which he had put on the table, he said no leniency would be shown to his son. Soon, however, he was persuaded not to be a judge in his son's case.



Arsalan Iftikhar: Crisis averted.

The bench decided to have the matter probed by a one-man commission, comprising Federal Tax Ombudsman Shoaib Suddle. The commission decided the matter was a civil dispute between two parties and they could approach the legal forums available to them. The CJ and the SC were not involved. He did say, however, that Malik Riaz's tax account needed to be looked into.

Eventually, the two-member bench of the SC handed over the case to the Attorney-General and directed him to proceed in accordance with the law. "It is our expectation that he (the A.G) will set the machinery of the state in motion so that all those who may have

committed any illegal acts, including Malik Riaz, his son-in-law Salman Ahmed Khan and Dr Arsalan Iftikhar, are pursued and (they are) brought to book with the full force and rigours of the law,” the court said.

Justice Khilji Arif Husain added a brief note in which he said, “Although family members of public functionaries are not performing state functions, the alleged facts of this case highlight the necessity of extreme caution and discretion in their private and public dealings and conduct.”

The court said the objective of suo motu action in this case was not to pronounce a final judgment on the guilt or innocence of the persons involved, the intention was to take cognizance of the matter so that the people’s right to have access to information about matters of public importance could be vindicated.

“The matter of public importance in this case was the aspersion cast on the independence and integrity of the superior judiciary,” the court said.

### **Kalabagh Dam**

The judiciary took a fling at the long-deferred and controversial Kalabagh Dam project when the LHC directed the federal government to implement, in letter and spirit, the decisions of the Council of Common Interests (CCI) about the construction of the dam at Kalabagh.

The direction was issued by the LHC CJ after hearing nine petitions seeking orders for the construction of the Kalabagh Dam.

The CCI had approved the construction of the dam in 1991 and in 1998 it had decided to prepare a strategy for securing finances and technical assistance for the project.

In his short order Chief Justice Umar Ata Bandial argued that the energy shortage had adversely affected the lives of citizens and violated their fundamental rights as guaranteed in Articles 9 and 25 of the constitution. The government was therefore directed that, in the performance of its duties under Article 154 of the constitution it shall take steps to implement the CCI decisions of 1991 and 1998.

### **Contempt cases**

Apart from Syed Yousaf Raza Gilani who was convicted for contempt, a number of politicians and bureaucrats were hauled up by the Supreme Court under the Contempt of Court Ordinance 2003. But the matter that became something of a cause celebre concerned former law minister Babar Awan.

He had been indicted for contempt in the last days of 2001 for mocking the SC and casting aspersions on one of its judges and his family. At the beginning he had pleaded ‘not guilty’ and argued, along with the Attorney-

General, that no contempt law was in the field. On January 17 the court suspended his licence. In April he tendered his apology to the court and the judge concerned. The bench hearing the case, however, asked him to produce defence witnesses and he repeatedly made requests for revoking the order cancelling of his licence to practise in the Supreme Court.

The case was carried over into 2013.

The list of people given notice for contempt by the SC included the MQM supremo, Altaf Husain. Addressing his supporters in the country, he had criticized the court's decision regarding delimitation of constituencies and asked the judges to apologise for their remarks. A three-member bench of the SC, headed by CJ Iftikhar Muhammad Chaudhry, examined the transcript of the MQM leader's speech, obtained from the Pemra, and observed: "Prima facie, contents of the speech of Altaf Husain are tantamount to interference with and obstruction of the process of the court by advancing threats to the honourable judges of Supreme Court and these also tend to bring the judges into hatred, ridicule and contempt."

The court ordered Altaf Husain to appear before it on January 07.

The MQM reacted sharply against the notice and described it contrary to norms of justice.

The case was not heard till the end of the year, though Altaf Husain did receive praise for showing deference to the judiciary.

### **Intelligence agencies censured**

The intelligence agencies also attracted strong strictures from the Peshawar High Court in cases of illegal detention for long periods.

Mir Mohammad Arshad told the court on April 12 that he was held by the SHO of the Hashtnagari police station on January 10, 2009 and handed over to some men in plain clothes. He was blindfolded and after being driven for more than three hours he was thrown in a basement. He was interrogated for three days only although he was kept in that basement for 38 months. According to him there were 107 people in the basement at one time and 17 were still there when he was released.

The court disposed of the petition seeking his release as he was now a free man and did not want to pursue the matter any further.

The court also heard the story of Zahidullah. According to him, he and his brother, Sufaid, had been granted bail in a case. They were taken into custody as they came out of the Mardan district jail. They were taken to the Saddar police station in Mardan where they were handed over to plainclothesmen. He was released after six and a half months but his brother was still "missing."

The division bench, headed by CJ Dost Mohammad Khan, reportedly

observed that instead of taking action directly, it would leave the matter to the ISI DG and the GHQ to constitute a high-powered team to check the activities of the ISI and other agencies in Khyber Pakhtunkhwa and the adjoining FATA. The bench was quoted in the media as saying: “this court expects the Pakistan army, which has rendered great sacrifices for this country, to step into this matter quickly to regain what they have lost due to illegal acts of agencies.”

The Supreme Court ordered the recovery of seven ‘missing’ persons who had allegedly been picked up by intelligence agencies during military operations in Malakand in 2009.

Petitioner Abdul Sattar told the court that the military personnel had picked up his son, brother and seven nephews. The unit commander had told him that one of his nephews (still free) was wanted by the military. If he was surrendered all those taken into custody would be released. Four months after his refusal to comply with this demand, they found the dead body of one of the nephews who had been picked up by the military. There was no news of his son, brother and the nephews, the petitioner said.

### **Shahzad Commission**

The commission of inquiry set up to probe the murder of journalist Saleem Shahzad recommended that the intelligence agencies should be made more accountable. Saleem Shahzad, an Islamabad-based journalist, was known for his reports on the Taliban and Al-Qaeda affairs and also on the intelligence agencies’ role in actions against them. He disappeared on May 29, 2011 and his dead body was found in a canal about 130 km away from the capital. The commission, headed by Justice Saqib Nisar of the Supreme Court, did not identify any person or organization for the journalist’s murder and said: “Salim’s writings probably did and certainly could have drawn the ire of various belligerents in the war on terror, which included the Pakistan state and non-state actors, such as the Taliban and Al-Qaeda, and foreign actors. Any one of them could have had the motive to commit the crime, as clearly he was also in close contact with them.”

### **Purdah petition**

The LHC dismissed as non-admissible a petition to declare veil for women appearing on TV compulsory, Quran as Pakistan’s constitution and all courts as federal shariat courts.

The LHC CJ dismissed the petition against Pemra seeking an order to the effect that all women appearing on the TV must compulsorily wear the veil. The petitioner, an advocate, had argued that women appearing on TV without veil were spreading obscenity. The registrar’s office had put an objection that the LHC was not the proper forum for the matter. The CJ upheld the objection

and observed that the matter was related to Islamic laws and the petitioner should approach the Federal Shariat Court.

### **Woman's choice**

One Yusuf Ali sought a LHC directive to a Dar-ul-Aman administration to enable him to meet his daughter who had taken refuge at the Darul Aman and was refusing to see her. The court rejected the plea because grown-up people had a right to stay wherever they liked. However, before passing his order Justice Mohammad Khalid Mahmood Khan observed that he knew the law was being abused but he was bound by it.

### **Child custody**

The Additional District and Sessions Judge at Umer Kot (Sindh) allowed four children of a couple who had converted from Hinduism to Islam to live with their Hindu grand-parents. These children – Sahibi (12), Narain (10) Premi (7) and Sarwan (5) – were living with their grandparents since their parents' conversion to Islam. Their mother, now named Rukhsana, had filed a plea in the court of the DSJ for a direction to their grandparents to let them live with their parents. When the children were produced in the ADSJ's court by the Kunri police they complained that the police had tortured them.

### **Women Qazis in Malakand**

A report that came as a pleasant surprise to rights circles, especially those working for women's uplift, was related to the appointment of women as judicial officers in areas where extremists had established their hold not long ago. In April, senior civil judges Hina Khan was posted at Swat, Zainab Rahman at Batkhela, and Hajira Rehman at Lower Dir.

### **Firm in failing**

In the 29<sup>th</sup> examination for civil judges in Punjab, held by the Lahore High Court in March 2012, no less than 86 candidates out of 230 failed and 25 of those who passed the test did so after receiving grace marks. Success in this examination is a condition for civil judges' confirmation in their jobs and each officer gets four chances to get through. Two civil judges failed for the fourth time, six of them for the third time and 75 for the second time.

### **NJPC**

The two-day meeting of the National Judicial Policy Committee (March 30-31) expressed satisfaction over the functioning of the district judiciary in all the four provinces.

Since the enforcement of the new judicial policy 90 per cent of the old

cases had been decided. A statement issued after the meeting noted that in a number of sessions' divisions no old case was pending. These divisions included Chakwal, Layyah, Toba Tek Singh, Mianwali, Jhelum, Kashmore, Tharparkar, Mithi, and some other divisions.

The district judiciary in Balochistan was said to have done particularly well. "It is currently poised to decide any civil or criminal case within a period of six to eight months from the date of its institution," the report said.

The committee examined the factors that hindered the dispensation of justice, such as non-submission of challans, non-production of under-trials and delays in investigation. It was decided that registrars, members of inspection teams, home secretaries, IGs Prison, and directors of reclamation and probation should meet regularly to monitor and improve the working of their units.

Taking note of the deplorable state of prisons – over-crowding and poor conditions of living – the committee asked the government to expedite the construction of new jails.

The committee asked the provincial governments to computerize their revenue records as a way to reducing malpractices. It also decided that sessions judges and jail authorities should solve the problem of non-production of under-trials in courts.

The committee also called for the establishment of forensic science laboratories in Balochistan and of an independent service for Islamabad.

At its subsequent meeting (April 27-28) the NJ PMC decided that the federal and provincial governments shall make financial allocations in the forthcoming budgets for increase in the strength of judges and the attached staff. The committee also decided that the number of judges of the district judiciary should also be increased.

## **Cases on religious grounds (2012)**

### ***Against Muslim citizens***

Twenty-three cases against 27 Muslims, two of them women, were registered in 2012 for offences relating to religion. Eight of them were charged under the blasphemy provision – 295-C of the PPC – and the rest under other sections. Fifteen of the 26 cases, in which the address of the accused was available, were from Punjab, five from Sindh, and one each from Islamabad and Khyber-Pakhtunkhwa.

Two of the accused were burnt to death, one in Punjab and the other one in Sindh.

As regards the cases initiated before 2012, one accused was acquitted, another was sentenced to death, two were awarded life imprisonment, and

one was given imprisonment for 25 years.

### Sentences and acquittals

Sr	Name/s	U/S. PPC	Distt/ City/	Charges	Arrest/ Jail	Remarks
1	M. Amin	295/B	Lahore	Burnt the copy of Quran in his home	Arrested	25-year Imprisonment 19 Jan 2012
2	Nasim Ahmed	295/B	Muzafargarh			Life Imprisonment March 2012
3	Shah Jahan	295/C	Kasur		Arrested Sentenced	Life Imprisonment March 2012
4	Ali Shah	295-C 295-B	Chitral	Insulted the Prophet (PBUH) and insulted the Quran during a quarrel	Arrested	Death penalty on 15-11-12
5	Syed Ishaq Hussain Shah		Cheecha Watni			Acquitted
6	Munawar Hussain	295/B	Lahore			

### Fresh cases

Sr	Name/s	Distt/City/	U/S PPC	Charges	Remarks
1	Sheikh Asif	Lodhran	295/C	Claimed to be a prophet	Arrested
2	A Shakoor Liaquat	Lahore	295/C	Recited Kalima improperly	Arrested
3	Abid Hussain M Husain Tasawar Hussain Asghar Abbas Mirza Hussain	Kotri		Wrote derogatory remarks about a companion of the Prophet (PBUH)	Arrested



Sr	Name/s	Distt/City/	U/S PPC	Charges	Remarks
4	Mujahid Ali	Karachi	298/A Sec 24 The Tele-graph Act		Arrested
5	Iftikhar Ali	Okara		Used foul language against 3 caliphs of Islam	Arrested
6	A Ghafoor	Taunsa Sharif			Arrested
7		T.T Singh	295/B	Burnt the Quran inside a mosque	One suspect arrested
8	Shahab ud din	Okara	295/B	Desecrated the Quran	
9	Saleem	Karachi	295/B	Desecrated the Quran	Arrested Mob tried to lynch the accused in the PS
10	Unidentified person	Bahawalpur Chani Goth	295/B	Burnt a copy of the Holy Quran	Arrested Mentally challenged. Mob burnt to death the suspect
11	Faryad	Faisalabad			
12			295/C	Uttered blasphemy against Prophet (PBUH)	Arrested
13	Shamashan Bibi	Lahore Hinjar wal	295/B	Insulted the Holy Quran	Arrested
14	Shafique	Lahore Misri shah	295/B	Insulted the Holy Quran	Arrested
15	Arshad	T.T Singh Gojra	295/B	Desecrated the Holy Quran	Arrested
16	Zubair	D.G Khan	295/B	Burnt the pages of the Holy Quran	Arrested

Sr	Name/s	Distt/City/	U/S PPC	Charges	Remarks
17	Haji Nasarullah	Hyderabad	295/C	Blasphemous remarks about the Prophet (PBUH)	Arrested Bail cancelled
18	Naseer	Muzaffargarh	295/C	Derogatory remarks about the Prophet (PBUH)	Arrested
19	Arifa (Teacher at private school)	Lahore	295/C		Blasphemous material in examination question paper
20	Shahadat Ali	Sargodha		Sent foul message	Jailed 3 years imprisonment
21	Dr Ofjar Sheikh	Islamabad	295/C	Wrote a blasphemous book	Arrested Dual national Pakistani and American
22	Unidentified person	Dadu	295/B	Burnt a copy of the Quran	Arrested The mob lynched the accused and his dead body was set on fire
23	Ghalib	Haripur	295/C	Derogatory remarks against the Prophet (PBUH)	Arrested

### *Against Christians*

An important case related to religion decided in 2012 involved a 14 year-old Christian girl, Rimsha, who had been arrested on the charge of desecrating (by burning) the Holy Quran. The case was filed on a complaint by the prayer-leader of a mosque near the katchi abadi where Rimsha's family and many other Christian families were living.

The case took an unusual turn when a Muslim came forward and accused

the complainant *imam* of doing what he had accused Rimsha of.

Justice Iqbal Hameedur Rahman, of the Islamabad High Court, ordered quashment of the FIR against Rimsha. The court observed that the charge levelled against her was a sensitive matter and therefore due care should be taken before anyone was accused of such offences. Rimsha's lawyer said she had been acquitted because nobody had seen her burning the pages of the Holy Quran.

Also acquitted during the year was a Christian couple, Munir Masih and his wife Ruqayya Bibi, belonging to Kasur (Punjab). They had been charged with desecrating the Holy Quran (Sec 295-B) in 2008. The trial court awarded them imprisonment for life in 2010. The Lahore High Court acquitted them in May 2012.

During the year, seven fresh cases on religious grounds excluding the Rimsha case were registered against as many members of the Christian community – three of them under Sec 295-C. Six of these cases were registered in Punjab and one in Sindh (Karachi).

Sr.	Name/s	Dist./City	U/S. PPC	Charge	Remarks
1	Sajjad Masih	T.T Singh/ Gojra	295/C,295/B, 25/D of Telegraph Act	Sent blasphemous messages	Arrested Case registered under court order(ASJ)
2	Ryan Stantan (17 Years)	Karachi	295-C 25 of the Telegraph Act	Sent blasphemous SMS about Prophet (PBUH)	Not Arrested
3	Ramzan Masih	Sukheke	295/C	Insulted the Prophet (PBUH)	Not Arrested
4	Mst Shamim	Bahawalnagar		Spoke against the Holy Prophet (PBUH)	Arrested
5	Iftikhar	Okara/ Hujra Shah Muqem	295-B	Desecrated the Quran	Arrested
6	Latif	Burewala	295/B	Burnt the Quran	Arrested
7	Shahbaz	Lahore/ Misri shah	295/B	Insulted the Quran	Arrested
8	Tahir	Sialkot/ Daska	295/B	Desecrated the Quran	Arrested

### Acquittals

Sr.	Name/s	Dist./City	U/S. PPC	Charge	Remarks
1.	Ruqqaya Bibi Munnir Mashi (Husband and wife)	Kasur	295-B	Desecrated the Quran	Arrested Life Imprisonment in year 2010 Acquitted by the LHC on 17-5-2012
2.	Rimsha (14 Year)	Islamabad	295/B	Burnt pages of the Quran	Arrested I.H.C quashed the case on 20,11,2012

### Against Ahmedis

Five new cases on religious grounds were registered against members of the Ahmediya community during 2012, all of them under sec 298-C of the PPC except one under 295-A and all of them in Punjab.

S #	Name	Under Section	District / Police Station	Status
1.	Mrs Tahira Siddiqui	295-B, PPC	RYK/Khanpur	Not arrested
2.	Ms. Tasneem Kausar	298-C, 295-A, PPC	Civil Line/Lahore	
3.	Ch. Mansoor Ahmad	298-C, PPC	Mankera / Bhakar	Arrested
4.	M. Ahraf	298-C, PPC	Sargodha / Silanwali	Arrested
5.	Hassan Mamoon & Family	298-C	Allama Iqal Town, Lahore	Two arrested

### Capital Punishment

The government maintained its informal moratorium on execution of capital punishment throughout the year except for the hanging in November of one Mohammad Hussain, a former army man who had been awarded death sentence by a court martial for murdering an army officer. Obviously the government had no power to prevent the execution of a court martial convict.

During the year, 242 people (only one woman among them) were awarded death sentence in 169 cases, showing a continuing decline in such convictions – 32% less than the 2010 figure of 356 and 22.7% less than the 2011 figure of 313.

The charges in these 169 cases were. Murder-130; kidnapping/murder-



The civil society continued its campaign for abolition of death penalty.

10; robbery-murder-8; kidnapping for ransom-8; acid attacks-3; blasphemy-2; drug smuggling-2; gangrape-1, rape/murder-1; NA-4.

Only 33 of the 169 cases were decided by anti-terrorism courts, most of the other cases were disposed of by the sessions courts.

### ***Recommendations***

1. *The need to avoid excessive emphasis on speedy, or instant, disposal of cases was again evident in 2012 as lawyers belonging to various groups protested at infringement of due process in the courts' rush to meet deadlines for clearance of arrears.*

2. *The number of cases taken up suo motu by the Supreme Court, their frequency and the great variety of issues covered by them, again underscored the neglect of normal cases and the need for laying down clear principles and priorities in the use of suo motu powers.*

3. *The controversies over the procedure for appointment of judges of superior courts, especially the reservations forcefully expressed by the Bar councils and associations, could undermine dispensation of justice and public trust in the judiciary. Raising the edifice of the judiciary's independence on the debris of the two other pillars of state can be counter-productive.*

4. *While the benefits of judicial activism, in terms of relief to citizens and institutions in many cases and a check on the executive's deviations from the constitution and the law, cannot be denied, its adverse effects on the system of separation of powers and the judiciary's ability to discharge its primary functions make out a strong case for rethinking on priorities.*

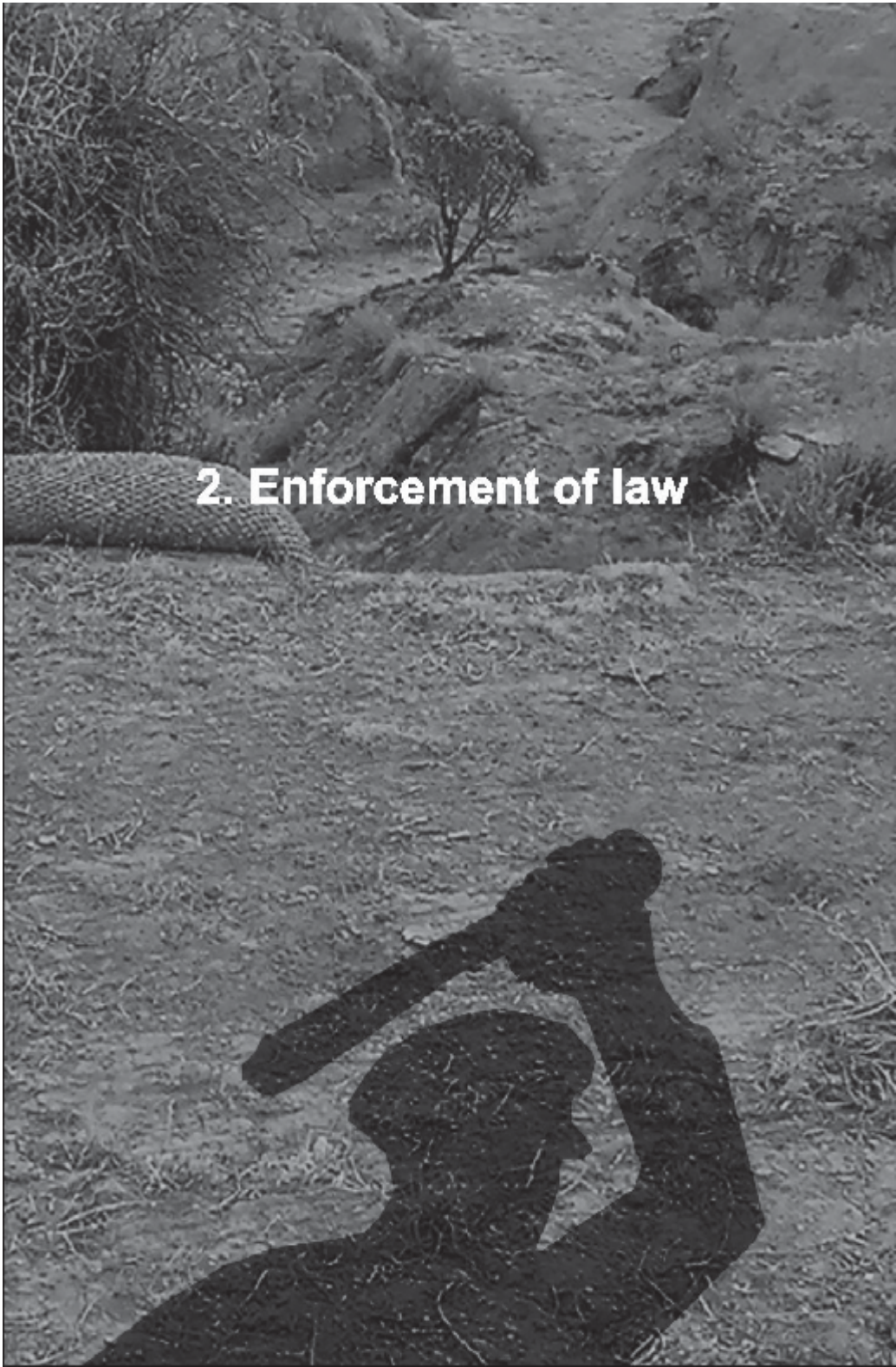
5. *The law of contempt is an essential tool for protecting and preserving*

*the majesty of the law but no judiciary can retain public trust and respect on the strength of the law of contempt alone. The more sparingly it is used the more effective this law will be.*

*6. While reiterating its demand that the blasphemy-related provisions of the law should be rescinded, HRCP believes the urgency of making changes in the procedure in blasphemy cases is manifest. The first trial on a blasphemy charge should be by a high court and no case should be registered without investigation by a senior police officer and endorsement by a high prosecution authority.*

*7. There appears to be a great need to reinforce the principle that the judges speak only through their judgments.*





**2. Enforcement of law**





# Law and order

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

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

## **Constitution of Pakistan**

Article 10(1) and (2)

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

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

Article 14(1) and (2)

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

## **Universal Declaration of Human Rights**

Article 3

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

Article 5

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

Article 11 (1)

*No one shall be subjected to arbitrary interference with his privacy, family,*

*home or correspondence, nor to attacks upon his honour or reputation. Everyone has the right to the protection of the law against such interference or attacks.*

#### Article 12

The year 2012 saw the law and order situation in Pakistan deteriorate even further. The number of target killings in Karachi saw a stark increase as compared to last year, which itself was very high. It became increasingly clear that the writ of the state was withering away in the largest, most metropolitan city in Pakistan. The state failed to provide protection to its religious and ethnic minorities as they were threatened and attacked repeatedly in various parts of the country. Shia killings increased manifold, especially in Quetta where the Hazara Shia community remained vulnerable. The year also saw the targeting of high profile politicians and human rights activists which spoke volumes about the state's inability to provide protection to its citizens.

The entire country was plagued with pockets of areas where terrorists and criminals out rightly made a mockery of the writ of the state. Sectarian violence at the hands of banned outfits continued unabated in Balochistan while different criminal elements targeted rival groups with impunity in Karachi. The intelligence agencies, though severely criticised by international human rights organisations, continued their kill and dump operations.

Even though crime rates in Punjab and the number of terror attacks in the country declined in 2012, the country was far from a safe haven for all its citizens. The Lashkar-e-Jhangvi, the militant group linked to Al Qaeda, was able to murder the warden of Central Jail Mach in May by claiming that he treated their imprisoned leaders harshly.

### **Extrajudicial killings**

As it became increasingly clear that the executive machinery was incapable



Security alert: Policemen outside US consulate in Islamabad.

of capturing and prosecuting terrorists and criminals, criminal elements in society got a free hand to practise violence without fear of reprisal. Not only were non-state actors, like the Taliban and other politically motivated militant groups, involved in taking the law into their own hands, even state agents failed to try and prosecute suspected terrorists through proper judicial process.

According to media monitoring by HRCP, 350 police encounters were reported from across the country in 2012 in which 403 suspects were killed. This was a perceptible rise from the 2011 figures that HRCP had monitored: 254 police encounters leading to the killing of 337 suspects.

In 2012, as many as 26 suspects were also injured and 79 arrested in the encounters. Forty-one policemen were killed in these encounters and another 65 injured.

In 282 of the total 350 incidents, in which a policeman was neither killed nor injured, 385 suspects were killed, 20 injured and 70 arrested. Only nine people were arrested in incidents where a policeman was killed or injured. That appeared to suggest that if a policeman was killed or injured the chances of anyone being captured alive were slim. As per media reports, inquiries into the encounters were ordered in only 19 cases. 256 of these encounters were reported from Punjab, 75 from Sindh, 16 from Khyber Pakhtunkhwa, three from Balochistan and one from Islamabad. Lahore (74 encounters), Karachi (60) in Karachi and Faisalabad (24) seemed to lead in the incidence of police encounters. Drone attacks are also a matter of special significance due to the fact that they are carried out by another sovereign state with the complicity of the Pakistani government. Without any questionable doubt, drone attacks are a



Confronting police on a 'Day of Love for the Prophet (PBUH).'

clear cut act of extra judicial killings perpetrated by actors of a foreign state. The number of drone attacks has declined recently but the fact remains that a certain complicity and silence surrounds this grave issue. Media reports put the number of drone attacks in 2012 at 48 compared to 74 in 2011. The total number of casualties as a result of these attacks varied. Conservative estimates put the number around 240 while some estimates went as high as 400. According to statistics published by The Bureau of Investigative Journalism, the number of injured were reported to be 115-172. Women and children were also amongst those killed in these drone strikes.

### **Terrorist attacks**

According to Pak Institute for Peace Studies (PIPS), an independent think-tank in Pakistan, militant, nationalist insurgent and violent sectarian groups carried out a total of 1,577 terrorist attacks across Pakistan in 2012, claiming the lives of 2,050 people and causing injuries to another 3,822. Over 61 percent of these attacks were carried out by the so-called religiously motivated militant groups, mainly the Tehrik-i-Taliban Pakistan (TTP), which caused the killing of 1,076 people and injuries to another 2,227. The Baloch and Sindhi nationalist insurgents carried out 404 attacks, killing 437 people and injuring 823 others.

More than 14 schools were bombed in Peshawar and FATA by terrorists. The bombed schools included one middle school, 4 boys' schools, 3 girls' schools and six primary schools. As per a communiqué by Khyber Pakhtunkhwa Police, 12 networks of terrorists were busted, 459 militants were rounded up and 52 others were killed during 2012.

Meanwhile, 202 sectarian-related terrorist attacks, perpetrated by banned sectarian groups, the TTP and groups affiliated with it claimed the lives of 537 people and caused injuries to 772 people. 531 people, mainly Shias, were killed



Blast in Kohat: Terrorists attacks persisted in cities across northwest Pakistan.

in sectarian violence across the country. Lashkar-e-Jhangvi (LeJ), a banned organisation, claimed responsibility for most of the attacks against the Shia community. More than 100 Shia Hazaras were killed in Balochistan alone.

Bashir Ahmed Bilour, senior minister of Khyber Pakhtunkhwa, was tragically killed along with eight other people when a suicide bomber struck at a political meeting in Peshawar on December 22. TTP claimed responsibility for the attack. The killing of the 69-year-old politician who was an outspoken critic of the TTP, took place in a city on the frontline of the country's fight against home-grown militancy. It was the third time that Bilour had been targeted by terrorists and he was known to be on top of their hit list. Yet, he never wavered in his resolve that terrorists, especially the TTP, could not and should not be negotiated with, and that the way the country could be rid of them was through the use of force. Bilour's loss was mourned by the entire nation

### Threats to NGOs and HRDs

Human rights work remained a hazardous undertaking in Pakistan in 2012, as demonstrated by threats to the life of former HRCP chairperson that came to light in June.

The province of Khyber Pukhtoonkhwa was especially dangerous for human rights defenders and NGO workers. In May, an influential religious cleric in Kohistan, Maulvi Abdul Haleem, was reported to have warned female NGO workers from entering the district, as a consequence of which they shall be forcibly married to local men. Needless to say, no action was taken against the cleric for such overt threats and bigoted comments. Such incidents and the subsequent silence by authorities made the environment in KP and FATA extremely



Tears for slain polio workers.

vulnerable for women NGO workers.

The threats, however, were not limited to remote tribal areas. A 70-year-old Swedish charity worker, Bargeeta Almby, was shot in Lahore by unidentified men. She succumbed to her injuries a few days later. Mrs Almby was the managing director of the social wing of an NGO called Full Gospel Assemblies of Pakistan (FGA Church). Many anti-polio campaign workers received threats while some were killed in a series of attacks. In December, gunmen shot dead nine anti-polio health workers in a string of attacks across the country in 3 days.

Khalil Dale, a 60-year-old English aid worker of the Red Cross was kidnapped from Quetta in January. His body was found in April when demands for ransom were not met. [*See also the chapter 'Freedom of Association'*]

The year 2012 saw Malala Yousafzai, a young girl from the town of Mingora in Swat, being attacked by the TTP for advocating girls' education in Pakistan. On October 9, Malala was shot in the head and neck by Taliban gunmen as she returned home on a school bus. On October 12, a group of 50 clerics issued a fatwa against those who tried to kill her but the TTP reiterated its intent to kill Yousafzai and her father, Ziauddin. Despite the tremendous international and local attention given to the incident, the authorities failed to capture the suspects involved in her shooting. Soon after the incident, the attacker was identified as Ataullah Khan but till the end of 2012, the police failed to locate or arrest him. In December 2011, six employees of the Balochistan Rural Support Programme (BRSP) had been abducted from Pishin district. The kidnappers had immediately killed the driver and shifted the rest to Waziristan. In 2012, repeated calls were made to their families and organisation for ransom, which could not be arranged. Consequently, in late May, another employee was killed by the captors. After eight months of captivity, the ransom amount for the remaining four was allegedly arranged and they were freed in early August. It is believed that the state failed to intervene and the ransom amount was collected by the relatives of the kidnapped employees by setting up a camp to collect donations.

### **Balochistan**

Balochistan has been considered the most volatile region in the country for some time now and the situation has aggravated in recent years due to the rise of violent sectarian groups. As a result, the province has become a melting pot where different violent groups battle it out for supremacy and intelligence agencies of the state continue torturing and killing civilians, each motivated by its own agenda. A few years ago, all forms of terrorist violence were attributed to the nationalists in Balochistan. Recently, however, sectarian groups have found a safe haven in the already troubled province and are targeting specific ethnicities. According to media reports, 758 members of the Shia community have been killed from 2008 till 2012; of these, 338 belonged to the Hazara





Iran-bound pilgrims were repeatedly targeted in Balochistan.

community. [See the chapter 'Freedom of Thought, Conscience and Religion']

Mutilated bodies of suspected nationalists and terrorists continue to surface in Balochistan. Official reports said that 125 mutilated bodies were recovered till October 31, 2012 while unofficial stats were much higher than the official figures. The issue of missing persons in Balochistan, believed to be in the custody of security establishment's intelligence agencies, was taken up by the Supreme Court in the year under review. [See the chapter 'Jails, Prisoners and Disappearances']

The general law and order situation in Balochistan was also far from secure as 8,201 crimes were reported in 2012. The main highways leading to Balochistan were termed unsafe, especially for night travel. The local business community was adversely affected since delivery of raw materials or products was rarely timely. A total of 261 people were murdered while 210 attempted murders were recorded in 2012 in Balochistan.

### **Karachi violence**

The law and order situation in Pakistan's most populous city continued to deteriorate as numerous targeted operations took place but the killings failed to stop. Nearly 28,104 targeted operations were carried out but they were



Karachi: Scenes from a war zone.

successful in killing only 92 criminals. According to HRCP, at least 2,284 people died in ethnic, sectarian and politically-linked violence in Karachi in 2012, as compared to 1,715 deaths in 2011. According to some media reports, the number varied between 2,095 and 2,370.

The police officials in Karachi have been blamed for either refusing to take part in curtailing the violence or for being incapable of doing so. Numerous research and media reports claim that the police have been found to be dormant in majority of cases of targeted killings. However, the violence in Karachi affected the policemen as much as anyone else. According to media monitoring by HRCP, 133 policemen and 12 paramilitary force personnel were killed in Karachi in 2012.

Media reports highlighted that on average at least six people were being killed each day in Karachi alone.

Political affiliations of victims were suspected to be the cause of their targeting. No political parties were spared though; round 61 of the dead belonged to Muttahida Qaumi Movement (MQM), 18 to Pakistan People's Party (PPP), 19 to Awami National Party (ANP), 13 to Mohajir Qaumi Movement-Haqiqi (MQM-H) and eight to Sunni Tehreek (ST). The last three months of the year saw a peak in sectarian killings as well, most of the victims being professionals from the Shia sect.

In April, the Sindh Police launched an operation against criminal gangs in Lyari, Karachi. However, the operation had to be called off when the authorities realised that the police were outgunned and serious losses were suffered by law enforcers, including the killing of a soldier and the burning of an APC.



Many parts of Karachi continued to remain no-go areas for residents of different ethnicity.

Karachi city, with an estimated population of 18 million, lost billions of rupees in revenue due to an increase in acts of crime – 33,417 in 2012 as compared to 30,547 in 2011.

### **Kidnappings**

According to Red24, an international risk management company, Pakistan is listed at number 5 where the threat of being kidnapped for ransom is the greatest. Official statistics reveal that more than 15,000 kidnappings a year take place here, and the true number is likely to be higher due to underreporting, according to Red24. It adds that only 10 to 20% of abductions are for ransom. In Balochistan, kidnapping/abduction cases reported in 2012 were 112, as compared to 58 in 2011. While kidnapping for ransom cases reported were 58, as compared to 32 in 2011. In Punjab, 134 incidents of kidnapping for ransom were reported, as compared to 215 in 2011. In Karachi, 117 cases of kidnapping were reported, as compared to 100 in 2011 while the unreported number remained much higher. In the Federally Administrated Tribal Areas (FATA), as many as 25 cases of kidnapping were reported.

### **Violence against women**

The women in the country were dually affected by rising extremism and poverty. In 2012, 626 women committed suicide, a figure which offers a glimpse into the utter helplessness felt by women. Even though numerous



Families demand return of abducted relatives.

legislations were presented and passed in order to provide women with safe working environments, it was still estimated by the federal ombudswoman for protection of women against harassment at the workplace that 60% women still faced harassment.

Harmful traditions continued to target women, hampering their growth and curtailing their basic human rights. According to media monitoring by HRCP, 913 girls and women were killed in the name of honour in 2012; this figure includes 99 minor girls. In majority of the cases, the girls were accused of illicit relations and then murdered by close relatives or family. As long as the law provides the victim's family with the option of pardon and compensation, the crime of honour killing shall continue unabated.

According to media reports, 83 incidents of acid throwing were reported in 2012.

### ***Recommendations***

1. *This year recorded the highest number of target killings in Karachi, a city that is the economic hub of Pakistan. It is important that all political parties should stop aiding and abetting criminals in the city. If a criminal has any party affiliation, he should not be dealt with kid-gloves. Kidnappings for ransom are increasing day by day. Late Governor Punjab Salmaan Taseer's son, Shahbaz Taseer, is still missing. It is important that the law and order situation be improved across the country so that militant groups are not allowed to finance their terrorist activities through kidnapping.*

2. *NGOs, aid workers, health workers, etc., are all under grave threat. The government must ask its intelligence agencies to be more vigilant and also provide security to anti-polio workers.*

3. *The hydra of sectarianism is threatening the basic fibre of Pakistani society. Pakistan needs a good witness protection programme as well as ensuring the security of policemen, prosecutors and judges so that they are not coerced into freeing those responsible for these massacres.*

# 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

The three areas of focus for this chapter—the state of the nation's prisons,

the death penalty and enforced disappearances—experienced aggravation in one or more respect in 2012. The conditions of detention facilities across the country remained as abysmal as ever and no attempt of any consequence was made to make prisons more than mere cages for individuals who end up there. The problem of overcrowding was as acute as ever; an overwhelming majority of prisoners was behind bars without a court adjudicating on their case. And then there were the usual prison practices where entitlement were at the whim of prison staff and were not allowed without bribe. Detainees’ meetings and communication with their families remained an ordeal. Conjugal visits remained a pipe dream. There was no question that many of these problems could instantly become challenging if only the individuals who genuinely posed a threat to society were kept in jails. Things were as bad as they were because alternatives to imprisonment were not considered and because of the inclination to keep people locked up even before their trials were to start and not releasing those who remained behind bars because they could not even afford to pay the most nominal of fines. Little attention was paid to making the prisoners useful members of society upon their release.

After honouring an informal moratorium on the death penalty for nearly four years, Pakistan executed a man convicted of murder in November, raising concerns that a change of government in the 2013 elections might resume executions in large numbers to reduce the death row population from the roughly 8,000, one of the largest concentrations of death penalty convicted anywhere in the world.

The scale of enforced disappearances and the number of cases that HRCP was able to verify were not too different from 2011. While the Commission received reports of 87 persons going missing across Pakistan, 72 were either traced or released. The bodies of at least 72 people who were reported to have



Family meetings were an ordeal for the prisoner and the family.

gone missing were found in deserted places, all in Balochistan.

A petition in the Supreme Court on behalf of the missing persons that HRCP had filed in 2007 did not get the attention of the court in 2012 as no substantial hearing was held. Dead bodies of the disappeared continued to be found in Balochistan. In September, the UN Working Group on Enforced or Involuntary Disappearances arrived in Pakistan for a 10-day official visit and at the conclusion of its mission released its preliminary report and recommendations. The group's detailed report was to be discussed at the UN Human Rights Council in early 2013. In the preliminary report, the working group also mentioned that some of the persons they had met had alleged to have been threatened or intimidated.

### **State of prisoners**

Pakistan's prisons continued to be characterised by overcrowding, a very high proportion of detainees being held in captivity often even before their trial had commenced, and reports of corruption to secure even basic needs. The common complaints remained the behaviour of prison staff, quality of food and water given to detainees, sanitation and lack of access to adequate healthcare. Besides detention in cramped conditions, family visits remained an ordeal. Little attention was paid to arranging recreational and positive activities for the detainees. The long-promised conjugal visits for the prisoners did not materialise.

During the year under review, the Punjab government's development budget for the Prisons Department was reduced from Rs 802 million to Rs 504 million.

The Khyber Pakhtunkhwa government announced in January that work had begun to establish high security prisons within the existing jails of Peshawar and Haripur. The decision was taken in view of a need to separate prisoners termed as terrorists to ensure greater security and to minimize chances of recruitment for banned organizations. In March, hundreds of attackers blew up the gates of Central Prison in Bannu and succeeded in releasing 384 prisoners, including one who had been on death row for trying to assassinate former president Pervez Musharraf. The Taliban claimed responsibility for the attack. Some 100 prisoners returned to the jail voluntarily. Sixty-seven others were captured in subsequent operations.

According to media reports citing prison officials, 4,000 cell phones, SIMs, re-chargeable radios and transmitters had been recovered during surprise raids in various central and district jails of Punjab between January and October 2012. Around 70 officials, including a jail superintendent, a deputy superintendent and three assistant superintendents, had been penalised in this connection.

In November, the first call office for detainees was set up in Gujranwala Central Jail and a cell phone jamming device installed in Rawalpindi's Adiyala Jail in order to prevent unauthorised telephonic communication of prisoners. Each prisoner was to have 15 minutes to make calls to a maximum of five

landline numbers twice a week. Gujranwala jail had been picked for the pilot phase and the facility could be extended to other central jails later. It was stated that if the jamming device proved effective, the company installing it would be asked to install such devices in other prisons. The new jamming device would cover the entire jail area, unlike devices installed at Kot Lakhpat Central Jail in Lahore in 2010 that only covered high security barracks.

### **Overcrowded prisons and under-trial prisoners**

According to statistics provided by prison authorities, every province / region, with the exception of Gilgit Baltistan, prisons held detainees in excess of authorized capacity at the end of 2012. In Punjab there were 49,889 prisoners while the authorized capacity was 21,527. In Sindh they numbered 14,119 against the sanctioned capacity of 11,937. In Khyber Pakhtunkhwa the capacity was 7,996 and the prisons housed 8,113 detainees, in Balochistan prisons held 2,483 prisoners against the capacity for 2,473. In Gilgit Baltistan, the prisons held 260 and had the capacity to hold 645.

In all but two of the 32 prisons in Punjab, the number of detainees at a jail was more than the authorized detention capacity. In seven of these jails the number was more than 200 percent higher than the sanctioned capacity. In 11 detention facilities, the number was more than 100 percent over the authorized accommodation. At District Jail Multan, it was nearly 350 percent higher, with 959 prisoners against the authorized capacity of 228. An overwhelming majority of the prisoners was not even convicted of a crime yet. As many as 32,108 detainees in Punjab (out of the total 49,889) were classified as under-trial, which meant that they were detained during or pending trial.

The situation was not very different in other province either, with the



One of the more presentable barracks in a Pakistani prison.



exception of Balochistan where the convicted prisoners constituted a majority of the prison population. There were 1,335 convicted, and 948 under-trial prisoners among the total 2,454 detainees in Balochistan. In the 22 prisons in Khyber Pakhtunkhwa, the total number of prisoners was 8,113, out of which 4,768 were under-trial.

In Sindh, as in Punjab, the majority of the 14,199 detainees was under-trial (11,299). In Khyber Pakhtunkhwa, 4,870 detainees out of the total 7,996 were under-trial. In Balochistan, 1,129 detainees were under-trial and 1,354 convicted.

There were a total of 75,444 detainees in Pakistan's prisons altogether against the authorized capacity of 44,578. If the prison and criminal justice systems found it in their heart to not incarcerate the 49,582 under-trials, or as imprison as few of them as possible, the problem of overcrowding in the country's prisons would disappear overnight.

### **Health and related concerns**

For a country that prefers to put in jail individuals at the slightest excuse and likes to keep them there, it is not surprising that provision of healthcare facilities for the prisoners is mediocre at best.

In 2012 also, the detainees' access to doctors and medicines remained difficult. Most prisons lacked qualified doctors and usually medical assistants attended to the detainees' health needs. Those in need of further care were referred to hospitals. The number of fatalities among detainees on account of healthcare issues suggested that the referral was not always made in time. At least 20 prisoners died in 2012 because of health-related issues in jails or after being referred to hospitals. Circumstances in many of the referral cases suggested that the decision to send a prisoner to a proper hospital was delayed so much that the chances of his surviving were not very bright. Women prisoners all over the country in particular lacked access to qualified women doctors. In prisons across the country, the mental wellbeing of prisoners remained a neglected area.

Some prisons arranged healthcare awareness raising activities for their prisoners. In September, around 2,500 detainees at Central Jail Sahiwal attended a seminar on dengue prevention.

In 2012, the Punjab TB Control Programme Director stated that tuberculosis spreads 29 percent faster in jails due to overcrowding.

At Kot Lakhpat Jail, Lahore, children under the age of four who were detained along with their mothers were not administered polio vaccine. In December, two children at the prison were diagnosed with polio.

Early in 2012, the Peshawar High Court (PHC) took suo motu notice of the use of substandard and spurious medicines in jails in Khyber Pakhtunkhwa.

***Women and juvenile prisoners in Pakistan***

Region / province	Women	Juveniles	Total jail population
Balochistan	29	46	2,483
Gilgit Baltistan	2	10	260
Khyber Pakhtunkhwa	146	194	8,113
Punjab	791	779	49,889
Sindh	131	260	14,199
Total	1,099	1,289	74,944

The inspector general of prisons informed the court that jails in Khyber Pakhtunkhwa did not have access to proper medication for the past six months and lacked facilities to administer screening for various fatal illnesses.

The incidence of water-borne disease among the prison population has raised question mark over the quality of drinking water provided to them.

The Punjab prisons chief announced in January that all prisons in the province would get water treatment plants. The first filtration plant was installed at Lahore's Camp Jail in February, making 5,000 gallons of clean water available daily. He said that all the prisons in the province would get the facility in March. Although the deadline was not met, installation of the treatment plants in various prisons was reported throughout the year.

In November, 360 new toilets and bathrooms were constructed at the district jail in Faisalabad.

### **Juvenile prisoners**

The problems for juvenile prisoners were among the greatest for any group of detainees across the country. There were a total of 1,289 juvenile prisoners in jails across the country. The overwhelming majority of them was under trial.

Out of the 779 juvenile prisoners in Punjab 668 were under trial. Of the 260 in Sindh 235 were under trial. In 2012 also, no juvenile court was established or regular provision of free legal assistance to juveniles involved in criminal litigation ensured in violation of provisions of the Juvenile Justice System Ordinance (JJSO) 2000. That was believed to be a contributory factor to the high ratio of under-trial juveniles in prisons. *[See also the chapter 'Children']*

### **Prison visits**

In 2012, media reports highlighted a number of prison visits by judges. The visits not only enabled the judicial officers to determine the conditions of detention but also to determine cases where detainees were essentially detained



only because they lacked the means to pay the amount of money they had been ordered to pay as fine. At least 844 prisoners jailed for petty offences were released following judges' visits. The needless incarceration of many more prisoners could be ended if only the judges visited the prisons more often.

### **Prison riots**

A number of prison riots and clashes between detainees were reported from prisons during the year. The rioting occurred often when the prisoners' demands for basic needs, such as healthcare and decent food, were ignored. The post-riot decision-making focused only on punishing the prisoners deemed to have instigated the rioting, and not only addressing detainees' grievances.

In mid-March, a riot broke out in Rahimyar Khan District Jail after a 60-year-old prisoner died due to cardiac arrest and the authorities were blamed for not providing adequate and timely medical attention. The day following his death, dozens of prisoners assembled in the jail grounds and chanted slogans against the prison authorities. They climbed the jail roof and some burned their clothes as a sign of protest. Prison authorities fired tear gas shells to control the situation.

In late May, rioting prisoners set ablaze 15 prison barracks in Central Jail, Gilgit. The riot had started after two under-trial prisoners charged in two-high



Prisoners on the roof, police all around: a prison riot in progress.

profile murder cases, were acquitted. It took firefighters more than two hours to douse the flames, which injured one prisoner.

In July, 15 jail wardens were taken hostage by detainees at the Hyderabad Central Jail. The prisoners were protesting lack of basic facilities. One prisoner was killed and seven injured in the police operation that ensued.

Two groups in a prison in Lakki Marwat clashed in early January. Eight prisoners sustained injuries and were hospitalized.

### **Deaths and injuries in prisons**

According to media monitoring by HRCP, 59 detainees died in the custody of prison authorities in 2012, another 81 were injured and 10 incidents of alleged torture of detainees were reported.

A convict at a Sheikhpura jail was beaten up so brutally by the prison guards that it resulted in the tearing of his stomach lining. The victim's brother filed a complaint against the prison authorities. A district judge ordered registration of cases against a deputy superintendent of police and some wardens.

Violence and clashes among detainees also resulted in fatalities and injuries to prisoners. In Central Jail, Sukkur, violence erupted among two groups of prisoners in late February. One of the prisoners, Dhani Bux Korai, died after being hit by a gas cylinder. The Sindh High Court chief justice ordered an inquiry.

An under-trial prisoner, Basharat Hussain, was stabbed to death by a fellow detainee in a barrack of Karachi Central Prison in late March. The deceased was the deputy director of the Malir Development Authority and had been facing corruption charges. The brother of the deceased claimed that Basharat had been tortured to death by police authorities, a claim that the police denied.

Three people including two prisoners died in Kot Lakhpat Jail under mysterious circumstances in March. The official explanation was that they had suffered a serious protracted illness but the families of the deceased as well as sources in the prison department termed this explanation as bogus. They alleged that the jail authorities received illegal gratification from a rival group and administered poison in the drinking water of the deceased. The Home Department Punjab ordered an inquiry and report from the inspector general of prisons.

In May, media reports emerged of torture of five men held in a Gilgit prison. The men had originally been imprisoned for organising protests on behalf of victims of displacement. They were tortured apparently on charge of leading protests in the prison to call for addressing the problems of the detainees. Civil society organisations said that the charges against the five men

were baseless and they were only being punished for organising citizens to press for their demands.

### **Pakistanis in prisons abroad**

In September, the Minister for Foreign Affairs informed the National Assembly that 1,831 Pakistanis, including 30 women, were languishing in different prisons in Saudi Arabia. The minister said that the majority—around 40 percent—was in prison for offences related to drug trafficking and smuggling.

In July, the Ministry of Foreign Affairs informed the Lahore High Court that a letter had been written to the State Department for release of Pakistani citizens detained at Bagram prison, but the US government had showed no positive response. The court was informed that the government had been able to confirm that 32 Pakistani citizens were detained at Bagram. The court was hearing a petition filed by Justice Project Pakistan, a non-profit law firm, for the release of Pakistani citizens imprisoned at Bagram Internment Camp in Afghanistan. The petitioners' counsel said that other countries had been much more aggressive in retrieving their citizens from detention at Bagram but Pakistanis had been languishing there for several years. The court directed the government to show more interest in securing the release of Pakistani nationals held at Bagram.

In December, the state-owned news agency, the Associated Press of Pakistan (APP), quoted unnamed official sources as saying that there were 8,715 Pakistanis in prisons of different countries and the government was striving to ensure their early release. The government had reportedly established a Special Cell for Overseas Pakistanis to take up such cases.

### **Indian fishermen and other foreigners in Pakistani prisons**

Foreigners in Pakistani prisons that were mentioned most frequently in media reports were Indian fishermen. Over the years Pakistan and India have not been known for treating each other's prisoners very well. The fishermen have long been hostages to the jittery relations between the two countries. Both frequently seize each other's fishermen, accusing them of violating their respective maritime boundaries in the Arabian Sea.

Activists continued to plead that rather than being arrested the fishermen should be released after a warning when they cross the boundaries. They said that at the most their fish catch could be confiscated. But arresting them and seizing their boats was entirely unwarranted. The time provision of consular access to the fishermen and complete verification of their nationality after being given that access at times delayed the release of fishermen who had completed their jail term.

Even when the fishermen were released they were repatriated overland and their boats kept rusting on the shores of the other country, impeding their



Indian fishermen released: the latest gesture in Pak-India 'goodwill' diplomacy.

prospects for resuming their livelihood.

In March, a member of the India-Pakistan Joint Judicial Committee on Prisoners and a visiting delegation of peace activists from India appealed to the governments of both countries to release all fishermen languishing in their jails and allow them to return home in their boats that were seized when they were held.

There were dozens of teenagers among the over 500 Indian fishermen Pakistan released during 2012.

All the releases were said to be "goodwill gestures". India also said the same when it released Pakistani fishermen but the goodwill apparently did not stop either country from arresting the fishermen again.

According to data provided to HRCP by prison authorities, there were at least 184 convicted foreigners in Sindh's prisons at the end of 2012, besides 118 under-trial foreigners and another 17 that were in detention without a trial. As many as 152 convicted, 99 under-trial and 13 otherwise detained foreigners were imprisoned in District Jail Malir, where arrested Indian fishermen were often detained. Out of the 193 foreigners in the prisons of Balochistan, 181 were detained at District Jail, Noshki.

### **Enforced disappearances**

In Pakistan, not all those in the custody of government authorities were kept in official prisons. 2012 did not bring the desired closure to the wounds of families of missing persons. During the year, people kept being picked up and released. The Supreme Court (SC) held hearings in Quetta and looked at the question of disappearances in Balochistan in a new petition regarding the overall situation in the province. However, the apex court did not hold any substantial hearing on a petition submitted by HRCP on behalf of hundreds of

missing persons at the SC's principal seat in Islamabad.

In as much as the citizens continued to be picked up during this year, the SC interventions over the year did not seem to have made much impact. However, in 2012, the people believed to be victims of enforced disappearance seemed to resurface more quickly and in comparatively greater percentage compared to earlier years. At the outset, it is important to stress that HRCP does not in any way suggest that the number of disappearances mentioned here are exhaustive. The actual number of incidents of enforced disappearance might have been higher but the figures below only represent cases that the families of the victims had brought to HRCP's attention and where the information was detailed enough to enable the Commission to verify the cases.

HRCP was able to verify 87 cases of enforced disappearance occurring in 2012. In Balochistan, according to cases that HRCP could verify, 34 people were picked up in 2012 and 26 of them were traced or released. The rest remained missing. In Sindh, a total of 50 were picked up but all but four were traced or released. Reports of two people being picked up from Punjab (from Multan and Lahore) and one from FATA (Khyber Agency) were submitted to HRCP. All three remained missing. In the continuation of a disturbing trend, the bodies of at least 72 people who were reported to have gone missing were found in deserted places in 2012, all in Balochistan. Another 29 bodies found in the province in 2012 could not be identified. It was believed that some of them might also have been victims of enforced disappearance. Several dead bodies of missing persons were also recovered from Nowshera and Peshawar in Khyber Pakhtunkhwa.

The issue of enforced or involuntary disappearances was under the spotlight in September when the UN Working Group on Enforced or Involuntary Disappearances visited Pakistan on the government's invitation and released its preliminary report and recommendations at the conclusion of its mission. The preliminary report spoke of the ordeal of families of missing persons and gave extensive recommendations apart from focusing on the issues of impunity; supervision and training of law enforcement agencies and intelligence agencies; and assistance to the victims' families and reparation.

The working group's detailed report was to be discussed at the UN Human Rights Council early in 2013. HRCP decided to publish the group's preliminary report and recommendations in English and Urdu. The decision was based on two objectives: first, to inform the people of the efforts being made at the international level to resolve the issue, and secondly, to persuade the government of Pakistan to create some goodwill at the UN by starting implementation of the working group's recommendations before the matter was taken up at the UN.

There appeared to be no end in sight to the plight of the well known Adiyala Eleven, or at least the seven men out of the original 11 that were alive at the end of 2012. These men had gone missing after being released from

Rawalpindi's Adiyala prison after their acquittal on charges including an attack on the military headquarters. The intelligence agencies had later claimed to have arrested them from an 'operational area' where they were claimed to be plotting acts of terrorism. Four of the 11 had died in custody. The last to die was Abdus Saboor whose body was found in early 2012. Repeated interventions by the highest court in the land eventually resulted in the men, some of them barely able to walk, being brought to court, but these could not ensure their freedom. At the end of 2012 they remained incarcerated, this time under a controversial new law, called Action in Aid of Civil Power. *[See also the chapter 'Administration of Justice']*

### **Death penalty: from moratorium to execution and back**

Almost four years to the day since Pakistan last executed a death row prisoner, a prisoner was hanged in a prison in Mianwali district of Punjab in mid-November. The man hanged, Muhammad Hussain Haral, was a former soldier and had been convicted in February 2009 by a military court for the 2008 murder of another soldier. The last execution in Pakistan in late 2008 had also been carried out on a conviction by a military court.

The hanging took the civil society quite by surprise because up until that time although dates were set for execution of several death penalty convicts but the punishment was always put off. In fact, in May HRCP had called upon the president to stay the execution of a prisoner in Karachi after learning that he would be hanged on May 23. The execution had been stayed. According to media report the Mianwali jail authorities had expected to receive stay orders from the president's office, as had happened many times when executions had been scheduled, but none came.

The hanging in November raised concerns at several levels. It was not known if the hanging had been on account of an oversight or the fact that this execution was based on a conviction by a military court had anything to do with that.

Another worry was that despite several reminders the government had not kept the promise it had made in 2008 to convert almost all death sentences into life imprisonment.

It seemed in the following weeks that the execution was a one-off and the informal moratorium remained in effect. However, since that had not been made formal concerns grew that with the government due to complete its five-year tenure in March 2013, a change of government could potentially have serious consequences on state policy on executions. A reversal of policy could have the most immediate consequences for death row prisoners charged with offences other than murder. That was because in murder cases, the authorities in Pakistan frequently extended the execution date to allow time for the convict to reach a settlement with the family of the deceased. No such delaying factors were available to people given capital punishment on other



charges once all judicial challenges to their conviction were exhausted. They were at the most immediate risk of being hanged if executions resumed.

In November, the president's spokesman had stated that the government was considering converting death sentence into life imprisonment and was taking appropriate legislative measures for the purpose. He said the prime minister had constituted a committee comprising minister for interior, minister for law, attorney general and representatives of provincial governments to make recommendations. If any progress was made in that respect it was not made public.

In September, the president ordered that execution of seven death row prisoners in Rawalpindi's Adiyala jail should be deferred for three months. The seven prisoners had requested a presidential pardon. Two months earlier, the Sindh law minister had stated no convict of death sentence would be hanged so long as the PPP government was in office.

The courts continued to award death sentences for various offences throughout 2012. As many as 242 persons were reported to have been sentenced to death on various charges during the year. The convicts included 130 men who been given capital punishment on charges of murder, eight for kidnapping for ransom, one for rape, one for gang rape, two for narcotics offences, eight for robbery and murder, three for acid attacks, and two for blasphemy. A woman was also given the death penalty in 2012. The convicts also included three Christian men.

At the end of 2012, none of the reasons HRCP had long cited for repudiating the death penalty had changed. The government did not make any progress on sharing with the people its reasons for putting the informal

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
2012	242	1
<b>Total</b>	<b>3,006</b>	<b>327</b>

Province / region	Death penalty convicts
Balochistan	85 <i>(incl. one woman)</i>
Gilgit Baltistan	23
Khyber Pakhtunkhwa	183
Punjab	6,469 <i>(incl. 31 women)</i>
Sindh	359
<b>Total</b>	<b>7,119</b>

moratorium in place or to raise public backing for the same.

At the end of 2012, as many as 7,119 persons convicted of death penalty offences were in prisons across Pakistan. [See also the chapter 'Administration of Justice']

### Prisons and prisoners in Pakistan

Sr.#	Prisons	Authorised Capacity	Prisoners	Convicted	Under-trial
<b>Punjab</b>					
1	Central Jail Lahore	1053	3559	2,411	1148
2	Central Jail Gujranwala	913	3240	1,072	2168
3	Central Jail Sahiwal	1750	3931	1,380	2551
4	District Jail Kasur	444	1602	423	1179
5	District Jail Lahore	1050	2948	117	2831
6	District Jail Sheikhpura	590	2267	502	1765
7	District Jail Sialkot	722	2096	564	1532
8	Central Jail Rawalpindi	1994	4483	1,834	2649
9	District Jail Attock	539	865	269	596
10	District Jail Gujrat	385	1340	329	1011
11	District Jail Jhelum	416	807	351	456
12	District Jail M.B. Din	279	656	185	471
13	Sub Jail Chakwal	142	178	55	123
14	Central Jail Faisalabad	1190	2705	1,799	906
15	B.I & J Jail Faisalabad	224	163	48	115
16	Central Jail Mianwali	1050	1735	896	839
17	District Jail Faisalabad	853	2177	147	2030
18	District Jail Jhang	916	1904	502	1402



<i>Sr.#</i>	<i>Prisons</i>	<i>Authorised Capacity</i>	<i>Prisoners</i>	<i>Convicted</i>	<i>Under-trial</i>
19	District Jail Sargodha	563	1439	494	945
20	District Jail Shahpur	292	898	297	601
21	District Jail T.T. Singh	500	965	318	647
22	District Jail Vehari	500	905	228	677
23	District Jail Multan	1460	2399	1,461	938
24	B.I & J Jail Bahawalpur	434	65	34	31
25	Central Jail Bahawalpur	1334	2100	1,195	905
26	Central Jail D.G. Khan	582	1070	380	690
27	District Jail Bahawalnagar	347	580	121	459
28	District Jail Multan	228	959	110	849
29	District Jail Muzaffargarh	180	608	39	569
30	District Jail R.Y. Khan	318	926	165	751
31	District Jail Rajanpur	114	236	8	228
32	Women's Jail Multan	165	83	47	36
<b>Total</b>		<b>21527</b>	<b>49889</b>	<b>17,781</b>	<b>32108</b>
<b>Sindh</b>					
1	C.P. Karachi	2400	3896	773	3120
2	C.P. Hyderabad	1527	1758	930	826
3	C.P. Sukkur	1498	898	501	396
4	D.P. Sukkur	550	347	4	343
5	C.P. Larkana	410	874	206	668
6	C.J. Khairpur	526	731	131	600
7	D.J. Malir Karachi	1591	2163	235	1915

<i>Sr.#</i>	<i>Prisons</i>	<i>Authorised Capacity</i>	<i>Prisoners</i>	<i>Convicted</i>	<i>Under-trial</i>
8	D.J. Nawabshah	100	298	2	296
9	D.J. Mirpurkhas	75	218	5	213
10	D.J. Sanghar	250	309	3	306
11	D.J. Jacobabad	250	246	2	244
12	D.J. Dadu	250	341	7	334
13	D.J. Badin	250	322	8	314
14	D.J. Shikarpur	250	456	4	452
15	D.J.N/Feroze	250	296	4	292
16	D.J. Ghotki	250	295	0	295
17	D.P. Larkana	110	44	1	43
18	Spb P.Nara Hyd	300	313	6	306
19	Y.O.I.S Karachi	350	137	9	128
20	Y.O.I.S Hyd	150	57	9	48
21	Y.O.I.S Larkana	40	28	3	25
22	Y.O.I.S C.P.I Sukkur	50	38	4	34
23	W.J. Karachi	250	78	17	61
24	W.J. Larkana	110	25	2	23
25	W.J. Hyderabad	150	28	11	17
26	Open Jail Badin	-	3	3	0
<b>Total</b>		<b>11937</b>	<b>14199</b>	<b>2880</b>	<b>11299</b>
<b>Khyber Pakhtunkhwa</b>					
1	Central Prison Peshawar	850	2133	890	1,243
2	Central Prison D.I. Khan	1506	437	204	233
3	Central Prison Haripur	1597	1663	1,343	320
4	Central Prison Bannu	720	680	439	241
5	District Jail Kohat	500	286	27	259

<i>Sr.#</i>	<i>Prisons</i>	<i>Authorised Capacity</i>	<i>Prisoners</i>	<i>Convicted</i>	<i>Under-trial</i>
6	District Jail Mardan	314	500	64	436
7	District Jail Swat	200	0	0	0
8	District Jail Abbottabad	208	0	0	0
9	District Jail Chitral	164	57	7	50
10	District Jail Timergara	250	481	66	415
11	District Jail Mansehra	485	509	142	367
12	District Jail Karak	227	78	7	71
13	District Jail Daggar	145	210	15	195
14	Sub Jail Charsadda	120	236	4	232
15	District Jail Lakki	36	135	18	117
16	Sub Jail Battagram	118	16	0	16
17	Sub Jail Dassu	210	29	0	29
18	Sub Jail Dir	60	4	2	2
19	Judicial Lockup Swabi	75	238	4	234
20	Judicial Lockup Nowshera	98	279	11	268
21	Judicial Lockup Tank	13	32	0	32
22	Judicial Lockup Malakand	100	110	0	110
<b>Total</b>		<b>7996</b>	<b>8113</b>	<b>3242</b>	<b>4,870</b>
<b>Balochistan</b>					
1	Central Jail Mach	810	903	877	26
2	Central Jail Khuzdar	210	157	109	48
3	Central Jail Gaddani	223	307	182	125
4	Central Jail Mastung	70	21	06	15
5	Central Jail Zhob	150	20	13	7

Sr.#	Prisons	Authorised Capacity	Prisoners	Convicted	Under-trial
6	District Jail Quetta	470	583	102	481
7	District Jail Sibi	120	110	22	88
8	District Jail D.M. Jamali	120	118	17	101
9	District Jail Loralai	60	45	10	35
10	District Jail Turbat	90	21	06	15
11	District Jail Noshki	150	198	10	188
<b>Total</b>		<b>2473</b>	<b>2983</b>	<b>1,354</b>	<b>1,129</b>
<b>Gilgit Baltistan</b>					
1	District Jail Gilgit	60	78	27	51
2	Sub Jail Jutial (Gilgit)	35	68	15	53
3	District Jail Skardu	50	25	10	15
4	District Jail Diamer	300	69	29	40
5	District Jail Ghizer	100	16	3	13
6	District Jail Astore	100	4	0	4
<b>Total</b>		<b>645</b>	<b>260</b>	<b>84</b>	<b>176</b>
<b>Overall total</b>		<b>44578</b>	<b>75444</b>	<b>25,341</b>	<b>49582</b>

### **Recommendations**

1. In view of the acutely overcrowded prisons across Pakistan, keeping individuals outside jail is a win-win for the authorities as well as for society. It is high time to err on the side of keeping people free rather than incarcerating them. Additionally, punishments other than imprisonment must also be considered.

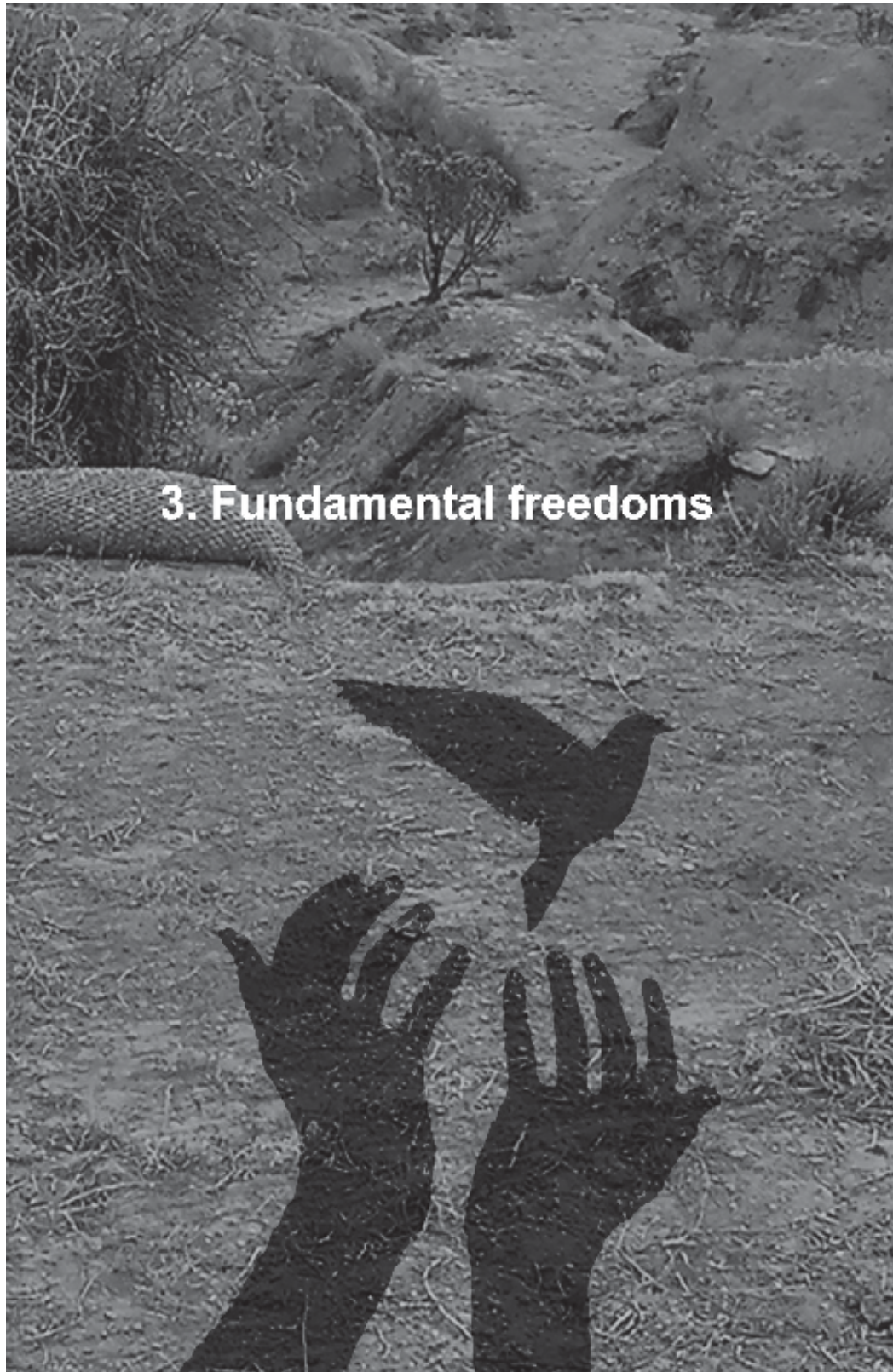
2. The jails in Pakistan are places that not only take away individuals' freedom but also expose them to humiliation and needless suffering. The system of securing basic needs and family meetings are in urgent need of overhaul so that even when a person is determined to deserve imprisonment on account of his actions, he is allowed to retain his respect and a semblance of dignity.

3. Pakistan should immediately sign on to the convention against enforced disappearances and make changes in the domestic law accordingly. This must include amending the Pakistan Penal Code to insert a criminal offence

*specifically to cover enforced disappearances and also to provide compensation and reparation for the victims and their families. The policy to protect the perpetrators and to condone their actions would only make a horrible situation even more unbearable.*

*4. After years of repeated but unfulfilled promises, it is high times that the government goes ahead with making the informal moratorium on executions formal and proceeds to abolish the death penalty in the country, even if in a piecemeal manner.*

*5. The misery that Pakistan and India regularly heap on each others' prisoners, especially fishermen, is completely unnecessary and serves no purpose at all. Both countries should proceed to jointly decide how to resolve this matter like civilised nations once for all.*



**3. Fundamental freedoms**





# Freedom of movement

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

**Constitution of Pakistan**

Article 15

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

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

**Universal Declaration of Human Rights**

Article 17(1,2)

The year 2012 witnessed frequent restrictions on the freedom of movement, both from state and non-state actors. The restrictions imposed by the state were mostly continuation of past practices and institutional barriers, which included banning of clerics from entering particular cities during the Shia mourning month of Moharram, and the customary reliance on the Exit Control List. The usual difficulties faced in the issuance of passports remained largely unaddressed. An agreement for a new and relaxed visa regime between Pakistan and India remained unimplemented, causing immense difficulties to people who wished to travel to India.

One of the new instruments of restricting freedom of movement was banning the use of motorcycle in some parts of the country and a ban on pillion riding in many more. Another new phenomenon was the banning of mobile phones in different parts of the country which has direct implications



Thus far and no farther - Islamabad September 2, 2012

for freedom of movement. The shortage of fuel and strikes particularly by the sellers of compressed natural gas (CNG) meant that everyday mode of transportation remained affected throughout the year. The Pakistan Railways experienced a steady decline in the year 2012, with a very high number of trains cancelled, rescheduled and train routes discontinued. This had a direct bearing on the ability to move freely for a large segment of the population.

Incidents of sectarian violence in Gilgit Baltistan and Balochistan, where passengers were offloaded from buses on public highways, their sectarian affiliations ascertained from the identification cards and then they were shot dead, meant that certain highways, including the one connecting Kurram Agency in FATA to the rest of the country, remained no-go areas for a sizable percentage of the population for much of the year. Similarly, the convoys of the Shia pilgrims going to Iran via Balochistan were repeatedly attacked. The Shia Hazara community in Balochistan in particular was forced to confine itself to just a couple of localities in Quetta and to restrict its movement as much as possible to escape growing targeted attacks. The security situation in many agencies of the Federally Administered Tribal Area (FATA) effectively made them no-go areas for people from other parts of the country, and at times for FATA residents as well.

### **Banned entry**

In Moharram, the Punjab government barred 929 clerics from entering Punjab whereas 439 clerics were banned from making speeches. These bans were imposed ostensibly to prevent provocative speeches during the month of Moharram. Out of around 35 districts in Punjab, 19 were declared sensitive and 118,308 police officials were deployed throughout the province to provide security to Moharram processions. Similar bans were also imposed in Sindh

in order to avoid any law and order situation and terrorist attacks as the Shia community took out processions throughout the country. As in previous years, rather than discouraging inflammatory speeches and incitement of violence, the authorities confined their actions to banning entry of the troublemakers to districts classified as sensitive for a few weeks in the year.

### **Killing of Shias in Balochistan**

The poor law and order situation in Balochistan, wanton killing of members of Hazara community and of the so-called settlers, ethnic Punjabis, Sindhis, Pakhtuns and Urdu-speaking, made movement of citizens through the province dangerous as well as made it practically impossible for the settlers and Hazaras to take up residence in most parts of the province. After attacks on Shia pilgrims travelling through Balochistan in 2011, it was made mandatory for the pilgrims to obtain a no-objection certificate from the authorities before starting off for their journey to Iran via Balochistan. The movement of pilgrims through Balochistan remained subject to government approval throughout 2012. But even travel in convoys with official escorts through the year only afforded partial security. The buses carrying the Shias to Iran for pilgrimage were still targeted throughout 2012 as were the Hazaras in the province in general. Similarly, the settlers were killed in targeted attacks after their ethnicity was ascertained. *[See also the chapter ‘Freedom of thought, conscience & religion’]*

### **Exit Control List**

The Exit Control List (ECL) remained a very potent weapon at the disposal of the State to prevent the citizens from leaving the territorial boundary of the country. The constitutionality of the Exit Control List has been the subject of debate in the past. The primary caveat to the ECL remains not disclosing the



The Shias were kept counting their victims of sectarian terrorism.

reasons for the restriction to the person whose name has been included in the list. However, this year saw many names included on the directions of the superior courts. The ECL is a system of border control exercised by Government of Pakistan under the Exit from Pakistan (Control) Ordinance 1981. Under the control of the Ministry of Interior, Pakistan's Federal Investigation Agency (FIA) is responsible for smooth and accurate control of the ECL. The Lahore High Court had observed in 1999 that the blanket powers granted under the ECL violate Articles 2-A, 4, 19 and 25 of the Constitution and the principles of natural justice. In particular, the court objected to the failure to give detailed reasons for adding someone's name to the ECL.

As in previous years, the arbitrary use of ECL to prevent individuals from leaving the country continued this year. In 2012, the name of Farooq Bhoja, the owner of Bhoja Airlines, was placed on ECL, after an aircraft operated by the airlines crashed near Islamabad. On the direction of the Supreme Court of Pakistan, the National Accountability Bureau (NAB) added the names of 19 top officials on the ECL, including former federal ministers Raja Pervez Ashraf (Water and Power), Liaquat Jatoi (Water and Power) and Shaukat Tareen (Finance), former federal secretaries Shahid Rafi (Water and Power), Ismail Qureshi (Water and Power), Ishfaq Mahmood (Water and Power) and Salman Siddique (Finance), former NEPRA chairmen Khalid Saeed and Saeed Zafar, GENCO CEO Yousaf Ali, Private Power Infrastructure Board (PPIB) MD Khalid Irfan Rehman, PEPCO CEOs Saleem Arif and Fazal Ahmad Khan. Other individuals whose names were placed on the ECL included Lyari-based banned Peoples Aman Committee (PAC) leaders Uzair Baloch and Zafar Baloch.

### **Hindu migration**

According to DM Maharaj, head of Pakistan Hindu Sabha, around 3,000 Hindus shifted to India in 2012 as part of migration that began four years ago, sparked by discrimination and rise in crime in Sindh, where the majority of Pakistani Hindus lived. However, according to Sindh Assembly member Pitember Sewami there was no migration at all. Reported abduction of Hindu girls and their forced conversion to Islam added to insecurity of Hindu community and restricted their freedom of movement and choice of residence in Pakistan.

### **Passport woes**

Excessive delays in issuance of passports added to the difficulties of people wishing to go abroad. The delays seriously disturbed many people's travel schedule. Both regular and urgent passports were delayed. Regular passports were not delivered in some cases after a period of one month. Urgent passports, despite charging of double fee, were not handed over in time. Again, like the previous year, the delay was attributed to the breakdown of the machines used

for issuing machine-readable passports.

The citizens continued to complain that at passport offices they were at the mercy of agents and only by giving bribes could they get their passports in time and could also move ahead of those people in the queue who opted not to pay bribes.

### **Ban on bike-riding and discontinuation of mobile services**

On November 16, which was the first day of Moharram, Federal Interior Minister Rehman Malik banned bike riding in Karachi and Quetta, citing intelligence reports that motorcycles could be used in terrorist attacks. The ban on bike riding in Karachi was overturned the same night by the Sindh High Court. The court however held that such a ban could be placed on public holidays or in selective areas of the city, especially near Imambargahs.

Freedom of movement of ordinary citizens was repeatedly restricted because of terrorist threats throughout the country. Pillion riding was prohibited in all the large cities on a few occasions because of security concerns.

Mobile phone services were also suspended due to terrorist threats on *Ashura* and on the *Urs* of Data Gunj Baksh, which coincides with Imam Hussain's *Chelum*, seriously affecting the life of citizens.

### **CNG crisis**

Even when physical curbs were not placed on citizens' movement, the means for travelling from one place to another grew ever scarce or more expensive, none more so than compressed natural gas (CNG). Long queues of cars, mini-buses, vans and rickshaws waiting for their turn to fill up on CNG were a familiar sight across all the major cities of Pakistan throughout



Riding motor-bikes became increasingly hazardous.

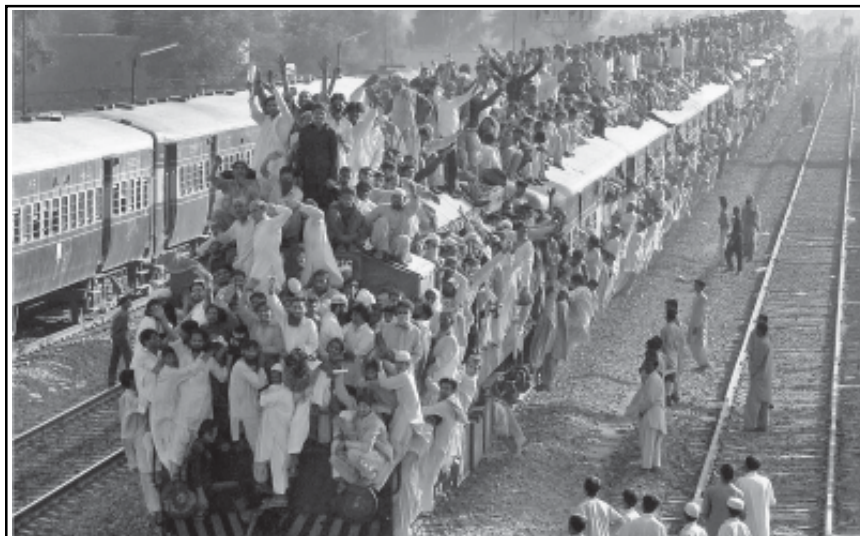
2012. Pakistan suffered a severe CNG crisis in 2012 where according to the chairman of All Pakistan CNG Association 1,800 out of the country's 3,395 gas filling stations were closed down more weeks on end and the government closed another 800 stations because of non-payment of bills. Pakistan is fast consuming its natural gas reserves, as the previous government of President Musharraf had encouraged use of natural gas in vehicles in order to save money that the country spent on importing oil. Now more than 80 percent of the country's vehicles use natural gas as fuel which is more than any other country in the world. According to the prime minister's advisor on petroleum and natural resources, the country's two largest gas fields were expected to run dry by 2022.

Gas stations remained closed for at least three days a week as the government struggled to meet gas demands of consumers severely restricting freedom of movement of citizens. In a country where petrol prices were too high and out of reach of the majority of the population, shortage of gas created havoc with the budgets of average Pakistanis. Fares of public transport using petrol are also too expensive for the majority. The efforts to find more reserves clearly lacked the urgency that should have been warranted by the CNG crisis. Importing gas from neighboring Iran appeared to be a viable solution in the future.

In 2012 a large number of citizens wasted several hours daily to get their vehicles refuelled affecting their efficiency and productivity.

### Means of movement

Rise in fuel prices and inflation made travelling difficult for the average Pakistani. The lack of an affordable quality transport system within and between



Protests by stranded passengers had no effect on the PR administration.



major cities made travel inconvenient and expensive. According to media reports, Pakistan Railways incurred a loss of 100 million rupees a month. Pakistan Railways which had 821 locomotives in 1948 had only 528 now out of which only 140 were functional. In the year under review, trains routinely ran hours behind schedule, and some even failed to complete their journeys due to malfunctioning of locomotives.

Despite billions of rupees in funding support from the state, Pakistan International Airlines also did not do a lot better, with frequent flight delays and cancellations. The CNG crisis adversely affected travel within the cities as shortage of CNG led to taxis, buses, vans and rickshaws running on liquid fuel and charging exorbitant fares.

### **Bonded labour**

Debt bondage continued in rural Sindh and in the brick kiln industry in Punjab. The labourers were kept in illegal confinement. Their freedom of movement was curtailed by armed guards or their families being kept hostage. Such practices continued in 2012 and the authorities could make no worthwhile progress in curbing them.

### **Target killings in Karachi**

According to media monitoring by HRCP, 1,725 people were killed in targeted attacks in Karachi in the first eight months of 2012. These included 227 political activists along with 107 women and 78 children. People leaving their homes for work remained in constant fear of a sudden outbreak of violence in Pakistan's largest city. Turf wars between different gangs and communities provided a continuous threat to free movement of citizens. Certain parts of Karachi, dominated by one ethnic group or another, remained no-go areas for people of other ethnic groups. At the same time, targeted operations by the



They paid for the right to freedom of movement. Karachi, June 18, 2012.



police and Rangers, such as one in Lyari, resulted in residents being confined to their homes for days.

### ***Recommendations***

1. *There is no doubt that the law and order situation needs to be improved. The state needs to ensure that there are no no-go areas in the country and the people are safe while travelling throughout the country.*

2. *The ECL should be made public, so should be the reasons for placing anyone's name on it and its arbitrary use should be stopped. The delay in issuance of passport and the frequent breakdown of the machines used in that respect also needs to be addressed.*

3. *The government must establish its writ in all areas, especially Balochistan, FATA and Karachi and provide security to citizens against non-state actors.*

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. *Steps must be taken to provide fuel and diversified means of movement to citizens at affordable prices. Journey by train and air must be made more efficient.*

# 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)

Harassment of and violence against religious minority communities and not efforts to combat them defined Pakistan in terms of freedom of religious belief in 2012. Nothing during the year suggested that Pakistan had made any headway in ridding itself of pervasive intolerance that undermined the freedom of religious belief and found expression in ever increasing incidents of intimidation and violence against religious and sectarian minorities. While the most severe forms of discrimination were reserved for members of the Hindu, Christian and Ahmadi communities, members of the Shia sect of Islam suffered the highest toll in violence. The systematic killing of the Hazaras of Quetta and the sustained targeted attacks in Karachi did not get the attention they deserved from religious scholars, writers, intellectuals and the media. Besides the increasing level of violence and harassment, the religious minority communities also struggled with safeguarding their rights, on account of lack of codification of personal laws and absence of effective representation in the legislature. A bill to increase the seats reserved for religious minorities in the National Assembly was left pending and allowed to lapse. Many leaders of these communities expressed dissatisfaction over their meagre representation in parliament.

While statements from political and religious leaders promising respect for rights of religious minorities abounded, so did impunity for the perpetrators of faith-based violence and intolerance. Amid a growing sense of insecurity, a number of accounts were reported of members of religious minority communities trying to leave Pakistan in search of peaceful existence elsewhere.

The discriminatory provisions of law, including some in the constitution, remained unchanged. The government did not at all discuss the issue of blasphemy law reform in 2012. Nothing was done to protect the minority communities from vigilantes whose religious sensitivities did not wait for the law to take its course, nor to confirm if charges such as blasphemy or desecration of holy books were even true. The law was again in the spotlight during the year after a minor Christian girl was accused of blasphemy. The charges were later found to be baseless but not before the girl's family and the Christian community that they were part of had to flee their houses to escape the wrath of zealots.

Hate speech continued unchallenged with the Ahmadis being the most common target. Posters and stickers exhorting the faithful to at the very least boycott the Ahmadis socially were not an uncommon sight on the walls of main cities and in public and private intra-city buses. Destruction or desecration of places of worship and graveyards of religious minorities was hardly an anomaly. As in previous years, several cases of land grabbers trying to occupy graveyards of religious minority communities were reported. The investigation

of sectarian violence or violence against religious minorities in general appeared to go into cold storage as soon as there was a claim of responsibility by a militant / terrorist group. The perpetrators were not apprehended in any of the main sectarian attacks in 2012.

Religious minorities had a substantial share in the incidence of suicide in Pakistan in 2012. According to media monitoring by HRCP, out of 1,976 reported cases of suicide in the country in 2012, there were at least 80 non-Muslims. These included 59 Hindus and 21 Christians. Of the 873 individuals whose attempts to end their own lives did not succeed, 42 were non-Muslim; 34 Hindus and eight Christians.

### Sectarian violence

The incidence of sectarian violence remained high in the traditional flashpoints in Pakistan in 2012. Supposedly banned Sunni militant groups, including the Pakistani Taliban and Lashkar-e-Jhangvi, repeatedly claimed responsibility for attacks on Shia citizens and their religious gatherings.

Although the Hazaras of Balochistan, an ethnically distinct group that is almost exclusively Shia, have suffered repeated massacres over the last decade and a half only because of their belief, they have been targeted much more frequently than even the other Shias in Quetta and its surroundings. That is because the Hazaras are easily recognisable on account of their distinct features. As many as 119 Hazaras were killed in targeted attacks in Quetta and its peripheries in 2012. An HRCP fact-finding mission that visited Balochistan from May 15 to 19 in order to assess the situation of human rights in the province met with members of the Hazara community. They believed that if the authorities wanted to protect them the state had the capacity to do so.

In June, Lashkar-e-Jhangvi terrorists attacked a bus of Balochistan IT University carrying Hazara students, killing five of them. The frequency of



Desperate to leave the deathtrap.

attacks on the Hazaras was such that non-Hazara students of the university stated their unwillingness to share a bus with the Hazaras for fear of being targeted. Persecuted for their belief, the Hazaras of Quetta have retreated to just two localities of the city for the sake of safety. The two localities have been increasingly attacked in recent years, often with dozens of casualties.

Although the Hazaras of Quetta were the most frequently targeted segment of Shia population, they certainly were not the only one. In February, 18 Shia Muslims were killed in Chilas whilst on their way to Gilgit Baltistan from Rawalpindi.

In April, a mob dragged nine Shia Muslims from buses and shot them dead in the town of Chilas.

In August, 25 Shia Muslims were killed in an attack on a bus en route to Gilgit Baltistan in Mansehra district. The killers asked the passengers for their identity cards and executed those that they concluded were Shias.

In September, a car bomb explosion in a crowded market in Parachinar, in FATA's Kurram Agency, killed 12 Shias.

In November, a suicide attack near an Imambargah in Rawalpindi killed 12 people. Another 36 were injured.

According to monitoring of media reports by HRCP, at least 531 people were killed in 199 sectarian-related terrorist attacks against Muslim sects, mainly Shias. Out of these, 78 people were killed in three suicide bombings.

No part of Pakistan was spared in the senseless spilling of blood on the basis of sectarian belief. As many as 159 people were killed in 95 attacks in Karachi (Sindh), most of whom were professionals; 130 in 51 attacks in Quetta and 31 in five attacks in Mastung (Balochistan); 22 in one attack in Rahimyar Khan and 23 in one attack in Rawalpindi (Punjab); 19 each in two separate attacks in Kohistan and Mansehra districts (Khyber Pakhtunkhwa); 65 in nine attacks in Kurram Agency and 13 in one attack in Orakzai (FATA); and 10 in 18 attacks in Gilgit and nine in one attack in Diamer (Gilgit Baltistan). The casualties occurred in drive-by targeted killings, incidents of multiple execution-style killings of Shia men travelling in vans and buses, suicide bombings and bomb and grenade explosions. The attackers targeted mosques, imambargahs, madrassas, students and teachers of seminaries, as well as religious gatherings, and often anyone subscribing to a particular sect.

The Pak Institute for Peace Studies, an Islamabad-based NGO conducting research on different aspects of conflict, counted 563 fatalities and 853 people injured in 213 incidents of sectarian-related terrorist attacks and sectarian clashes. It noted that 85 percent of the overall reported incidents of sectarian violence in 2012 were concentrated in Karachi, Quetta, Gilgit and Kurram Agency.

HRCP publicly and repeatedly expressed its outrage over recurring sectarian bloodshed throughout the year. It reiterated that sympathetic attitudes towards religious extremism in all institutions of the state were responsible for the failure to confront the menace of sectarian terrorism. The commission stated

that police actions that followed brazen targeting of religious events in particular stood little chance of stemming the tide of sectarian bloodletting so long as only the symptoms of the malaise were paid attention to and the cause was left unaddressed.

### Ahmadis

The hate campaign and violence against Ahmadi citizens continued without any obvious challenge across the country in 2012. As many as 20 Ahmadis were killed on account of their religious identity or belief in the year under review. The incidence of murderous attacks was the greatest in Karachi where 10 Ahmadis were assassinated in 2012, four of them in the space of 10 days in September and another three in October. A fourth Ahmadi man injured in an attack in the city in October died in November. Two Ahmadis were killed in Nawabshah, Sindh, and another two in Quetta, Balochistan. The other six Ahmadis were killed in Layyah, Sargodha, Chiniot and Sialkot districts of Punjab, Bannu district of Khyber Pakhtunkhwa and Harnai district of Balochistan.

Another 11 Ahmadis were injured in targeted attacks. In a number of cases, the police in Punjab either removed the *Kalima* (Islamic creed) from Ahmadi worship places or demolished the minarets of the structures. This happened in Kharian in July, in Lahore's localities of Garhi Shahu and Sultanpura in May, and in Mughalpura (Lahore) and Khushab in September. Ahmadis in Lahore and Sargodha also complained that in some places the police had barred them from offering animal sacrifices on Eidul Azha. Several incidents of religion-based harassment of Ahmadi students were reported from different places.

The targeting of the Ahmadis was not confined to the living alone. A number of Ahmadi graveyards were attacked, including one incident in Lahore

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لومس یونیورسٹی Lums University نندار وطن اور خدایا اسلام ڈاکٹر عبدالسلام قادیانی مردود کے نام کا ایوارڈ دینے کی تقریب گری ہے اور ہر سال کرانے کا ارادہ ہے اس سازش کے پیچھے مرزئیوں مردودوں کا ہاتھ ہے۔ ڈاکٹر عبدالسلام مردود وہ خدائے غیبیہ قادیانی تھا جس نے تعلیم کی آرمیں سینکڑوں مسلمانوں کو قادیانی بنا دیا۔ جس نے پاکستان کو لعلی مرزئی میں کہا ہے جس نے کہا کہ میں سب سے پہلے مرزا قادیانی کا غلام ہوں پھر مسلمان ہوں پھر پاکستانی ہوں ہے جس نے کہوڑا ایسی پلانٹ کا ماڈل امریکا پہنچایا ہے اسے قادیانی ہونے کی وجہ سے بیوروٹاری نے نوٹس انعام دیا کیونکہ یہ انعام بھی کسی مسلمان کو نہیں دیا جاتا چاہے وہ جتنا ہی قابل کیوں نہ ہو ہے جس نے قادیانیوں کو فرار دینے کی وجہ سے بھوکو غلیظ جانور سے تشبیہ دی ہے جس نے پاکستان کے تمام راز انڈیا اور امریکا کو پہنچائے اسے اسلام اور پاکستان کے دشمن کے ہار میں آواز اٹھائیں اور LUMS University کی اس تقریب کو روکنے میں اپنا کردار ادا کریں۔ براہ شکر Share کریں کہ شاید کسی لیڈر کی غیرت جاگ جائے

One of the common calls for violence against Ahmadis.



where around a dozen armed men vandalised 120 tombstones in the Ahmadi graveyard at Model Town in December. Police removed Quranic verses and religious texts from tombstones in an Ahmadi graveyard in Hafizabad in August. In the same district, unidentified men erased Islamic inscriptions from gravestones in another Ahmadi cemetery in October.

The Ahmadis complained that while the authorities banned their conferences, rallies and major sporting events in Rabwa, the centre of the Ahmadi community in Pakistan, anti-Ahmadi clerics were given a free hand to hold a number of provocative rallies in and around Rabwa.

Ahead of the forthcoming general elections in 2013, Ahmadis remained the only community on a separate electoral list in a country where the name of every other registered voter was included in a joint list.

### **Christians**

In addition to the challenges faced by all religious minority communities in Pakistan, the challenges to Pakistan's Christians exercising their religious freedom were brought into focus by several attacks on their places of worship during the year. In Karachi, at least six churches were attacked, two of them within a period of 10 days in October. In the first of those attacks, around 200 people, who had been protesting against electricity outages, reportedly desecrated the holy books and damaged St Mary's statues in the church. In a rare twist to the use of the blasphemy law, the police registered a 'blasphemy' case under Section 295-A of the Pakistan Penal Code (for deliberate acts intended to outrage religious feelings of any class by insulting its religious beliefs) along with charges of looting, vandalism and theft against the protesters on the complaint of the church pastor.

The more well known and more controversial charge of blasphemy emanates from Section 295-C of the Pakistan Penal Code (PPC) and carries the mandatory sentence of death. Under Section 295-A of the PPC a convict can face fine or imprisonment for up to 10 years.

Some leaders of the Christian community had opposed registration of a 'blasphemy' case over the church attack, arguing that since they had never endorsed the blasphemy law, opting for it in one instance would make it difficult for them in principle to protest against its misuse in the future.

As many as half of the targeted churches in Karachi were situated in Essa Nagri, one of the largest Christian populated areas in Karachi. In May, St Luke's Church in Essa Nagri, situated opposite the house of minority parliamentarian Saleem Khokhar, was attacked. The parliamentarian said after the second of the two church attacks in Karachi in October that churches were being attacked to prevent people from practising their religion freely. "We all are Pakistanis and our house of worship should be given protection and security," he had said. Christian community leaders repeatedly drew attention of other citizens to Islam's message of tolerance, love, brotherhood and respect for other religions, people of other communities and minorities.

Police increased security for churches in Islamabad on the eve of Christmas





The Christian community often took to the street in protest.

after a threatening letter was sent to Our Lady of Fatima Church in the federal capital. The church had received the letter on November 14, in which the church authorities had been warned of an attack for organising a prayer service for Malala Yousafzai, a young advocate of women's education, who had been shot and injured in Swat in an attack by the Taliban earlier in the year.

The Christian community in Pakistan also had to face the wrath of the extremists over the latter's grievances against the west, particularly the US. One such occasion arose on September 21 when the government had declared a national holiday and a "Day of Love for the Prophet" and called upon people to demonstrate peacefully against an amateurish anti-Islam film by an American director that had sparked protests throughout the Muslim world. A mob protesting against the film in Mardan district of Khyber Pakhtunkhwa torched the building of St. Paul Lutheran Church, a high school, a library, a computer laboratory and houses of clergymen. Another church was attacked in Hyderabad, in Sindh province and a youth was injured.

However, threats and attacks against churches were just one aspect of the difficulties that Pakistan's Christian population faced on account of their religious belief. They also faced widespread discrimination. In one instance in September, a Christian worker at a veterinary dispensary building shared by a police post in Narang Mandi area of Punjab was beaten up by two policemen for drinking water from a glass used by the policemen.

In his complaint to the regional police officer, the aggrieved man, Nisar Masih, said that the policemen had seen him drinking water from the office cooler and asked him about his religion. When he responded that he was a Christian, the policemen asked him how dare he use a Muslim's glass. The policemen then asked Nisar to sit down. When he sat in a chair, he was promptly admonished and ordered to sit on the floor. The two policemen then

reportedly beat him up and verbally abused him. One of the accused policemen was quoted in a newspaper that he had no objection to Nisar sharing their glass when he did not know that the latter was a Christian. But once he knew about Nisar's faith he had told him that Christians could not use utensils used by Muslims. However, he denied abusing or beating Nisar.

In December, a 22-year-old Christian man, Nadeem, who had been accused of burning a copy of the Holy Quran, died in police custody in Nankana Sahib, Punjab. He was detained without registration of a case and according to the police had been kept in protective custody where he fell severely ill and subsequently died. The police said that Nadeem's father had told them that his son was mentally unstable. Police officials also suggested that Nadeem was tortured by local resident before the police took him into custody.

Seven Christian men were injured in Lahore in November when they tried to stop land grabbers from occupying a Christian graveyard. The police said that they had stopped the alleged land grabbers from constructing any structure on the land.

### **Hindus**

When Pakistan and India became separate countries in 1947, hundreds of thousands of Hindus decided to stay in Pakistan rather than migrate to India, where Hinduism is the dominant religion. Those who remained and their descendants did not leave Pakistan even during the 1965 and 1971 wars between the two countries. However, in recent years there have been increasing reports of Hindus seeking to emigrate on account of faith-based discrimination and violence or threat of violence. The bulk of the reports of Hindus attempting to move abroad for the sake of safety have come from the Sindh province in the southern part of the country where the overwhelming majority of Hindu lives, in addition to Balochistan where the Hindus had until recently lived in peace for centuries. Although the long history of inclusion in the social, political, economic and even religious fabric of upper Sindh had prevented a rush for the exit by Hindus, that seems to be changing. Across upper Sindh, Hindus point to the rule of military dictator Ziaul Haq as the time when the modern-day marginalisation of the Hindu community began.

Besides intolerance, the Hindus have also had to contend with 'reprisal attacks' from extremist elements every time the Muslims in India were deemed to have been targeted because of their faith. In 2010, when an Indian high court was about to announce its verdict regarding a dispute over the ownership of the land on which Babri Mosque, which was razed by Hindu extremists in the early 1990s, was built, Hindu families in many areas of Sindh were reported to have sent their children and women to relatives' houses in Hindu-majority areas for fear of a backlash from Muslim extremists. The main complaints of Hindus in Sindh include intimidation and forced conversion of young women, while in Balochistan kidnapping for ransom has been a major concern. During



Pakistani Hindu migrants seek refuge in India.

a fact-finding mission to Balochistan from May 15 to 19, the HRCP fact-finding team met heads of the commission's Core Group activists from 17 districts in Quetta to learn about the human rights situation in their respective districts. Only the HRCP activist from Loralai said that the Hindus were safe in the district. The activists specifically said that the Hindus felt unsafe or had migrated from the districts of Sibi, Mastung, Noshki, Bolan, Kalat, Jhal Magsi, Dera Bugti and Khuzdar. A leading Hindu religious leader had been abducted in Kalat. The Hindu community had migrated from Dera Bugti and Khuzdar districts in large numbers amid lawlessness and kidnappings for ransom. The Hindus of Balochistan were largely a trading community and departure of many Hindu families from Noshki for India and other countries had led to the collapse of the local business.

In August, HRCP noted with concern the reports that Hindu citizens from Sindh and Balochistan were migrating to India and said that the state had consistently failed to allay the concerns of these communities despite repeated reminders by the civil society. HRCP said that the panic and outrage caused by such reports had subsided somewhat by the disclosure that hundreds of Hindus were going to India on a pilgrimage. Most of them had said that they would return to Pakistan while some had said that they might not. HRCP alluded to fairly regular reports of Hindu citizens' migration to India from Sindh and Balochistan and said that vested interests were intimidating the non-Muslim citizens with a view to forcing them to migrate. These elements included religious extremists as well as others who planned to grab the minorities' property. HRCP called the migration a reflection of the state's failure to save these citizens from violence, discrimination and disgusting excesses such as forced conversion of young women.

In September, media reports spoke of dozens of Pakistani Hindu who were visiting the Indian state of Rajasthan on pilgrimage refusing to return,

citing religious persecution at home.

In September, a group of Muslims suspected of ransacking a Hindu temple in Karachi was charged with blasphemy. The attack had taken place on September 21, which the government had designated as a Day of Love for the Prophet (PBUH) in response to an anti-Islam film made in the US, in an attempt to try and ensure that protests against the film remained peaceful. Dozens of Muslims led by a cleric converged on the outskirts of Karachi in a Hindu neighbourhood commonly known as Hindu Goth. The protesters attacked the Sri Krishna Ram temple, broke religious statues, tore up a copy of the Hindu scripture, and beat up the temple's caretaker. A case was registered under Section 295-A of the PPC; however, no arrests were made.

In December, a builder with a police escort razed a Hindu temple and some nearby houses in Karachi. There had been a longstanding dispute between the builder and the residents over the land on which the temple stood and a court had reportedly issued an injunction for status quo. Residents protested outside the Karachi Press Club, demanding compensation and return of religious materials that they claimed the authorities had taken out of the temple before it was demolished.

In October, the National Assembly's Standing Committee on Human Rights recommended that the Sindh government register cases under the anti-terrorism law against anyone who attacked a religious minority's place of worship. The committee also suggested that cameras linked to police stations should be installed around the places of worship to trace any vandals.

In January, National Commission on the Status of Women (NCSW) submitted to the Ministry of Human Rights four draft bills. Three of these—Hindu Marriages Act 2011, Christian Marriages Amendment Act 2011, Christian Divorce Amendment Act 2011—related to personal laws of religious minorities in Pakistan. Earlier, the NCSW had arranged a focus group discussion on the personal laws of Hindu and Christian minorities on marriage and divorce. As an outcome of the discussions, a draft bill for the Hindu community was prepared. Amendments had been proposed to make Christian personal law on marriage and divorce more effective. It was hoped that adoption of a law might enable the Hindus to have access to legal documentation to prove their marital status. However, the draft bill in that respect remained just that.

#### *Forced conversions*

The Hindu community in Pakistan, especially Sindh, has for years complained that young girls are forcibly converted to Islam.

The spectre of forced conversion of Hindu girls reared its head in early 2012 when 19-year-old Hindu girl Rinkle Kumari was said to have been abducted from Mirpur Mathelo. Rinkle's father said that it took all of his efforts to persuade the police to lodge a case for her abduction. He alleged that once the case was registered, he had to face harassment on the court premises which were surrounded by heavily armed religious activists.

The families of four Hindu girls, Rinkle Kumari, Dr Lata Kumari, Asha

Mohandas and Bharti Naraindas, who were alleged to have been abducted, were also present at the press conference. They narrated their ordeal after their daughters went missing. They said that the girls had been abducted, forced to convert to Islam and marry Muslim men. They complained that the police had extended to them no help while the subordinate judiciary did not appear helpful either. They said the culprits were well-armed and enjoyed the support of influential religious and political personalities. HRCP activists said that there could be no objection if anyone embraced Islam of their own accord, but such a person should be at liberty to meet his family and the fact that the girls could not do that supported the view that they had not acted voluntarily.

Pakistan Hindu Council then moved a petition in the Supreme Court for the recovery of three Hindu women. Besides Rinkle, the other two women were Dr Lata Kumari from Jacobabad and Asha Mohandas from Larkana. Relatives said that the young women had been kidnapped, forcibly converted and married to Muslim men against their will.

On March 12, Rinkle Kumari appeared at a press

### Putting on a show

In July, broadcasting of a Pakistani Hindu boy's conversion to Islam live on television during a prime-time chat show led to criticism that the country's electronic media would go to any length to spice things up without considering ethical implications or appropriateness of its programming. The television programme showed a cleric leading the Hindu boy through a live conversion to Islam, with audience joining in to suggest Muslim names for the new convert. He was renamed Muhammad Abdullah by consensus. Although there were no suggestions that the boy had converted against his free will, a newspaper editorial slammed the programme for "dragging an intensely personal and spiritual experience into public view", as others cautioned against turning religion into mass entertainment. Civil society also said that the channel had obviously not stopped to consider the message the broadcast would send to the religious minorities in Pakistan or how the Muslim population would feel if the conversion was from Islam and not to it. "The joy with which the conversion was greeted, and the congratulations that followed, sent a clear signal that other religions don't enjoy the same status in Pakistan as Islam does... In a country where minorities are already treated as second-class citizens in many ways, this served to marginalise them even further," one newspaper editorial concluded.





A call to stop the kidnapping, forced religious conversion and forced 'marriage'.

conference where she said that she had embraced Islam without duress. However, journalists reported that two bearded men accompanying her at the press conference had kept on giving her notes as the girl took questions. The press conference then abruptly ended when the bearded men took the girl by her arm and left.

The Supreme Court ordered on March 26 that Rinkle Kumari (who had by then been renamed as Faryal Shah), Dr Lata Kumari (renamed as Hafsa Bibi) and Asha Mohandas (renamed as Haleema Bibi) should be sent to a women's shelter in Karachi for three weeks to enable them to take a decision on their future free from any pressure. The bench observed in its order that although the women had performed *Nikah* and joined their husbands, there were allegations that their conversion to Islam was forced.

On April 18, the women were brought back to the Supreme Court. Neither uttered a word during the proceedings. Later they were sent off to the registrar's office where they recorded their statements and decided to go with their husbands. The court said that the women had been given sufficient time to think about their future in a pressure-free atmosphere where neither of the parties was allowed to meet them. It also observed that the women were grown-ups and were free to go wherever they wanted to. The Sindh Police were directed to submit reports every fortnight about the wellbeing of the women. The parents insisted that the young women had been under pressure, threatened and not allowed to meet them and were eventually sent away with their 'abductors'.

Regarding the issue of forced conversion of Hindu girls in Sindh, the National Assembly's Standing Committee on Human Rights meeting in October had directed the provincial Home Department to make amendments to the Criminal Procedure Code and set up "safe houses" where the allegedly kidnapped girl could be kept for about a month before being taken to any court for

recording their statements.

The HRCP Expert Group on Communities Vulnerable because of their Belief, which also includes members of the Hindu community, stated that the police should register a case as soon as the relatives of an abduction victim approached them. If a kidnapped adult girl was recovered and produced in court, she should be sent to a women's shelter home for at least one month before she is asked to record her first statement. Only then should she be asked to decide whether she wanted to go with her parents or with the alleged kidnappers. However, the group noted that if the kidnapped girl was a minor, she should immediately be reunited with her parents.

### Sikhs

During the year under review, Pakistan's small Sikh population appeared to have escaped the violence or intimidation faced by most other religious minorities in the country.

But even that reprieve was relative. Unidentified militants abducted Mahinder Singh, a Sikh businessman and resident of Tabi village in Landikotal, from his herbal medicine shop in November. Repeated requests to the political administration to ensure Mahinder's release did not lead to any action. *(Mahinder's mutilated body was found in a gunny bag in Khyber Agency on January 8, 2013. A note found inside the gunny bag warned others of a similar fate if they were found spying for the banned outfit Lashkar-e-Islam militant group. Lashkar-e-Islam had been engaged in armed clashes with rival militant groups in Khyber.)*

Mahinder's brother, Baswant, had also been kidnapped earlier by the militants, but he had returned home after the militants shaved off his hair.

In March, the 150-year old Baba Karam Singh temple was demolished overnight by the land mafia in Mardan, Khyber Pakhtunkhwa. Besides the 35-foot high temple, a well and other old constructions around the temple were also demolished. The Sikh community of the province demanded reconstruction of the temple and protection for other places sacred to them.

Sikhs living in two localities of Peshawar decried lack of protection from kidnapping, theft and mugging targeting Sikh businessmen, crimes which the community thought did not get authorities' attention. There were 500 Sikh families residing in Peshawar, mostly in Mohallah Jogan Shah which also housed their 200-year-old Gurdwara. Some Sikh families also resided in Quaidabad, in Peshawar. Most of these families had migrated from Tirah valley, Khyber Agency and Orakzai and Kurram agencies due to the militancy and security operations there.

The Sikh pilgrims from Pakistan and abroad appeared to be happy with the government's arrangements for pilgrimage at Gurdwara Janamasthan at Nankana Sahib in Punjab. Nankana Sahib, the birthplace of Guru Nanak Dev, the first Sikh guru, is the most revered site in Sikh religion.

The interior minister stated in a meeting with visiting Indian lawyers during



the year that Pakistan was according the status of 'holy city' to Nankana Sahib. He said the decision was a "goodwill gesture" towards Indian Sikhs as well as members of the community in other parts of the world. The minister also stated that Indians visiting Pakistan could travel to Nankana Sahib irrespective of the kind of visa they had been granted. Indian nationals visiting Pakistan and Pakistanis going to India can generally visit only the cities that have been mentioned in their visas.

### **Blasphemy law**

Sections 295 to 295-C of the Pakistan Penal Code (PPC) are generally referred to as the blasphemy code. The punishments for offences under these provisions include death (under Section 295-C), life imprisonment, imprisonment for various periods and fine. Pakistan has not executed anyone under Section 295-C. However, many of the accused have been killed by extremists outside the courts or in prisons. Rights activists say that the law is too broad and vague and is often used to settle scores with rivals, and to target members of minority religious groups or sects.

In 2011, two prominent politicians, Punjab Governor Salman Taseer and Shahbaz Bhatti, federal minister for minorities and the sole Christian member of the federal cabinet, were assassinated for voicing support for reform of the law. A Christian woman, Aasiya Bibi, whose case Punjab Governor Salmaan Taseer had been pursuing remained in prison.

The blasphemy law was in the spotlight again in 2012 after a young Christian girl in Islamabad was initially and falsely accused of burning pages of the Quran.

Rimsha Masih, a minor Christian girl, was arrested by police in Mehrabad, a slum on the outskirts of Islamabad, in August after a neighbour accused her of burning pages from the Quran.

Residents of the area had been whipped into a frenzy after a local cleric, Khalid Chishti, reportedly showed the burned pages to mosque-goers at evening prayers and led a crowd to Rimsha's house.

A policeman at Ramna Police Station in Islamabad had told the media that Rimsha "had admitted to her crime" and had been charged under Section 295-B of the PPC (willful desecration of the Holy Quran), an offence punishable with life imprisonment.

Human rights activists criticised the decision to put Rimsha into the adult criminal justice system. Her case was later transferred to a juvenile court.

That the case against Rimsha was dismissed was largely because the conscience of one of the four witnesses in the case had gotten in the way.

Rimsha's luck turned in September when new witnesses came forward alleging that a local cleric had tampered with evidence in order to frame her. The cleric, Khalid Chishti, was accused by his own deputies of adding pages torn from the Qur'an to a plastic bag of burned refuse that Rimsha had been

seen carrying near her home on August 16.

According to the police, Chishti was not sure that simply burning pages with some texts from the Quran would be enough to convict Rimsha on blasphemy charges. Therefore, he had added two pages from the Quran to the bag of ashes being cited as evidence against Rimsha to bolster the case. The cleric was charged with fabricating evidence against the girl.

In another dramatic turn of events, three witnesses who had initially told police that they saw Chishti tear pages out of a copy of the Quran and put them with the police evidence recanted their statements in November at a bail hearing for the cleric. However, a fourth witness stood by his initial statement. The witness stated that when he had asked the cleric why he was adding the pages of the Quran to the evidence bag, Chishti had replied that that was how they could get the Christians to leave the area.

A lawyer who had been representing the Christian girl said when she was granted bail in September that he would not push for her to be released from jail until her security could be guaranteed. He had stated that she would require an armoured vehicle and a substantial number of guards to protect her.

Rimsha was cleared after the police said that they had no evidence against her and the charges were dropped. The minor girl expressed fears for her security after her release but even though aid groups in at least three western countries had offered Rimsha and her family a home outside Pakistan, she said that she did not want to leave her country.

The charge did not represent an ordeal for Rimsha and her family alone. Hundreds of Christian residents of the Mehrabad slum had fled the area in August fearing extremist violence after Rimsha was charged under the blasphemy law. Some local religious groups had reportedly threatened to burn



Civil society groups rallied to Rimsha's defence.

down the Christians' homes.

From being reviled in August to being described by one of Pakistan's most senior Islamic clerics and also chairman of All Pakistan Ulema Council as the "daughter of the nation" by December and he also vowing to guarantee her safety was seen as a remarkable turn of events in a country where individuals accused of insulting Islam are almost never helped by powerful public figures.

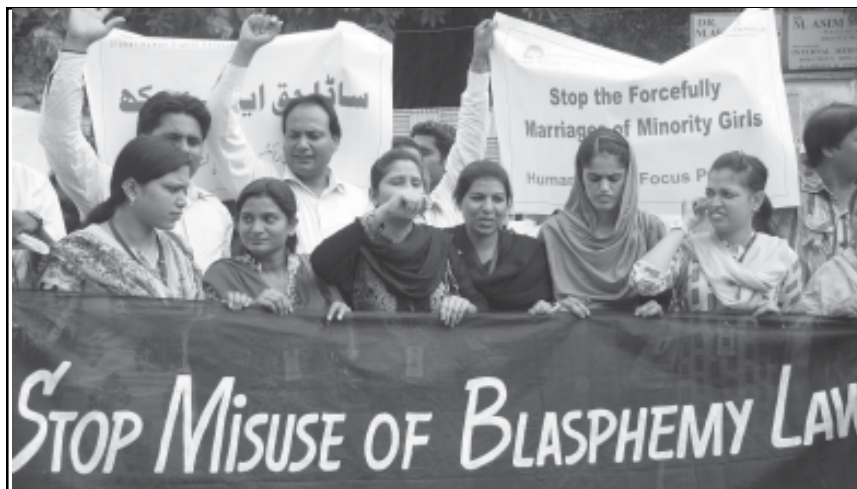
However, many others accused of blasphemy were not quite as fortunate during the year. In July, thousands of people stormed a police station in Bahawalpur, and grabbed a man who was in custody over accusations of desecrating the Quran. The man, who was said to be mentally unstable, was then dragged out into the street, where he was beaten to death and his body set on fire. Before the attack, some people had started making announcements over mosque loudspeakers, calling upon the people to go to the police station and punish the man. The mob had also burned several police vehicles and wounded seven officers before grabbing the man. It also attacked the house of an area police chief and burned the furniture and other belongings.

In June, a mob in Karachi tried to storm a police station to get hold of a man who was arrested for allegedly desecrating the Quran. The mob had gathered outside the police station and demanded that the police hand over the suspect to them so that they could lynch him. Police fired into the air and used teargas shells to disperse the crowd. Paramilitary forces were also called in to help the police.

Also in June, one man was killed and 19 injured after a mob attacked a police station in Quetta, demanding that a man detained for allegedly desecrating the Quran be handed over to them. Violence had erupted after police arrested the man who was stated to be "mentally challenged". A senior administration official said that angry protesters, mostly Afghan refugees, had torched several vehicles and pelted police with stones. The guards of a senior police officer were wounded when the protesters entered the police station and started firing.

In September, a businessman in Hyderabad, Sindh, was accused of blasphemy after he refused to take part in a protest against an anti-Islam film. The man had objected to closing his shop in protest against the anti-Islam film and also allegedly tried to convince others to not take part in the protest. A senior police officer was reported to have told the media that there was no evidence against the accused, but the mob forced the police to lodge a blasphemy case against him.

In October, a Christian boy 16-year-old Ryan Stanten was accused of sending blasphemous text messages to friends in the Sui Southern Gas Company (SSGC) staff colony. Fearing for their lives, the boy and his family fled their house inside the staff colony. An enraged mob later broke into the home, took out furniture and appliances, and burnt them on the road. A case was registered under Section 295-C of the PPC against the boy, who had reportedly said that he had forwarded the text messages he had received from someone without reading them. According to media reports, the boy's mother, who worked as



Members of minority communities had many reasons to demand security.

a superintendent with the gas company, had been dismissed from her job and the boy had been arrested.

In November, a teacher in Lahore was accused of blasphemy over giving her students a piece of homework that allegedly contained derogatory references to Prophet Muhammad (PBUH). The teacher was forced into hiding after the school management denied all responsibility for her actions, sacked her and called for her to be punished. The school management took out front page advertisements in two leading newspapers to deny any knowledge of the supposed insults to the prophet.

The school's headmaster had been taken into custody but his lawyer said the police had only arrested him to appease the mob. The school administration said that announcements had been made in the nearby mosques to inflame the public.

Also in November, a man accused of blasphemy against Prophet Muhammad (PBUH) was found guilty by a court in Chitral district of Khyber Pakhtunkhwa and awarded the death sentence and a fine of 100,000 rupees. The accused, Hazrat Ali Shah, was reported to have uttered the objectionable words in March 2011.

In December, a man detained in a police lock-up on accusation of desecrating the Quran was beaten to death and his body torched by a mob who stormed a police station in Dadu, Sindh. Over 1,000 people had attacked the police station, held the policemen hostage and snatched away the accused who had been handed over to the police a few hours earlier. Earlier, announcements were made from nearby mosques about desecration of the holy book. The police had not even ascertained the name and identity of the Seraiki-speaking man, much less authenticity of the charge, before the mob kicked, punched and hit him with clubs until he died. Police arrested some individuals who were part of the mob. Seven policemen were also taken into

custody and a case registered against them for negligence of duty.

While all this went on, the authorities were little more than spectators. The government did not make any effort in 2012 to raise awareness among the people about the abuse of the blasphemy law or why there were demands for making changes to it. Conservative elements warned the authorities not to use the Rimsha case to make any changes to the blasphemy law.

At Pakistan's Universal Periodic Review hearing in 2012, the Adviser on National Harmony had stated that there was a misunderstanding that the blasphemy law provision (Section 295-C of the PPC) was used to target only minorities. He stated that the majority of cases registered under the section had been against Muslims. He then said that an independent judiciary, free media and vibrant civil society "also provided an effective safeguard against any misuse of the blasphemy law". At the end of 2012 the safeguard supposedly provided did not seem very effective. An effective safeguard was certain to elude the Pakistanis in 2013 unless those chosen to govern them took some interest in righting wrongs that are vital to prevent abuse of this law in the future.

### **Recommendations**

1. *There is an urgent need to take measures in both law and practice to reach out to members of all minority faiths in Pakistan to reassure them that the state will facilitate their enjoyment of all rights and will pursue any excesses against them with complete commitment. Hate speech and violence against religious minorities must be suppressed by the full might of the state.*

2. *The pervasive intolerance that is gnawing at the heart of the Pakistani society has its roots in persistent and shortsighted policies of the 1980s and '90s. Undoing the damage must be persistent and systematic and should be emphasised in curriculum and propagated by role models and people that the youth look up to. The media and the civil society should be partners of the state in this vital endeavour. Inter-faith harmony should be more than mere rhetoric reserved for occasions such as Diwali, Christmas, Eids, Moharram or Holi.*

3. *An autonomous and accessible commission on religious minorities must be established at the earliest with jurisdiction to entertain all complaints of faith-based discrimination.*

4. *Steps should be taken to increase representation of parliamentarians from religious minority communities through direct elections. The mainstream political parties have a significant and thus far negligent role in this respect. They should remedy that in the coming elections.*

5. *Abuse of the blasphemy law continues to take a heavy toll in terms of human lives and harassment of citizens. A well thought out plan should be put into place to make the citizens aware of the havoc that the abuse of this law has caused and how important it is to insert safeguards that can prevent that abuse.*

# 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

The freedom of expression of a people indicates not just the free flow of information, accountability on all levels and transparency, but also the openness of society. It is the benchmark against which a democratic and free society is judged. No society can claim to be democratic and progressive unless it enables and allows its people to voice their opinions without fear of reprisal.

In addition to question marks being raised over media's credibility, the profession itself proved to be quite hazardous. Fourteen journalists were killed in the line of duty in the year under review, making Pakistan easily the most





Media-persons as they saw themselves.

dangerous country for journalists in the whole of Asia and one of the most dangerous in the world. The killings were a continuation of a clear trend for years. The journalists killed in Pakistan in 2012 included Saqib Khan, Rehmatullah Abid, Mushtaq Khan, Abdul Haq Baloch, Abdul Qadir Hajizai, Razzaq Gul, Mukarram Khan Atif, Muhammad Amir, Tariq Kamal, Syed Tariq Hussain, Aslam Raja, Jamshed Kharal, Irfan Malik and Murtaza Razvi.

The year under review proved to be quite unstable as far as exercise of this

fundamental freedom in Pakistan was concerned, as journalists and other citizens were targetted for expressing their views. Sections of the national news media were accused of fraud and corruption and renowned TV anchors were accused of conducting planted interviews and receiving money in order to align the media in favour of one side or the other.

The quality of the content on the media was often criticised for a lack of objectivity and impartiality. The media was repeatedly criticised by civil society and many media persons themselves for their portrayal of women. On more than one occasion, Pakistan Electronic Media Regulatory Authority (PEMRA) warned certain media houses against airing indecent content. At times that was interpreted as an attempt by the regulatory authority to unduly control the choice of content by the media.

### Safety of journalists

Over the years Pakistan has gained notoriety for being one of the most dangerous countries in the world for journalists. In the year under review, the hazards associated with being a journalist continued. According to Press Freedom Index, Pakistan was one of the deadliest countries for journalists for the second year running, with a ranking of 151 out of 179 countries.

Journalists were targetted in broad daylight and faced repeated threats. Threats made against highly acclaimed journalists indicated a sense of impunity among the perpetrators. The threats that the journalists in Balochistan and FATA faced were the most daunting anywhere in Pakistan. In terms of dangers to journalists, Khuzdar district was to Balochistan what Balochistan was to Pakistan.

In September, Abdul Haq Baloch, secretary general of Khuzdar Press Club,



became the third journalist to be killed in Balochistan in 2012 and the 13th journalist to be killed in Khuzdar since 2000. In October, two sons of the Khuzdar Press Club President were shot at. One of the boys died instantly, while the second died in the hospital a day later. There was little doubt that the profession of the boys' father had had an impact on their lives being cut short so abruptly. Two presidents and a general secretary of Khuzdar Press Club had already been killed on account of their work. With the upcoming general election in 2013 apprehended to be the most violent in the country's history, problems for journalists in Pakistan seemed certain to get much worse before they got better.

The sequence of murderous events:

### *January*

- ◆ The car of former Hyderabad Press Club president parked outside his office was hit by eight bullets in an attack by unidentified assailants on motorbikes. Mahesh Kumar also owns daily *Sindh*. This was the second time that his car was attacked.

- ◆ Renowned TV host and journalist Najam Sethi declared that he had been receiving serious threats to his life from state and non-state actors. Sethi stated this upon his return to Pakistan, claiming that he had to flee the country and stay abroad for three months due to security reasons. He was reported to have said: "It is unacceptable that in today's democracy intelligence agents should be threatening their own civilians." The Punjab Government provided round-the-clock security at Sethi's residence.

- ◆ Senior tribal journalist Mukarram Khan Atif was shot dead by Taliban militants as he prayed in a mosque in Charsadda district of Khyber



For them the bell tolled in 2012.

Pakhtunkhwa. Mukarram was also a stringer for Voice of America's Pashto service and a former president of the Mohmand Agency Press Club. The Tehrik-e-Taliban Pakistan claimed responsibility for the attack and stated that Mukarram had been targeted because of his supposed propaganda against them in the foreign media.

- ◆ Four unidentified men on motorbikes fired at the house of *Pakistan Today* Bureau Chief Atif Masood Butt in Lahore. The windowpanes of the house were smashed. The police registered a case.

- ◆ Two journalists—Ghulamuddin, senior producer, and Mohammad Aatif Khan, associate producer—working for SAMAA TV received death threats directed at them and their families in response to the airing of a documentary concerning torture in religious seminaries. The documentary had exposed child abuse and torture in a seminary in Karachi. The two men had to go into hiding along with their families.

### *February*

- ◆ Unidentified persons hurled a hand grenade at the home of Geo News reporter Saeedullah Marwat in Dera Ismail Khan. Fortunately, the grenade did not explode. Saeedullah had been receiving threats for his reporting for some time.

- ◆ Senior TV anchor Asma Shirazi received serious threats to her life from banned outfits after she hosted a panel show discussing the unhindered participation of banned groups in public life. Religious groups launched online campaigns against her and also made threatening calls on her cell phone. They demanded that she should air another show in which she should allow the leaders of the banned outfits to express their points of view.

### *March*

- ◆ In Nawabshah, unidentified assailants attacked and set ablaze a Geo News Digital Satellite News Gathering van, injuring two persons. The unidentified attackers escaped before the police reached the scene.

- ◆ A local TV reporter was beaten up by the guards of Baloch politician Shazain Bugti after he tried to record Bugti's meeting with the US embassy's political counselor in Islamabad. The journalist was also given life threats. A case was later registered against Shazain Bugti and the police guards involved in the beating.

- ◆ Ashraf Khan, a senior correspondent for The Associated Press in Karachi, was asked to quit his job after he received threats from the Tehrik-e-Taliban. He received a letter which demanded that he should stop reporting "in favour of the West" and that this was his first and last warning. Khan informed his employers about the letter who suggested that he should quit his job to avoid further threats.

- ◆ A journalist Irfan Malik, who worked for a local newspaper and news

TV channel, was shot and killed by four unidentified assailants in Jhang district. The motive for the killing remained unknown.

- ◆ Sarfaraz Vistro, a senior journalist and chief reporter at Sindh daily was shot and injured by a man named Gohar Zaman Shah. He was admitted to a hospital in critical condition where multiple bullets were removed from his body. The police registered a case but the accused was not arrested.

#### *April*

- ◆ A correspondent of *The News* and Geo News TV channel for Orakzai Agency was threatened by the Taliban with dire consequences if he did not stop reporting. This was the fourth threat he had received from the Tehrik-e-Taliban for covering the military action in the area.

- ◆ Murtaza Razvi, the magazines editor at *Dawn*, was strangled to death in an artist's Karachi studio. The motive for his murder was not known.

#### *May*

- ◆ Two reporters who worked for Sindh TV in Jamshoro were beaten up reportedly by men hired by a former parliamentarian and district nazim of Jamshoro. One of the two journalists, Aziz Palari, was attacked in retaliation for stories critical of the former legislator. The journalist thought that he had been beaten up because they had reported the use of public school teachers as personal servants of the former lawmaker. The other journalist, Ismail Barejo, was beaten up for reporting on the beating of Aziz Palari.

- ◆ Tariq Kamal, an assistant chief reporter for a local Sindhi newspaper, went missing along with a friend on May 6 from Karachi. The two men's bodies were found on May 10. Both had been shot in the head.

- ◆ Razzaq Gul, a correspondent for Express News in Balochistan, was kidnapped near his house in Turbat and his dead body was found the next day. The body bore 15 gunshot wounds and evidence of torture. Gul was believed to be the 21st media person killed in Balochistan over the past three years.

- ◆ The Islamabad residence of Shakeel Anjum, a senior journalist at *The News*, was attacked for the second time by about half a dozen armed men. At the time of the attack Shakeel was not home. A similar attack had occurred on Shakeel's house in 2006 when his son received serious bullet injuries. A complaint was registered but the attackers remained unidentified.

- ◆ Abdul Qadir Hajizai who was a part-time journalist was shot and killed in Washuk district of Balochistan. He worked for a private Balochi language TV channel and was on his way home when gunmen on a motorbike shot at him. He died at the hospital.

- ◆ Armed men opened fire at the house of Turbat Press Club President Irshad Akhtar. The journalist and his family escaped injury. The attack appeared to be meant to send a message to the journalist. The Balochistan Union of

Journalists condemned the attack and demanded that the Chief Justice take notice.

### *June*

- ◆ Gunmen on motorcycles attacked the office of news channel Aaj TV in Karachi. Two people were wounded including a security guard. Taliban claimed responsibility for the attack, and threatened attacks against other television channels that did not feature the Taliban point of view.

### *July*

- ◆ During a strike by the Young Doctors association (YDA) reporters from Express News tried to cover the story of desperate elderly patients at Sheikh Zaid Hospital in Rahimyar Khan district. Doctors attacked the journalists and cameramen, injuring several of them. The police had to intervene to escort the journalists to safety.

- ◆ Dr Shahid Qureshi, a British-Pakistani journalist, complained to the Prime Minister and President after his house in Lahore was vandalized. Dr Shahid Qureshi, elder brother of slain journalist Faisal Qureshi, suspected that the reason behind the vandalism could have been the making of a documentary about the murder.

### *September*

- ◆ The Karachi chapter of Daily Times newspaper's office was attacked during a rally organised by Jamaat-e-Islami. Armed men opened fire and tried to enter the building, forcing the workers to suspend work at the newspaper. No injuries were reported but office property was damaged.

- ◆ Private ARY TV news channel employee Amir was killed while driving a news crew to cover violent protests in Peshawar. Protesters were



A cry in despair.

demonstrating against a film denigrating the Prophet Muhammad (PBUH). Amir died in a local hospital from injuries he sustained when three bullets hit the vehicle. The shots were apparently fired by guards of a local cinema to disperse the crowd.

- ◆ Abdul Haq Baloch, secretary general of the Khuzdar Press Club was shot dead by unidentified gunmen. No group claimed responsibility for the attack but it was a clear case of targeted killing. The Balochistan Union of Journalists condemned the attack.

#### ***October***

- ◆ A reporter for a privately owned news channel Dharti TV, Mushtaq Khand, was killed when unidentified assailants opened fire at a Pakistan People's Party public meeting in Khairpur.

- ◆ Two sons of the Khuzdar Press Club president were shot at by unidentified assailants on motorbikes. One of the two boys died immediately while the other succumbed to his injuries the next day. This violence followed a series of violent incidents against Khuzdar journalists where two sitting presidents and one general secretary of the Khuzdar Press Club had been murdered.

#### ***November***

- ◆ Saqib Khan, a photojournalist for an Urdu newspaper, died from injuries in a blast outside a Shia site in Karachi during Moharram. Khan was covering a bomb blast which had occurred there minutes earlier when a second blast took place, resulting in his death.

- ◆ Columnist Marvi Sarmad escaped an attempt on her life in Islamabad as she was leaving her office to return home. Her car was fired at twice by unidentified assailants in a black car with tinted windows. The bullets missed her car and she sped away to the nearest police station and filed a complaint.

- ◆ The car of senior journalist and Dunya TV anchor Muhammad Malik was shot at by unidentified miscreants in Lahore. The car was parked inside the house when the bullets hit it but no one was injured.

- ◆ Two journalists, Syed Tariq Hussain and Aslam Raja, were shot and killed in Karachi in a case of targeted killings. The two journalists, who worked for a local weekly, were riding a motorbike when unidentified men shot them. Both died instantly.

- ◆ Rehmatullah Abid, a journalist who wrote for Urdu daily *Dunya* and Associated Press of Pakistan was shot dead in Panjgur in the troubled province of Balochistan. Armed men on motorbikes opened fire on him which resulted in his instant death.

- ◆ Hamid Mir, TV anchor for Geo News, escaped an attempt on his life

when the bomb disposal experts were able to defuse a bomb attached to his car. The bomb was placed under the car and was spotted by a neighbour's driver. The Tehrik-e-Taliban claimed responsibility and added that the attack was in response to Hamid Mir's coverage of the attack on Malala Yousafzai, the young advocate of women's education, in Swat.

#### December

- ◆ Two journalists in Sindh, Arbab Bheel of Dharti TV and Mushtaq Qambar of daily *Sindh Express*, faced threats when they reported on the rape of a minor Hindu girl. The main accused in the rape of the 6-year-old called the journalists and told them to quit following the case if they wished to live. Mushtaq Qambar was also physically assaulted and continued to receive threatening calls.

- ◆ Two journalists in Mohmand agency were arrested without warrant and taken into custody. The security forces raided the Mohmand Agency Press Club and took Saeed Badshah and Kifayatullah into custody. Local journalists staged protests and blocked the Peshawar-Bajaur road demanding the release of the journalists.

- ◆ A journalist, Jamshed Kharal, was shot dead when a group of armed men intercepted a bus on Quetta-Sukkur highway and kidnapped six individuals. Three individuals, including the journalist, tried to escape and as a consequence were shot and killed. The slain journalist worked for a newspaper in Quetta.

Impunity for perpetrators of journalists' killings continued in 2012 and no headway was made in apprehending or prosecuting the killers of any of the journalists killed in 2012. Out of the over 80 journalists killed in Pakistan since the year 2000, the perpetrators have been tried only in one case, that of American journalist Daniel Pearl. Several high profile cases of attacks on journalists remain unsolved and the perpetrators roam free. From the government's action it appeared as if its responsibility to bring the killers to justice stood fulfilled the moment a terrorist or militant organisation claimed responsibility for an attack. Numerous probes were launched and commissions formed to investigate journalists' killings but there was no concrete result. The well-known cases of the murder of journalists Wali Khan Babar and Saleem Shahzad gained much coverage in the media but unfortunately that did not translate into the capture of those responsible. In the case of Wali Khan Babar, the Geo reporter gunned down on a busy road in Karachi, the last eyewitness of the murder was also gunned down in November 2012. The complainant's lawyer also skipped court amid threats. There was much talk of introducing a witness protection law, however, the plans did not materialise in 2012. The ring leader, Faisal Mota, was still at large at the end of 2012 while the prime suspect in the murder, Liaqat Ali, was killed in a police encounter.

The judicial commission formed to probe the Saleem Shahzad case presented its report in 2012. Despite pointing fingers in general at the intelligence agencies in Pakistan, the commission failed to identify the individuals responsible for



the murder. The report was called disappointing by the family of the deceased as well as the civil society.

### Quality of content

According to the United Nations, freedom of expression can only become a reality when news consumers have adequate media literacy skills to critically analyse and synthesise the information they receive. They should be able to use that information in their daily lives and also hold the media accountable if it engages in sensationalism or imparts inaccurate information. Since the freedom that the media is able to enjoy in Pakistan is but a recent development, both the consumers and the media seem to be engaged in a trial and error phase.

The media in Pakistan has been accused of sensationalism time and again. The fine line between opinion and news has been increasingly blurred. Reporters on news channels often take sides in the issues they report on. The numerous news channels that have emerged in the past few years largely conform to the same ideas. The content is uniform across the channels while all manner of news becomes breaking news. Media critics have blamed these channels for their lack of research and an almost complete absence of follow-up. In the very short attention span that the media has, vital issues and events are taken up only for a day or so before they slip into oblivion. The impartiality of media anchors also came under the spotlight in 2012 when a number of off-air videos of leading anchors were released. Such cases damaged the image of the media's impartiality to a great extent.

The portrayal of women in the media was criticised by civil society and rights groups. Besides showing proactive and independent women in a bad



TV drama artists gathered to protest against foreign drama dubbed in Urdu.



light, the media showed an utter lack of sensitivity when reporting cases of sexual abuse and rape. The names of the rape victims were often revealed denying the victims privacy and in the case of Uzma Ayub, a victim of gang-rape from Karak in Khyber Pakhtunkhwa, the media repeatedly hounded her and made her narrate the experience of her abduction, gang-rape and subsequent conception. The case highlighted insensitivity of the media to the excesses faced by women. On the National Day for Working Women 2012, civil society, media professionals and others called upon the media to improve the portrayal of women. Business and advertising sectors were also urged not to show women in derogatory light and to stop stereotyping them.

The media's silence on selective issues was often criticised. The media's national narrative does not include rural voices, thus alienating the majority of the population. The problems of religious minorities, sectarian tensions and the role of banned militant organisations are only covered briefly after violent attacks targetting members of religious and sectarian minorities. The problems facing the people in Balochistan, FATA and in conflict-hit areas in general get no more than minimal coverage on the national media. Pakistan's relations with its immediate neighbours are also generally not dwelt on. The issues that receive the media limelight are not picked according to severity or urgency; they are picked to ensure the maximization of channel ratings. As a consequence, important issues which require media attention are ignored. The media has also faced criticism for its failure to focus on youth issues. The serious dearth of children's programmes continued in 2012 as well.

According to South Asia Free Media Association (SAFMA), the media should play a proactive role in strengthening democracy and creating political awareness among the masses. The media requires some soul searching in order to become the bastion of freedom of expression that it proclaims to be.

### **Accountability in the media**

The media in any country is considered to be the whistleblower on injustices and a watchdog for public interest. In the year under review, however, it was the media itself which came under the spotlight over issues of objectivity.

Malik Riaz, a property tycoon, had been in the news headlines in 2012 due to his alleged underhand transactions with Dr Arsalan Iftikhar, the son of the Chief Justice of Pakistan. In June, Malik Riaz was interviewed by two well known anchors in Pakistani media; Meher Bokhari and Mubashir Luqman. In a video footage released subsequently, it emerged that the interview was planted and the two anchors were apparently doing no more than giving Malik Riaz time on air to clarify his position. The leaked video caused uproar in the media world as well as among the viewers. The credibility of the media as a whole was questioned. Some media experts believed that the leaked video unearthed a more widespread issue which had plagued the media since the start. They

called for more transparency in the media and regulation to prevent such incidents from happening again.

The very next month, when the hype concerning the leaked video had not yet settled, TV anchor Hamid Mir and journalist Absar Alam filed a petition in the Supreme Court, asking for formation of an accountability commission to probe the sources of income of different channel owners, anchors and advertising agencies. The petition alleged that the federal ministry of information had a secret fund of Rs 4 billion which it used to influence different media houses. The minister of information and broadcasting denied the claims and stated that the only funds they had kept aside were for the welfare of ailing and retired journalists. In December, the Supreme Court demanded information from the ministry concerning these funds, which were frozen until further order. The matter was yet to be decided when the year ended.

### **Issues in legislation and policy**

The few measures initiated to ensure the safety of journalists and to give the citizens complete freedom of information could not be made into enforceable law. The draft Punjab Freedom of Information Act 2012 was introduced to ensure that all provincial departments in Punjab were bound by law to release information regarding their constitution, structure, activities, etc., to the general public. The draft law did not get the approval of the provincial cabinet until the end of the year. Experts called the draft deficient since it allowed the Punjab government and its agencies to classify certain information as secret. Such clauses curtailed the very right to information the draft was supposed to promote.

On November 6, the UN office in Pakistan, parliamentarians, Human Rights Commission of Pakistan and media workers jointly signed the Declaration on Protection of Journalists. Various international and local rights bodies had been calling upon Pakistan to provide protection to journalists as the country had consistently been ranked as one of the most dangerous for journalists. The implementation strategy up till 2017 under the UN Operational Plan II was to be adopted in 2013. The move was seen as a step towards devising a mechanism to ensure protection for journalists and to formulate policies for freedom of expression in the country.

In August, Justice (retd) Wajihuddin Ahmad, a former Judge of the apex court, and Qazi Hussain Ahmad, a religious scholar, petitioned the Supreme Court to direct PEMRA to stop airing content on television that the petitioners considered indecent. The petition led to the Supreme Court's observation that PEMRA should first define the term 'obscenity' in order to ascertain whether the content in question is indecent or not. The Supreme Court noted that PEMRA had not laid out a commonly accepted standard of decency which had led to much ambiguity in the law.

The Fair Trial Act of 2012 was unanimously passed in the National Assembly

in December, a move that received mixed response from different quarters of society. The Act would allow security agencies in Pakistan to tap into private communications of citizens in order to catch terrorists. The federal cabinet defended the law by claiming that security agencies needed modern techniques and devices for investigation and to be able to track electronic communications. However, human rights organisations slammed the move as a serious curtailment of citizen's right to privacy. The Act gave security agencies the right to tap phones, calls, emails, SMS, internet connection and even conduct human intelligence on suspicious individuals. Such powers carried huge potential for misuse by security agencies for personal or political purposes. The Act also failed to define the term terrorism which could potentially be used vaguely for personal gains. The opposition tried to limit the applicability of the Act only to proceedings before the Anti-Terrorism Court but could not persuade the treasury benches.

### Social media and the web

An ever increasing number of Pakistanis gained access to social media and the Internet. According to official Facebook statistics, the number of Facebook users in Pakistan grew from 1.8 million at the end of 2011 to 3.6 million in 2012 alone. Millions of young adults took to Twitter and Facebook to share information. The flow of information on the Internet is considered to be free and unrestricted but this was not the case in Pakistan. The video sharing website YouTube was banned in Pakistan in September as a consequence of a video uploaded there that was widely considered to be denigrating Prophet Muhammad (PBUH). The video triggered mass protests and condemnation all across the Muslim world but the tensions simmered away within a month or so. In Pakistan, however, the ban on YouTube was imposed with the condition that it shall stay in place till the video was taken down. YouTube failed to comply and, consequently, the ban was in place until

the end of 2012. Numerous artists, civil society and citizens protested against this ban, labeling it a gross violation of the right of freedom of expression and access to information for the citizens of Pakistan.

Banning websites was not a new phenomenon in Pakistan though. The government had been accused for many years for banning websites of Baloch nationalists. Baloch Hal, the first English language Baloch news



The plug was pulled on YouTube.

service had been banned since 2010. Over the years, BBC and other international news agencies have reported on Pakistan Telecommunication Authority (PTA), the state regulator, banning nationalist websites on the pretext of spreading ‘misinformation’. That meant that only the narrative authorised by the government was considered appropriate for public consumption.

### **Freedom of expression for the populace**

The term freedom of expression is all encompassing in the sense that it is not restricted to the freedom of the journalists or the media to say what they want to. Freedom of expression, as understood holistically, includes the entire populace’s right to express themselves and their ideas not merely through words but also through gestures, artistic expression and personal choice as well, without fear or interference. It includes the people’s right to privacy and confidentiality.

Pakistan has consistently been called one of the most dangerous countries for journalists but the environment is such that the common person is incapable of expressing herself without fear of retaliation. One case in point was the targetting of Malala Yousafzai, a 13-year old girl from Swat, who was shot by Taliban militants for promoting education for women.

In November 2010, Sherry Rehman, a Pakistani politician and the country’s ambassador to the US, submitted a bill in the National Assembly to delete death penalty as a punishment for the offence of blasphemy. Sherry Rehman appeared on numerous TV channels at the time to talk about the blasphemy law. A certain Faheem Akhtar Gill, a citizen of Multan, requested a court to order registration of a case of blasphemy against Ms. Rehman because, in his opinion, she had committed blasphemy by speaking ill of the blasphemy law



Sherry Rehman: In the crosshairs for urging reform of blasphemy law.

on television. Entertaining such cases would essentially mean that anyone at any time can be accused of committing blasphemy on television if their views are found disagreeable by any Pakistani.

In May, an incident came to light concerning a video captured on a cell phone in which numerous girls and boys were seen dancing and enjoying themselves at a wedding in Kohistan district of Khyber Pakhtunkhwa. Subsequently, a local cleric and his companions issued a death decree against

four girls and two boys in the video, alleging that they were engaged in un-Islamic behaviour. As a result of the *fatwa*, it was widely feared that the girls might be killed. In June, the cleric was arrested by the police, who claimed that it appeared to be a case of tribal rivalries. It was rumoured that the girls and boys had been killed. After the Supreme Court took suo motu notice of the case, the authorities informed the court that the girls and boys were alive. However, until the end of the year it was uncertain if that was indeed the case.

### ***Recommendations***

- 1. The media should play a positive role in strengthening human rights, positive values, democracy, confronting extremism and ensuring people's right to free and fair information.*
- 2. The impunity for perpetrators of journalists' killing must end forthwith. The killers should be identified and tried to convey the government's commitment to freedom of expression and journalists' security.*
- 3. An environment where individuals can be killed for airing their opinions should not alarm the civil society alone. The government must take steps to confront intolerance and ensure acceptance of others' views.*
- 4. Journalists should be given hostile environment training before they are sent to report on incidents of terrorism or to conflict areas. They should also be given proper safety equipment and first aid kits.*

# 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 freedom of assembly is not only the entitlement to hold and to participate in a peaceful assembly but also the right to be protected from undue interference in doing that. Since assemblies take place in public places, they allow for direct observation of the conduct of the participants, law-enforcement agents, and other public authorities and relevant actors. In that respect the right further protects those monitoring public gatherings. The right to assemble peacefully is universally acknowledged to be the underpinning of functioning democratic systems, and is also an essential condition for the exercise of other human rights, such as freedom of expression and freedom of association. In fact, the UN special rapporteur for the right to freedom of assembly also has the mandate for freedom of association. The freedom of assembly serves as a vehicle for people engaging in political pursuits, cultural, economic and social activities, as well as religious observances. This interdependence with other rights makes freedom of assembly a key indicator of a state's respect for the enjoyment of many other human rights. The freedom is enshrined in a number of international human rights instruments including the International Covenant on Civil and





Islamabad: Citizens come together to demand respect for the Prophet.

Political Rights (Article 21) and also reflected in the International Covenant on Economic, Social and Cultural Rights (Article 8).

The right of peaceful assembly is not an absolute right under the International Covenant on Civil and Political Rights. However, in the opinion of the UN special rapporteur on the freedom of assembly, the fact that only “certain” restrictions may be applied to the freedom of assembly means that freedom is to be considered the rule and its restriction the exception. The special rapporteur has also referred to General Comment No. 27 (1999) of the Human Rights Committee on freedom of movement, which notes that “in adopting laws providing for restrictions ... States should always be guided by the principle that the restrictions must not impair the essence of the right ...the relation between right and restriction, between norm and exception, must not be reversed”. That means in essence that any restrictions must be “necessary in a democratic society”, must have a legal basis, and the law prescribing it must be accessible and its provisions sufficiently precise.

While the right to freedom of peaceful assembly is constitutionally guaranteed in Pakistan (Article 16), the environment in which it is exercised in many regions of the country and the restrictions imposed at times seriously impede its enjoyment.

In 2012, this right was curtailed to a great extent in Pakistan on the pretext of preventing public disorder. On the other hand, the trend towards violent assembly and protests also grew in the country. Protests, both violent and peaceful, were rife in the country throughout 2012. Large number of people typically gathered at public places and blocked important roads to protest issues of concern, including electricity shortages, absence of fuel or increase in its price, inflation, lawlessness, drone attacks in the tribal regions of Pakistan,



alleged desecration of the Holy Quran by a pastor in the US and the release of content on the internet that was considered blasphemous. Political parties, including one ruling in the Punjab, also held rallies against load-shedding and inflation, shifting the blame on the federal government in the centre. The Punjab chief minister also joined a demonstration in the city of Lahore to protest against prolonged load-shedding.

Bans were imposed to curtail protests in the name of public order, although sometimes groups of citizens and political parties disregarded the bans. Through the course of the year protestors were arrested, beaten and even detained for peaceful assembly, ostensibly for holding up traffic by protesting on the roads.

### **The right to peaceful assembly**

The country's courts have often reiterated that holding demonstrations and exercising freedom of assembly are essential elements of a democratic set-up, and that such rights should be construed liberally. The courts have affirmed that the freedom of assembly cannot be abridged or construed as an offence of unlawful assembly. However, reasonable restrictions imposed under the law have also been acknowledged and accepted by the judiciary, most recently in verdicts cited in the year 2012 at 2012 PLD 681 SC and 2012 CLC 714 SHC.

Under sections 30-32 of the Police Act applicable in all provinces, the police are responsible for keeping public order in the streets, thoroughfares, etc., and assemblies/processions convened without a licence from the competent authority can be stopped or dispersed. While the general public aggrieved by one problem or another seldom sought permission for holding



The Baloch organised large gatherings to demand return of the disappeared.

assemblies or taking out processions, the political parties generally applied for permission. At times, the permission was refused to political leaders such as chief of Pakistan Tehrik-e-Insaf (PTI) Imran Khan and Awami Muslim League (AML) chief Sheikh Rashid Ahmed over the possibility of public disorder or in the interest of public security. In particular, a peace rally by PTI to Waziristan, in FATA, against US drone attacks was denied clearance initially due to a threat of terror attacks. The rally eventually took place but was not allowed to enter Waziristan. Some gatherings, especially political and religious assemblies, were targeted in terrorist attacks, but many more concluded without incident. However, Shia Muslims decried the government's failure to protect their religious gatherings from terrorist attacks.

Members of the Shia Hazara community of Balochistan repeatedly demonstrated their anger against recurring target killings of members of the community in vociferous but non-violent protests. In January, the Hazara Democratic Party staged a demonstration outside the Balochistan Assembly over the killing of three Hazaras.

Some of the countless other instances where the citizens exercised their right to assemble and protest included the following:

- ◆ Activists of Shia Ulema Council staged a rally in April to protest target killing of Shias in Gilgit city and demanded the resignation of the Gilgit Baltistan Chief Minister.
- ◆ Dozens of transgender persons staged a demonstration in May to protest the non-registration of their names in the voters' lists despite an order of the Supreme Court to that effect. They also staged a sit-in outside the Election Commission office.
- ◆ Hundreds of farmers staged a protest in Rahimyar Khan district of Punjab, in January against low prices for their cotton and sugarcane crops.
- ◆ In January, hundreds of Christians held a protest demonstration against the Punjab government for alleged illegal demolition and occupation of the community's two-acre property in Garhi Shahu, Lahore.
- ◆ In January, political activists and traders blocked the national highway near Dera Allahyar, disrupting the flow of traffic between Sindh and Balochistan, in protest against rising incidents of kidnappings in Jaffarabad district of Balochistan.
- ◆ Residents of Khyber Agency in FATA staged a sit-in outside the Governor's House in Peshawar to protest against a military operation and imposition of curfew in their area.
- ◆ Scores of women brick-kiln workers staged a demonstration to mark International Women's Day in March and demanded that the Punjab government ensure implementation of its minimum wage policy and other rights for them.
- ◆ In June, farmers associated with Pakistan Muttahida Kissan Mahaz staged a sit-in outside the Governor's House in Lahore. They claimed that the

federal government had been neglecting the agricultural sector.

- ◆ Relatives of missing persons held a protest rally in June in Islamabad city.

### **Terrorism and freedom of assembly**

- ◆ Incidents of terrorist attacks targeting political and religious gatherings in 2012 included the following:

- ◆ A 10-year-old boy was injured when a Pakistan People's Party (PPP) rally was attacked in the mafia-infested town of Lyari in Karachi in February.

- ◆ Six people were killed and 17 injured in a bomb explosion near the venue of a rally arranged by the Awami National Party (ANP) in Quetta in June.

- ◆ A PPP rally was attacked in district Khairpur of the Sindh province in October. Six people were killed and 10 injured.

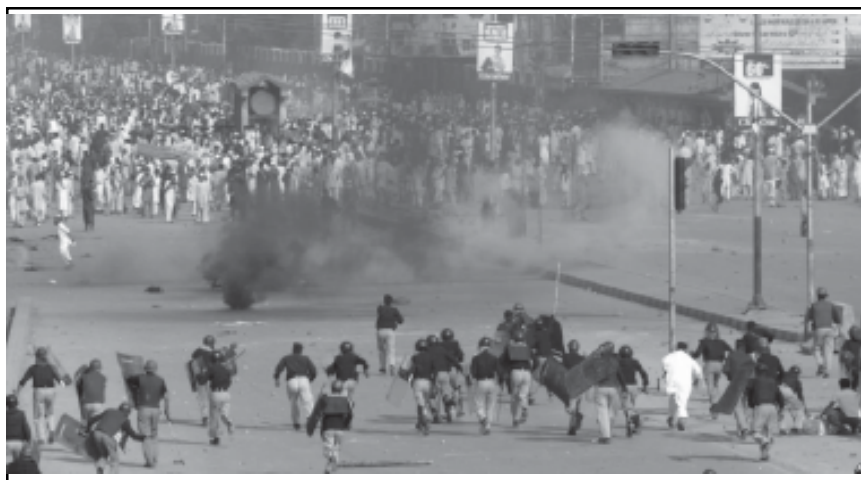
- ◆ A bomb was found and defused at a venue where former prime minister Yousaf Raza Gilani was scheduled to address a gathering of Pakistan People's Party (PPP) workers in Multan in October.

- ◆ In November, eight people, including three children, were killed and 27 injured when a bomb explosion targeted a Muharram procession in Dera Ismail Khan.

- ◆ Also in November, a suicide attack near an Imambargah in Rawalpindi targeted a Shia religious gathering. Twenty people were killed and over 40 injured.

- ◆ On the same day as the Rawalpindi bombing, two bomb explosions targeting a Shia place of worship killed two people and injured 30 in Karachi.

- ◆ With elections due early in 2013, political activists and leaders across



Violent protesters come across violent policemen.

the country expressed the fear that the security situation made it difficult for them to campaign by holding public meetings and rallies. Such fears were expressed in particular in the insurgency-hit parts of Balochistan and the militancy-affected areas of Khyber Pakhtunkhwa where political gatherings were targeted in attacks during the year.

### **Abuse of the right**

A violent wave of protests took place in June in almost all cities of the Punjab to protest against power shortages and unscheduled load-shedding. The protesters would typically assemble at thoroughfares and proceed to attack electricity supply companies' offices. While scores were injured in the protests, three protestors were killed as police tried to restore calm. In Khanewal, the protesters torched factories owned by politicians, and torched vehicles and offices of the local electricity supply company. In Chichawatni, two police stations, electricity company offices, cars and motorcycles were set on fire. The Kamalia-Chichawatni road was blocked for hours. The GT Road, a main artery for the country, was blocked repeatedly and at many places. The protesters even did not allow ambulances to pass through.

The most violent demonstrations of the year were held against a film by an amateur US producer that was considered to have disparaged Prophet Muhammad (PBUH). Masses of people took to the streets, burning American flags, vandalising public and private property and fiercely attacking the police resistance. In later September, when the government announced a 'Love for the Prophet' day and asked the people to protest peacefully against the film, 19 people were killed, 12 in Karachi and seven in Peshawar, in violence amid the demonstrations. Another 200 people were injured in different cities across the country in clashes with police and at times with other protestors.

March saw a string of large gatherings in public places in Karachi against a security forces operation in Lyari to end gang violence there. The protestors attacked police cars and threw petrol bombs, while the police used baton charge and tear gas to disperse the crowds. Many of the policemen and protestors were injured.

In June men armed with sticks roamed the city of Rawalpindi to enforce shutter down strike called by local traders against increasing power outages in all major markets of the city. Although the police had assured the traders that security would be provided, they were unsuccessful in stopping the men who flocked the markets forcing shopkeepers to close for the day.

In May, a large number of people gathered in Karachi to demonstrate against the notion of a separate 'Mohajir province'. Police opened fire at the rally, organised by Awam-i-Tehreek and Peoples Amn Committee, after which protestors turned violent. The violence resulted in the death of 12 people and injuries to 29 others.

Violent protests against increase in the price of CNG, suspension of its



Burning tyres and a blocked road test the limit of the freedom.

sale for most days of the week and non-availability of public transport paralyzed routine life in many cities of Punjab. Public transporters, commuters and employees of CNG stations participated in these protests, some of which led to clashes between police and protesters in Rawalpindi and Islamabad, leaving many people injured. The protests disrupted traffic between Rawalpindi and Islamabad and ended only after the Petroleum Ministry assured CNG station owners and the transporters association of a reduction in CNG prices.

### **Curbs on the right**

In early 2012, the government of the Punjab province announced a policy for restricting and regulating rallies, processions and demonstrations on busy thoroughfares such as the Mall road, one of the busiest roads in Lahore city, to avoid the impact on business activities there. Protests in designated places such as Nasir Bagh in Lahore and Attique Stadium in Rawalpindi were allowed. The Punjab Assembly was to designate assembly staff as representatives who would go to Nasir Bagh in coordination with the district administration to receive petitions from protesters. Under the policy, police was to refrain from using force and legal action was to be initiated against any violators under the law.

Some instances of the exercise of the right to assemble and efforts by the authorities to curtail the same are listed here:

- ◆ Lady Health Workers (LHWs) continued to hold demonstrations during the year as before, gathering along roadsides and marching toward important government buildings to bring attention to their demands for regularization of their service and an improved pay structure. In March, the LHWs were met with a brutal baton-charge from the police when they tried to proceed to the





Tear-gas and batons were the preferred means of dealing with protesters.

Supreme Court in Islamabad to hold a demonstration there.

- ◆ Members of the transgender community assembled in Rawalpindi in May to protest against inordinate delay in transfer of property to member of their community by the cantonment board. As they peacefully gathered outside the Chaklala Cantonment Board (CCB) they were baton-charged by security staff and forced to disperse.

- ◆ In March, hundreds of nurses and paramedics seeking an increase in their wages were subjected to water cannon fire, baton charge, tear gas, manhandling and many were hauled away by the police as they tried to march on to the Governor's House in Karachi to press for their demands.

- ◆ In May police fired tear gas at protesting clerks in Quetta after they tried to march to Chief Minister Aslam Raisani's Secretariat to plead the government to fulfill their demands including shorter time scales and house requisition.

- ◆ In June, Sindh police baton-charged participants of a pro-judiciary rally led by Pakistan Tehrik-e-Insaf (PTI) in Karachi city and arrested several party leaders. The rally was a part of country wide demonstrations held on the directives of PTI Chairman Imran Khan in support of the judiciary following a case involving the son of the chief justice.

- ◆ In August police baton-charged farmers protesting against 'artificial shortage' of irrigation water in various areas of Qambar Shahdadkot and Larkana districts in Sindh.

### **Section 144 curbs on assembly**

The parameters of the right of freedom of assembly were elucidated in a

recent judgment by the Sindh High Court, wherein it was explained that, ‘When the State wishes to deny its citizens the enjoyment of Articles 16 and 17(2) of the Constitution, three things must be shown: Firstly, that the restriction in question has been imposed by law, thus, it is entirely irrelevant and insufficient for the executive to assume for itself a general power in this regard simply for the reasons of, for example, administrative expediency or convenience and something expressly stated in a statutory provision must be shown to exist; secondly, the court must be satisfied that the restriction so imposed by law is reasonable; and thirdly, the restriction must be relatable to the matter specifically provided for in relation to the fundamental right in question’ (2012 CLC 714 SHC).

Under section 144 of the Code of Criminal Procedure (CrPC) a district government was empowered to make temporary orders in emergency cases of nuisance or apprehended danger, where immediate prevention or a speedy remedy was desirable. Powers under this section could be exercised where the authority considered its direction likely to prevent or intended to prevent obstruction, annoyance, injury to any person lawfully employed, danger to human life, health or safety, or a disturbance to public tranquility, or a riot, or an affray (Section 144). The power was, however, extraordinary in nature in view of the fact that it suspended the lawful and fundamental rights of a citizen.

Some instances where a ban was imposed under section 144 are provided below:

- ◆ In January, Race Course police registered a case against 35 members of the Lahore Chamber of Commerce and Industry (LCCI) including its president for violating a ban imposed under section 144 on rallies on the Mall. The protest was arranged by the LCCI against the closure of gas supply to industries.
- ◆ In March, Civil Lines police registered a case against 600 PTI workers for holding a rally on the Mall in violation of section 144 restrictions.
- ◆ In April, the government of Sindh banned rallies and processions for 10 days in five districts of Sindh under section 144 during the hearing of a case of alleged forced conversion of Hindu girls to Islam.
- ◆ Teachers who violated section 144 on the Mall in May by demanding a better pay package were arrested by the police
- ◆ Sindh government imposed Section 144 curbs in September, banning processions, rallies and organising public meetings within the limits of Karachi Division for a period of three days, in view of the violence committed by miscreants during recent rallies in which lives were lost and properties damaged.

### ***Recommendations***

1. *The state’s consistent failure to ensure adequate security for religious*



*gatherings of a substantial sectarian minority amounts to denying them the freedom of assembly. From pursuing security measures to bringing mischief makers to justice, and enhancing tolerance for religious and sectarian minorities, a multi-pronged approach needs to be worked out and implemented with support from civil society and community and religious leaders to ensure protection for religious gatherings.*

*2. Making political gatherings safe from terrorist attacks must become the government's priority as otherwise the exercise of democratic rights and political activity would be substantially undermined in large parts of the country. In that respect, it is also imperative to block the easy access to firearms and explosives.*

*3. Excessive invoking of Section 144 curbs on assembly should be avoided. The right of peaceful assembly must only be curtailed in the rarest of instances and where damage to public interest can be proved.*

*4. There is an urgent need to impart specialised training to police and any other force tasked with crowd control to avoid the use of unnecessary force or provocation. They must also be reminded that abuse of the right of peaceful assembly by citizens does not relieve them of their duty to exercise restraint and only use the minimum required amount of force.*

*5. The huge demonstrations witnessed in 2012 are a reflection of the people's frustration over their inability to get the decision makers' attention. While facilitating the peaceful right of assembly, the government must ensure that people's demands are heeded before they spill on to the streets.*

# 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)

Pakistan has ratified the key international instruments concerning freedom of association. The documents ratified include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and ILO Convention 87 concerning freedom of association and protection of the right to organise. The constitution of Pakistan also guarantees every citizen's right to form associations. The ratifications notwithstanding, there are many challenges in exercising the freedom, some of which are rooted in law, but most of them in practice.

The freedom of association in Pakistan has seen many highs and lows. Although the freedom has been denied most blatantly during military regimes, several issues of concern have remained even at the best of times. The freedom means much more than merely forming or joining trade unions. The entitlement extends also to civil society organisations, charities or political parties. It includes the right to operate freely and to be protected from undue interference,



Hyderabad: LHW chant slogans against non-payment of their salaries.

to access funding and resources and to take part in the conduct of public affairs. The freedom of association also covers an inherent right to an effective remedy and accountability for human rights violations and abuses. The obligation of the state is not confined to non-interference in the citizens' right in this respect, it must also prevent non-state actors from hampering realization of this right. Also required are meaningful steps for creation of a conducive environment to facilitate enjoyment of the freedom.

In a report that the UN special rapporteur on the rights to freedom of peaceful assembly and of association submitted to the UN Human Rights Council in 2012, he highlighted some of the challenges in Pakistan. The special rapporteur noted that the Government of Pakistan was yet to respond to his country visit request sent in September 2011. In November 2011, the special rapporteur had sent a questionnaire to all UN Member States, national human rights institutions, regional human rights mechanisms, non-governmental organisations, and other stakeholders to identify best practices that promoted and protected the rights to freedom of peaceful assembly and of association. A total of 87 replies were received and these informed the first thematic report of the special rapporteur in 2012. Pakistan had not responded to the questionnaire.

### **The curbs on trade unions**

Some of the restrictions on formation of trade unions in 2012 amounted to undue constraints on the freedom to associate. These included the legal provision barring formation of trade unions in establishments with 50 workers or less in Punjab and 20 or less workers in other provinces. Informal workers and those who worked full-time but lacked the proof of employment were also ineligible to form trade unions.

Trade union leaders also faced risks to their lives from elements who



WAPDA Hydro Electric Central Labor Union in Peshawar.

were upset by their efforts to organise workers. In July, the president of All Pakistan Clerks Association (APCA) at the Lahore Accountant General's office, Bakhsh Elahi, was shot and killed by unidentified men. The APCA workers at the Accountant General's office, led by Elahi, had been on strike for the preceding 12 days. The murderers of a WAPDA union leader in Jhang and president of PIA workers union in 2011 were neither identified nor brought to justice till the end of 2012.

The ordeal of six power loom union leaders in Faisalabad who had been convicted to a total of 594 years in prison continued as they entered the third year of their sentence. The workers decried the unduly harsh sentence as a ploy to undermine trade unions' struggle for labour's rights. Until the end of 2012, the hearing had not started on an appeal filed against the conviction in the Lahore High Court. *[See also the chapter 'Labour']*

### **Victim by association**

Although there were no legal curbs barring association with any political or religious-political party, streaks of violence in some parts of the country were specifically directed against activists or leaders of one political party or another. Such violence was most frequent in parts of Balochistan and Khyber Pakhtunkhwa provinces and in Karachi.

To put in perspective the risks on account of political affiliation, the 3,105 people who were killed in various incidents in Karachi in 2012, included 356 political activists.

In December, the Taliban claimed responsibility for the assassination of Bashir Ahmed Bilour, Awami National Party (ANP) leader and Khyber Pakhtunkhwa minister, and eight other people in a suicide bombing in Peshawar. A Taliban spokesman said that they had established a 'revenge wing' that had targeted Bilour. He also warned that ANP and the Muttahida Qaumi Movement,



Bashir Bilour's assassination led to calls for decisive action against Taliban.

a political party with a strong support base in Karachi, were the prime targets of that group.

A bomb explosion near the venue of a public meeting by ANP in Nowshera district killed five people and injured another 26. ANP president for Tank district Khan Gul Bittani was shot and killed, and the ANP joint secretary for Shabqadar was murdered along with three ANP activists in Mardan. Their party affiliation was believed to have been a factor. With the 2013 general elections expected to be one of the more violent ones in the country's history the security situation for the activists and leaders of political parties has become even more dangerous. *[See also the chapter 'Political Participation']*

### NGOs targeted

The women and men working with NGOs or as part of the civil society in general found that that association brought with it considerable threats to their lives. The risks were most severe in the Khyber Pakhtunkhwa province and the neighboring FATA region. Those working for the rights of women and promotion of education faced increased risks.

In May 2012, a politically influential cleric from Kohistan district in Khyber Pakhtunkhwa warned female NGO workers against entering Kohistan and threatened that any females who ignored the warning would be married to local men. The cleric accused NGOs of pursuing western agenda and said that NGO workers would not be allowed to 'influence' local women in the name of empowerment. The threat was not followed by an official response, verbal or otherwise.

On July 4, Farida Afridi, head of women's rights organization Society for Appraisal and Women Empowerment in Rural Areas (SAWERA), located in FATA, was shot and killed outside her home by two armed men on a motorbike. She had reportedly been facing threats for working to help women.

Civil society organisations kept calling upon the government to improve conditions for NGO workers and human rights defenders especially in areas



### Freedom of association in Pakistan

The following is an extract from *the 2012 report of UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai*.

**Pakistan**” 231. JAL 30/12/2011. Case no. PAK 17/2010. State Reply: None to date. Alleged killing of a human rights defender.

**Observations:** 232. The Special Rapporteur regrets that no reply has been received from the Government of Pakistan to the allegation letter sent during the reporting period. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide detailed answers to all the concerns raised in this communication.

233. The Special Rapporteur remains gravely concerned at the alleged extrajudicial killing of Mr. Zarteef Afridi from the Human Rights Commission of Pakistan (HRCP). He is gravely concerned about the physical and psychological integrity of people exercising their rights to freedom of peaceful assembly and of association in Pakistan, notably of those working for the HRCP as two other members of the organisation, Mr. Siddique Eido and Mr. Naeem Sabir, were reportedly subjected to abduction and subsequent killing in early 2011. He underscores that it is the responsibility of the State to ensure that those exercising their rights to freedom of peaceful assembly and of association are duly protected. A thorough and independent investigation into the killing of Mr. Zarteef Afridi should be conducted, and those responsible should be held accountable. He requests the Government to keep him informed about the investigations conducted in relation to the aforementioned case.

234. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

235. The Special Rapporteur reminds the Government of Pakistan of his country visit request sent in September 2011, to which a response is yet to be received. In this connection, OP6 of resolution 15/21 states that the “Human Rights Council... [c]alls upon States to cooperate fully with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, ... and to consider favourably his or her requests for visits”.

where extremist militants held sway but the situation certainly did not improve in 2012.

### **Banned organisations**

While the problems for the organisations acting within the law were many, several outlawed groups and organisations could apparently work without much hassle. As in previous years, several organisations that had been banned by government on account of their links to militancy and terrorism were able to operate, at times under changed names. In January, the banned Sipah-e-Sahaba Pakistan held a procession in Islamabad, prompting the interior minister to seek an explanation from the local police chief and suspension of the chief of the relevant police station.

In February, activists of a Bahawalpur-based banned jihadi outfit delivered a lecture on the campus of University of Peshawar. Posters regarding the lecture had been put up on campus a day before but the university administration failed to take action. The lecture was stated to be part of the outfit's membership drive and 30 people reportedly filled out membership forms at the campus.

In 2012, the federal Interior Ministry added the name of Ahl-e-Sunnat Wal Jamaat (ASWJ), formerly known as Sipah-e-Sahaba Pakistan, to its list of banned organizations for suspected involvement in terrorist activities and sectarian violence. With that ban, the number of banned organizations in Pakistan in the past 11 years rose to 45. The ASWJ chief vowed to challenge the ban. Despite the ban, the ASWJ chief and, Hafiz Saeed, chief of another banned organisation Jamaatud Dawa, joined a protest and sit-in organised by Difa-e-Pakistan Council in the federal capital.

### **Recommendations**

1. *It is high time for the state to ensure that the freedom of association written in international and national instruments becomes a right in the real world, with prompt and effective remedy in the event of denial of this right.*

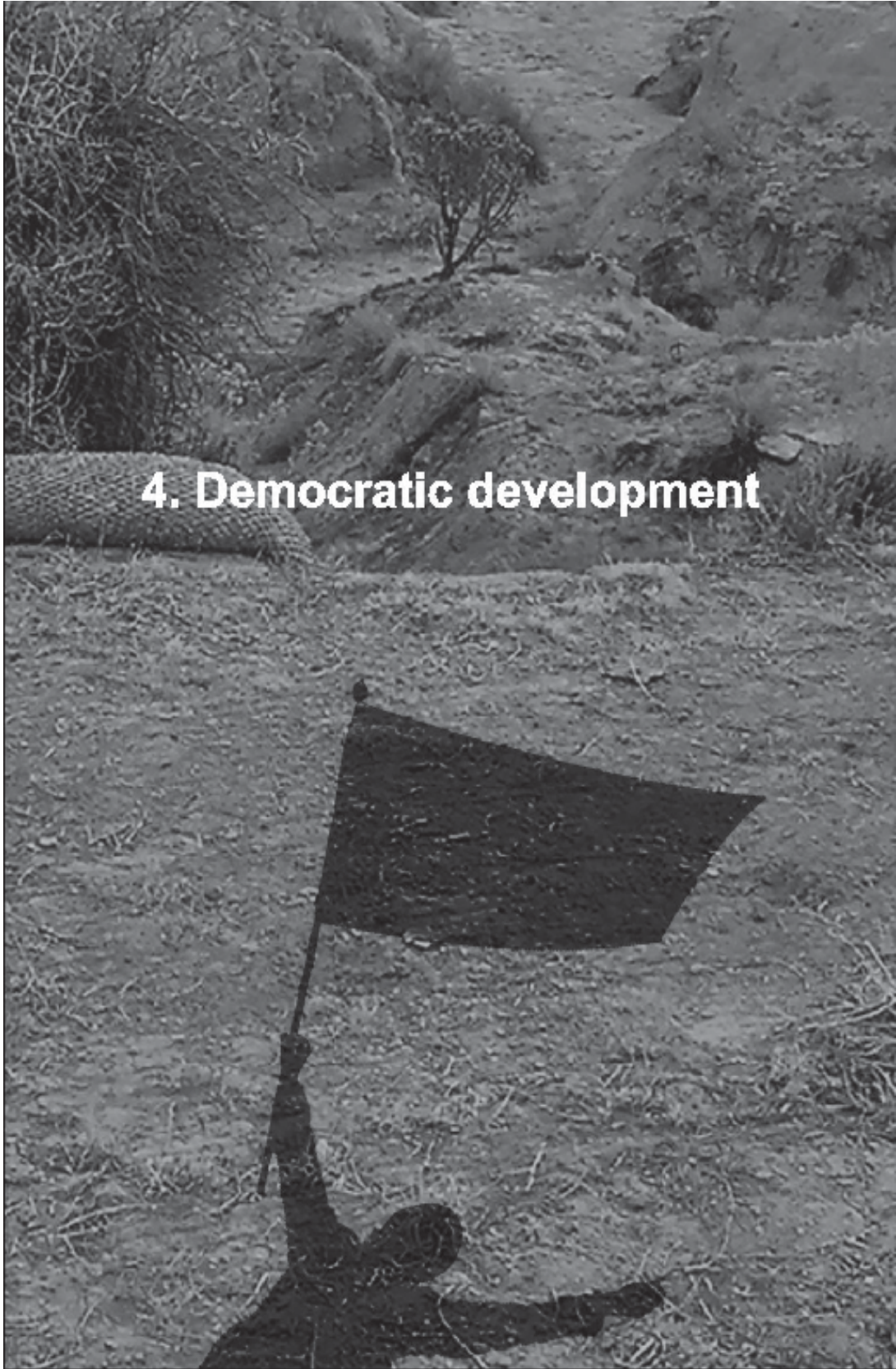
2. *The right to freedom of association cannot be exercised in a vacuum. The overall environment in this regard is in dire need of improvement. A multi-pronged approach, which focuses on making the right easily enforceable as well as awareness raising about the importance of this crucial human right, should go hand in hand with steps to prevent non-state actors from hampering realization of this right.*

3. *Pakistan should accept the request by the UN Special Rapporteur on the freedom of association to visit Pakistan without further delay and should facilitate him in every way during his visit.*

4. *The risk for the women and men on account of their association with NGO is unacceptable and must be dealt with on priority. The official reaction to violence or threats or incitement to violence against NGO workers must no longer remain mere silence.*



## 4. Democratic development





# Political participation

*... the state shall exercise its powers and authority through the chosen representatives of the people ...*

**Constitution of Pakistan**

Preamble

*... the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed ...*

Preamble

*... fundamental rights [shall be guaranteed] subject to law and public morality ...*

Preamble

*The state shall encourage local government institutions composed of elected representatives of the areas concerned and within such institutions special representation will be given to peasants, workers and women.*

Article 32

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

**Universal Declaration of Human Rights**

Preamble

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

Article 1

Political participation is considered a key human right based on the premise that the only way a society of millions of people can function properly and



Polls-related consultations abounded.

progress is if it works like a single organism in which every individual has a voice and is part of the political process. Societies where the political elite severs its ties with the individual cease to function in a democratic manner and people resort to violence in a bid to be heard. Pakistan is on the verge of becoming just such a society.

Politically motivated violence was rampant in the country, especially in Karachi and the conflict-hit regions, Balochistan, FATA and parts of Khyber Pakhtunkhwa, of the country in 2012. Political parties kept their militant wings to maintain control.

The year under review also held significance since it was the last year for the government until the general elections were held in early 2013. The year saw numerous haphazard intra-party elections taking place which were considered far from democratic. The Election Commission of Pakistan (ECP) also came into motion and was responsible for publishing the voters list as well as for taking some important measures to ensure free and fair elections.

### **The Election Commission**

Even though doubts had been raised by some political groups concerning the impartiality of the ECP, it was generally agreed that the appointment of the ECP chief and the four members was not politically motivated, not a small feat in Pakistan. In July, the representatives of all the major political parties reached a consensus on Justice (r) Fakharuddin G Ebrahim as the Chief Election Commissioner.

It was noted that all the members of the ECP were males which suggested that perhaps no woman in the country was competent enough to join the ECP as a member. The HRCP noted this issue and strongly advocated the need for

female representation in the ECP. There were numerous promises made and proposals presented before political parties to ensure free and fair elections. Regrettably, the ECP backtracked on a majority of these promises owing to lack of agreement among political parties. One such promise was to cancel election results from constituencies where less than 10% women cast their votes. The ECP in May held six consultative meetings with stakeholders before this package was proposed. During a consultative meeting in late September, however, all the major political parties rejected the proposal, terming it impractical.

Another backtracked promise was providing overseas Pakistanis with the right to vote. In February it was announced by the ECP that 3.7 million overseas Pakistanis had been granted the right to vote though a detailed plan was not worked out. In late September, however, the ECP decided against providing overseas Pakistanis with voting facilities. The reason stated was that there was not enough time to make appropriate arrangements for elections all over the world. HRCP believes that Pakistanis anywhere should be given the right to cast their votes since, the matter of right apart, they contribute to the economy of Pakistan by sending remittances.

Some measures were however taken by ECP to introduce impartiality in the elections and to make them as free and fair as possible. In December the ECP's additional secretary announced that the body will employ thumbprint-tracing technology to avoid irregularities in the polls. If complaints are received that rigging or other irregularities occurred in certain constituencies, their votes shall be sent to NADRA for verification. If the votes are found to be bogus, the election result shall be cancelled and fresh voting shall take place. Such innovations for fairer elections were lauded by political parties and civil



The ECP had its hands full in striving to ensure free and fair elections.



society.

Another measure to introduce transparency in the working of the ECP was the release of voters' lists in late July. The ECP chief stated that 84 million voters, 47 million male and 36 million female, had been registered and the list was prepared comprehensively after house to house visits. ECP short messaging service (SMS) was also made active to help registered voters check the status of their votes and polling particulars.

In September, the Supreme Court (SC) disqualified lawmakers holding dual nationalities and ruled that they were not eligible to hold any public offices. As a result, the Election Commission of Pakistan (ECP) issued notifications for the disqualification of the 11 lawmakers in accordance with the SC's judgement. They were: Zahid Iqbal, Farahnaz Ispahani, Muhammad Ikhtlaq, Ashraf Chauhan, Nadia Gabol, Amina Buttar, Jameel Awan, Waseem Qadir, Farhat Mahmood Khan, Nadeem Khadim and Ahmed Ali Shah.

In December, the ECP decided to go ahead with fresh delimitation of constituencies in Karachi despite opposition from the principal ruling party of Karachi, MQM. The Muttahida Qaumi Movement (MQM) challenged this move by filing two review petitions. The ECP secretary noted that the delimitation would be carried out in line with two of Supreme Court's judgements, the constitution and the law. He also added that the delimitation shall be fair, lawful and aid in bringing the law and order situation in the city under control.

### **Political parties**

Even though a separate political party existed for all aggrieved groups in the country, including the Baloch, Shia Hazaras, and religious minorities, a general lack of democratic spirit was witnessed within most parties. Out of the 162 registered political parties in Pakistan in 2012, there were only a few who could claim that free and fair internal elections had been conducted. Reports by civil society organisations revealed that a majority failed to carry out any meaningful intra-party elections. Instead, a thinly-disguised selection process was witnessed which ensured that the same old office-bearers held on to important posts. Almost all mainstream political parties held their intra-party elections close to the general elections, due less to the democratic spirit and more to meet ECP conditions.

The eve of election in Pakistan seems to attract many proponents of novel and even unrealistic ideas. Tahir-ul-Qadri, a Pakistani-Canadian religious scholar and former politician, came back to Pakistan and held a grand rally in December 2012. He challenged the Election Commission as well as the government, stating that he would give the government a deadline of three weeks to establish an honest and independent body that would introduce electoral reforms and pave the way for free and fair elections. He also warned that if that did not



Another day, another killing: political violence remained high in Karachi.

happen by January 10, millions of people would march on Islamabad on January 14 to signal a total collapse of the system. He signed a pact with the government parties that was unlikely to be honoured.

The general breakdown of law and order, especially in Sindh, has often been attributed to militant wings of certain political parties. It is not a mere coincidence that targeted killings in Karachi are so frequent and the killers are never caught. Political workers are targeted with impunity while government operations rarely produce results. In November the issue was taken up by the Senate and the view across the board was that all political parties in Karachi had militant wings. The House then went on to adopt a resolution with a majority recommending that the government take effective steps to de-weaponise the city.

### **Census delayed**

Census in Pakistan is a task that always suffers delays. A fresh census, which was due in 2008 when this government came to power, has been delayed by various factors. For the past five years civil society in Pakistan has been trying to reiterate the importance of conducting a census and the implications of delaying it but it seemed that few had got the message.

In February, Marvi Memon, a former lawmaker, appealed to the Chief Justice to take *suo motu* action against the government's failure to conduct timely census. The original schedule for the completion of the census was late 2011 but no census could take place. She rightly pointed out that legitimate elections could only take place once the exact population of the country was known. The Chief Election Commissioner also noted that delimitation of



constituencies was a futile task without the completion of the population census. Electoral, budgetary and development decisions based on outdated data cause differences between different parties and lead to misallocation of funds.

### **Disqualification of an elected Prime Minister**

The year 2011 had ended on an optimistic note with a small ray of hope that the clash between the executive and the judiciary would somehow come to pass. Unfortunately, something that many political analysts had been predicting happened: Yousaf Raza Gilani was unable to complete his full term as premier in office. In an unprecedented judgement, the Supreme Court (SC) of Pakistan instructed the Election Commission of Pakistan (ECP) on June 19 to “issue notification of disqualification of Syed Yousaf Raza Gilani (prime minister) from being a member of the Majlis-e-Shoora [parliament] w.e.f. 26.4.2012”. The SC judgement came in response to petitions challenging the ruling of Speaker of the National Assembly, Fehmida Mirza, that the prime minister could not be disqualified from being a member of parliament as a result of his conviction. Some legal experts and political analysts called this judgement a soft coup. PPP’s Raja Pervaiz Ashraf was elected as the new prime minister after Mr Gilani’s exit.

### **Targeting of political workers**

Owing to the fact that certain political parties had militant wings, as well as the general rise in militancy in the country, political workers were targeted



Hundreds of political workers ended up in the morgue.

throughout 2012. The most prominent assassination was that of Bashir Ahmad Bilour, the senior KP minister belonging to the Awami National Party (ANP). In late December, Bilour, along with nine other people lost his life in a bomb attack at an ANP meeting in Peshawar.

A month earlier, another MPA belonging to ANP, Yasmeen Zia, was targeted by terrorists who planted a homemade explosive device outside her house. Yasmeen Zia was not present at the house when the explosion took place but her house was damaged. In recent years ANP, the largest political party in Khyber Pakhtunkhwa, has become a regular target of the Taliban and other extremist elements in the region due to their overt agenda of religious moderation.

Similarly, violence in Karachi has peaked in recent years as workers of all major political parties have been targeted. Up to 356 political activists lost their lives in Karachi in 2012 alone. In a press statement, a former Sindh home minister claimed that more than 150 Pakistan People's Party (PPP) workers had been killed in targeted operations in Karachi in 2012. *[See also the chapter 'Freedom of association']*

### **Parliament at work**

During the ongoing fifth parliamentary year (March 17, 2012 - March 16, 2013), the National Assembly passed 17 bills. The National Commission for Human Rights Bill, 2012 was the first one to be passed in May 2012. The National Assembly of Pakistan passed the controversial Investigation for Fair Trial Bill, 2012 in December, which would allow security agencies to invade people's privacy in the garb of intercepting private communication to catch terrorists.

On the other hand, the National Assembly passed another bill, The Right to Free and Compulsory Education Bill, 2012 to provide free and compulsory education to all children aged from 5 to 16 years in schools established by the federal government and local government in Islamabad Capital Territory (ICT) as required under Article 25-A of the Constitution.

The 20th Amendment was passed this year, which would ensure a neutral caretaker setup, a powerful and independent election commission as well as smooth transfer of power after the next elections. *[See also the chapter 'Laws and law-making']*

### **Women's participation**

In the year under review, women continued to hold only 60 seats in the National Assembly out of a total of 342 despite comprising half the population. The performance of these women MNAs however showed that they more than made up for their lack of representation. In the last four years, six resolutions were adopted on women rights and many bills were passed including



Women activists in Khyber Pakhtunkhwa refused to cede space to extremists.

those on harassment at the workplace, acid attacks, and evil customs.

During a one-day roundtable conference in late September in Islamabad, women parliamentarians and party leaders agreed to build consensus within their parties to provide minimum of 10 percent quota for women on winnable seats in the 2013 elections.

Since few women are able to take active part in the political process of the country, the ones who do are confronted with greater barriers and discrimination. The few women who are able to make it to the top are often subjected to character assassination. One such case gained much hype in 2012 in which Foreign Minister Hina Rabbani Khar was made the subject of unfavourable gossip.

### Minorities

The government moved the bill titled 'Constitutional (Twenty-Third) Amendment Act 2012' to pass a law on the cabinet's decision regarding enhancement of minorities' seats in the Lower House of parliament as well as in provincial assemblies. This amendment contained the proposal to add four more seats for minorities in the National Assembly, while the seats reserved for minorities in Punjab, Sindh, Khyber Pakhtunkhwa and Balochistan were to increase to 10, 12, 4 and 4, respectively.

This bill came in the backdrop of a year that did not go well for the minorities in Pakistan. In 2012, many churches (including one in Faisalabad, one in Mardan and six in Sindh), three Hindu temples and an Ahmadi worship place were amongst the places of worship that were damaged, destroyed or vandalised in Pakistan. The Punjab police demolished the minarets of an Ahmadi place of worship in Kharian while the perpetrators of most of the other cases

remained unidentified.

The scope for the Ahmadis' participation in political activity, especially in elections, remained constricted. They continued to stay out of the electoral process because of their refusal to vote on the basis of separate rolls prepared only for them.

Happier was the turn of event for the country's transgender population as they won a Supreme Court order for their registration as voters.

### ***Recommendations***

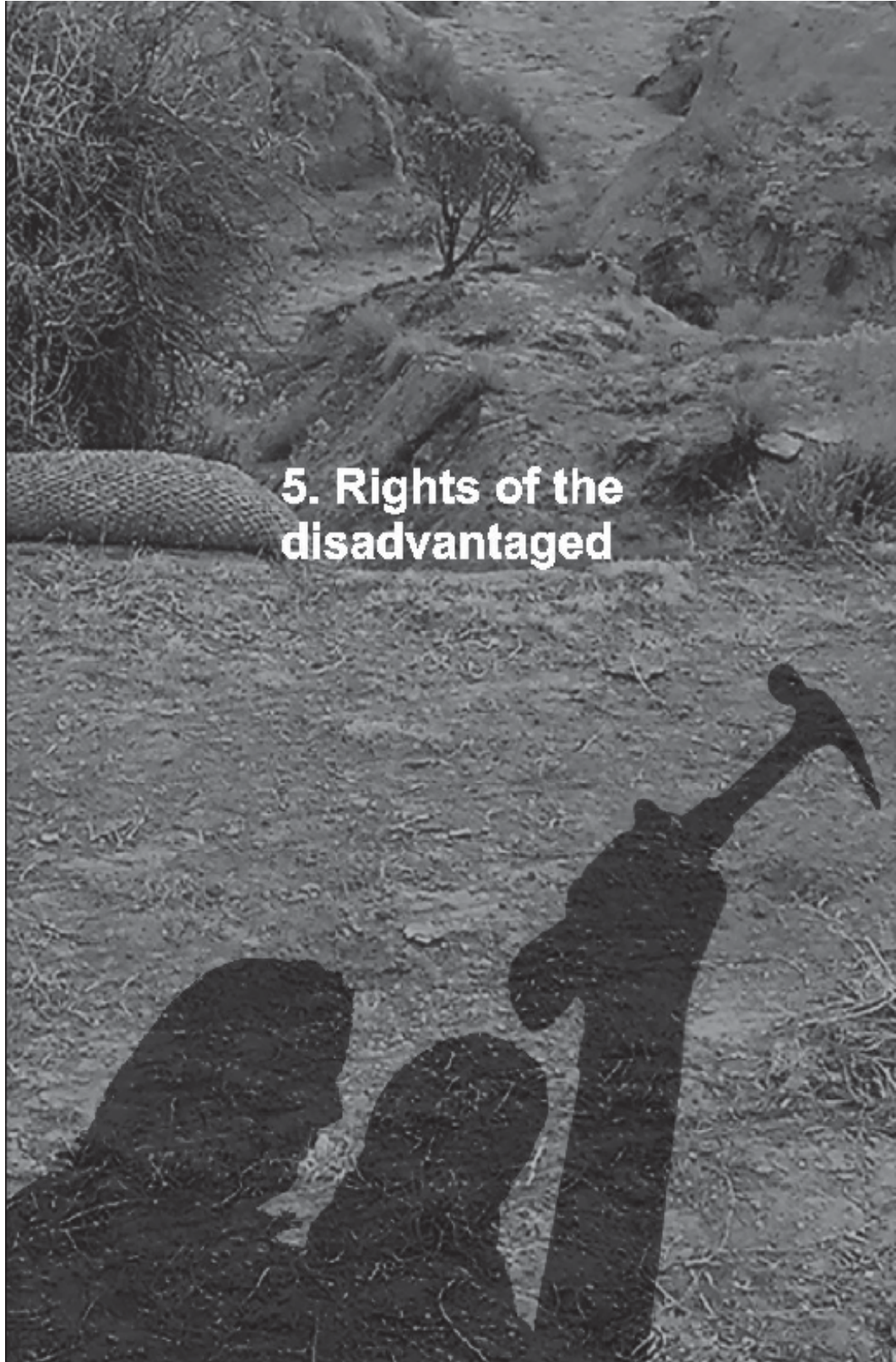
*1. In the period right before elections, much activity is witnessed among the Election Commission as well the political parties to engage voters in the political process. In order for democratic principles to be implemented, it is essential that the population is engaged in the political process throughout the inter-election years.*

*2. The free exercise of democratic rights is curtailed by acts of violence. The targeting of political workers is condemnable and dedicated measures should be taken to provide security to all of them.*

*3. Political parties should consider fielding more candidates from amongst women and minorities in general elections since they are gravely under-represented. Organised efforts to bar women from electoral process, especially voting, continue because of failure of the authorities to take effective action.*

*4. The ECP should exert its constitutional authority to enforce new rules and introduce new proposals in order to make the election process free and fair.*





**5. Rights of the disadvantaged**



# Women

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

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

*No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of ... sex ...*

*Steps shall be taken to ensure full participation of women in all spheres of national life.*

*The state shall protect the marriage, the family, the mother ...*

*The state shall ... [ensure] that ... women are not employed in vocations unsuited to their sex...*

## **Constitution of Pakistan**

Articles 25, 27, 35, 37

*All human beings are born free and equal in dignity and rights ...*

*Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind ...*

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

*Men and women of full age ... are entitled to equal rights as to marriage, during marriage and at its dissolution.*

*Marriage should be entered into with the free and full consent of the intending spouses.*

*Everyone has the right to equal access to public service in his country.*



*Mother and childhood are entitled to special care and assistance.*

**Universal Declaration of Human Rights**

Article 1, 2, 7, 16, 21(2), 25(2)

Violence against women remained deeply ingrained. Women were attacked and killed on account of asserting their rights to education, work, and generally for choosing to have a say in key decisions in their lives. Heinous crimes such as honour killings and acid attacks persisted without systematic measures being taken to prevent or prosecute such attacks. For instance, in June, four women in Kohistan were reportedly executed for singing and dancing at a wedding under orders of a tribal *Jirga* that deemed their actions to be dishonourable, though their relations denied this. Another dreadful case of the year was that of Rimsha Masih, a minor Christian girl, arrested under the blasphemy law on false accusations of having burnt pages of the Holy Quran. [See the chapter 'Thought, Conscience and Religion']

The need for the establishment of women's shelters continued to be neglected, as did police reporting and investigation systems on account of lack of trained personnel.

The government and non-government sectors took a keen interest in the 8<sup>th</sup> of March, the International Women's Day, through various demonstrations and activities. The Punjab government on this day announced its 'Women's Empowerment Package'; a list of policy proposals aimed at safeguarding women's rights and ameliorating their socio-economic position. Included in



Poverty added to the traditional woes of women.

the package were measures such as reforming the procedure through which women inherit land, the appointment of an ombudsperson to deal with cases of sexual harassment in the workplace, and the provision of medical assistance and protection for women subjected to acid attacks. Laudable as the proposals were, they were yet to be implemented at the end of the year under review.

According to media reports, out of 1,976 persons who committed suicide in 2012 across the country 626 women. Of the 873 persons who tried to take their own lives but failed 382 were women.

### **Economic and social rights (challenges and opportunities)**

The year under review saw some measures being taken to alleviate the economic and social status of women (especially those from the lower middle income sector) in a country that has remained characterised by inequitable distribution of economic resources. Although these steps were not concrete enough to facilitate empowerment, a degree of greater female accommodation in this segment was definitely evident.

The Punjab government announced some economic opportunities for women in the province, an important one of these was instituting a Rs. 2 billion fund with the government-owned Bank of Punjab to provide micro finance to women. The official female quota for government jobs was increased from 5 percent to 15 percent (although implementation remained inadequate), while Rs. 14 billion in the 2012-2013 budget were allocated to women's causes, such as those listed in the women's empowerment package.

The provincial government also created 30 new positions in the Women's Development Department, which released Rs. 1.508 million in 2012. It was not clear what impact many interventions that appeared to be laudable had. The needs of rural women were acknowledged as economic empowerment projects were introduced through both government and civil society groups. As part of attempts to improve the economic situation of women in the countryside, the Benazir Income Support Programme introduced a vocational skills development agenda in which each participant was to be given a \$12 cash grant every month along with health insurance. Again, details on the extent to which these programmes were successfully implemented remained scarce. Educational institutions appeared active in introducing courses to enhance occupational skills, with the University of Faisalabad holding a vocational training camp for rural women to improve their quality of life. The courses provided guidance in stitching, arts and crafts, cooking, and fashion designing. UNESCO and the Rural Media Network, a non-profit organisation aimed at developing independent rural media in Pakistan, organised a three-day capacity building workshop in which rural women were taught the basic principles of journalistic writing and reporting. The training also focused on

sensitising participants to issues related to violence against women and their rights, with the ultimate aim being to both broaden the understanding among the participants of their rights, and to provide them with the ability to report on any incidents of violence, harassment, and discrimination that they encountered at the hands of government functionaries and others.

In March, ActionAid, an organisation that fights for the human rights of the disadvantaged, held a dialogue in Peshawar with female farmers from the area. The main discussion concerned the need to persuade the government to implement the Agriculture Policy of 2005, focusing specifically on female farmers in Khyber Pakhtunkhwa because of a relatively higher level of food insecurity in the province; where 70 percent of most households' income was spent on food instead of health or education.

Female representation within trade unions was severely lacking as women reportedly made up only 2 percent of the trade union memberships in the country. In total 4,487 women were registered with 7,382 trade unions in Pakistan.

The issue of labour rights for home-based workers, an overwhelming majority of whom are women, was actively taken up by members of civil society, as figures indicated an annual rise of 8.91% of women employed in home-based work without any legal protection. Civil society vigorously pressurised the government to implement policies for home-based workers and register them with their respective provincial labour departments. According to HomeNet Pakistan, a non-profit organisation that works for the rights of



Women's role in the workforce was crucial but unacknowledged.

home-based workers, implementation would give 41.9% urban and 70.5% rural working women the status of registered workers, enabling them to enjoy all benefits of workers' rights in the country such as pension.

Under the 18<sup>th</sup> Constitutional Amendment, devolution of many federal projects to the provinces has had an adverse effect on some facilities such as women crisis centres, at least in the short term, due to a lack of prioritisation, and low allocation of resources. In June, the government of Khyber Pakhtunkhwa closed down four of its female crisis centres. These centres had helped around 5,300 women by providing shelter as well as legal and medical aid. One of these centres was located in Swat, and the other three in Kohat, Abbottabad, and Peshawar districts of the province. Twelve of these centres in Punjab were still awaiting a decision regarding their continuation.

On a more positive note, the Khyber Pakhtunkhwa Ministry of Sports vowed to ensure girls equal opportunities in sports. The ministry also called upon the Pakistan Olympics Association to hold national women games at national sports events.

Women in remote parts of the country faced the greatest hurdles to accessing vital healthcare and education services and at times access was virtually impossible. Proactive measures were not taken to enhance the access in such areas during the year. A jirga of Uthmankhel Qaumi Movement demanded proper education and health facilities for girls in remote villages of Bajaur, Malakand and Mohmand agencies, as these areas had routinely been deprived of the most basic of human rights.

### **The legal and political arena**

According to UN Women, the percentage of women at minister-level positions in the world increased from 14.2% in 2005 to 16.7% in 2012. Pakistan currently stood at number 52 in the world ranking of countries according to the percentage of women in parliament. Female representation in Pakistan's parliament, although superior to that of other Muslim countries, left a lot to be desired. Women's representation remained minimal in Balochistan in particular and completely absent in the FATA region. Female representation is essential, among other things, for developing national policies specific to women's issues in these parts. There are few women who have become parliamentarians by directly contesting elections. Currently, there are 60 seats reserved for women in the National Assembly, to which women are nominated on the basis of their party's electoral strength. The seats are divided as follows: 35 seats reserved in parliament for Punjab, 14 for Sindh, eight for Khyber Pakhtunkhwa and three for Balochistan.

There was not a single woman judge among the 17 judges of the Supreme Court in 2012. A woman has never been elevated to the apex court in the

## The women who stood out in 2012

### Malala Yusufzai:

A 14-year-old girl in Mingora, Swat, Malala was shot in the head by the Taliban in October for her activism regarding women's rights and promotion of female education. Her courage to stand up for the fundamental right of education at the risk of her own life gained much global attention. The outrage following the attack and appreciation for her courage to stand up for the fundamental right of education at the risk of her own life led to the United Nations declaring November 10 as 'Malala Day', a day to focus on the millions of girls around the world who are denied the right to education.. The incident resulted in much international pressure on the government to form policies regarding girls' education.



### Sharmeen Obaid Chinoy:

Her Oscar winning documentary, Saving Face, concerning acid attacks on women in Pakistan, inspired acid burnt victims to campaign for the implementation of the Acid Crime Prevention Act.



### Shad Begum:

A social worker from lower Dir, Shad Begum received the International Women of Courage Award in March for her efforts to promote social and political rights in a deeply conservative area.

### Zubeida Mustafa:

A senior journalist, Zubeida received the annual Lifetime Achievement Award from the International Women's Media Foundation for her extensive writings on education and women's rights. As a tribute to her, Dawn Media Group, where Zubeida had worked for 33 years, announced a new award for journalistic excellence titled the Zubeida Mustafa Award.







Demanding revival of local government system.

country's history. Of the five high courts, there were only three women judges out of a total of 103 high court judges. Two of the women high court judges were appointed in 2012.

Women parliamentarians were much more active and focused than their male counterparts in terms of legislative initiatives, as 20 out of the 53 private members' bills in the current government's term were moved by women.

A groundbreaking achievement during the year was the grant of autonomous status to the National Commission on the Status of Women (NCSW). In January, the National Commission on the Status of Women Bill was unanimously adopted in the National Assembly. Comprising 40 amendments, recommendations from all political parties were accommodated into the bill. In February, the bill was passed by the Senate. On March 8, International Women's Day, the president signed the bill into law.

According to the Annual Development Programme, gender development and juvenile protection measures were to be implemented in FATA, but the tribal belt was neglected in the process of implementation. Women remained the most discriminated group in these areas

Female legislators demanded a woman representative in the Punjab cabinet, as they were of the view that having a woman minister would lend impetus to addressing gender sensitive issues.

### **Inheritance**

In October, the Punjab Women Development Department announced its plan to pursue amendments to the Punjab Land Revenue Rules 1968, which



would result in the creation of district committees for the protection of women's rights to inheritance. In rural Punjab, women are generally not given their share of inheritance from their parents, especially their share in agriculture land.

The Punjab provincial government planned to do away with the need to apply for transfer and division of land in rural areas among legal heirs, in order to avoid usurpation of women's rights in inheritance. Revenue officers were to be required to distribute land among the heirs at the death of the owner instead of waiting for the heirs to apply. In order to avoid forgery, a special committee was to be formed to ensure that no irregularities took place.

On June 5, the government of Khyber Pakhtunkhwa passed the Enforcement of Women Ownership Rights Act 2012 that protects and secures by law the right of property ownership by women. Violators of this law are to be punished with at least five years imprisonment along with a fine up to Rs. 50,000.

### **Education**

According to a recent UNESCO report, at least 5.1 million Pakistani children were out of school, 63 percent of whom were girls. Under the Millennium Development Goals, Pakistan was supposed to achieve parity in the statistics for education for boys and girls by the year 2015. As things stood, the literacy rate for girls was 42% and for boys 74%.

In Punjab, the provincial government vowed to build four new women's universities in Bahawalpur, Sialkot, Faisalabad and Multan districts to enhance women's education.

In Khyber Pakhtunkhwa, at least 20 girls' schools were shut down in 2012 in remote locations of Charsadda district due to a shortage of teachers. In a concrete step for girls' schooling, the Khyber Pakhtunkhwa government allocated 70% of its education budget for female education, which was expected to help rebuild all the girls' schools that had been destroyed by militants in the province.

In Balochistan, where the dropout rate for children in schools was very high, only 23% girls were enrolled in primary schools. Due to a scarcity of girls' middle and high schools along with problems of transport, many girls were forced to abandon their education.

### **Women and the electoral process**

HRCP advocated the need for a female representative in the Election Commission of Pakistan so that women might be better integrated into the system. In a number of polling stations in areas such as Mardan and Mianwali,

women were prevented from voting in the by-elections held at the beginning of the year. The National Commission on the Status of Women urged the Election Commission to take action against denial of women's right to vote but no action was taken.

In September, shortly before consultations with 15 political parties, the Election Commission of Pakistan suggested re-polling on any polling stations where less than 10 percent of the women votes were polled. The plan was to increase women participation in the electoral process but later the Election Commission did not pursue the idea after it was opposed by the political parties.

### **Harassment**

In October, the Punjab Women Development Department proposed the Punjab Protection against Harassment of Women at the Workplace Bill 2012, to better safeguard the rights of working women. However, the bill has still not seen implementation.

In February 2011, the Higher Education Commission (HEC) had established an anti-harassment policy under which all universities were required to provide implementation mechanisms. Until February 2012, only 98 out of the 138 universities had complied. In April, complaints of sexually harassing female students were filed against two teachers at the University of Veterinary and Animal Sciences (UVAS) Lahore. Both teachers were suspended but denied the charges. A female teacher at University of Education in Lahore filed a harassment complaint against a male professor

In July, girl students filed complaints of sexual harassment against two teachers at the art and design department of Hazara University, Mansehra. In May, a Professor at the Arid Agriculture University (AAU), Rawalpindi, was transferred to a different department on a non-teaching position after a student accused him of sexual harassment.

Since the time of its inception in 2011, the federal ombudswoman for protection of women against harassment at the workplace found that about 60% of working women in Pakistan faced harassment. Complaints had been filed by women in both the government and private sectors, especially those working as nurses, teachers and police officers.

A lady health worker in Umerkot, Sindh, filed a complaint of sexual harassment against her male colleagues to the District Health Officer.

### **Women and law enforcement**

Women make up 0.86% of the total police force in Pakistan, but none of them has been able to climb the bureaucratic ladder. There were 19 women-only police stations across Pakistan, and 3,700 policewomen. Policewomen



The resounding slap that derailed the parliamentarian.

remained the least empowered in their line of work. Few of them held high level positions. In Lahore where there were 80 police stations in all, not a single policewoman was head of a police station. Even the female traffic wardens in the city were not given street patrolling duty. A few positive steps during the year included establishment of a women's police station and family courts in the Malakand division to deal with cases of violence against women in the area. In Gilgit Baltistan, one of the more hostile regions for women, a female traffic warden, Tahira Yusub, was promoted to the position of a deputy superintendent of police (DSP).

### **Women in prisons**

Out of nearly 75,000 prisoners in Pakistan's jails, around 1,100 were women. In addition to many of the problems that all prisoners faced in Pakistan, many of the women prisoners' families no longer cared for them or stayed in contact. That was particularly the case for nearly three dozen women who were given the death penalty. The women prisoners also lacked qualified medical assistance as most of the prisons where women were held did not have full-time women doctors and many did not have any doctors, men or women. *[See also the chapter 'Jails, prisoners and disappearances']*

The women police centre in Lahore, Jail Road was reported to have a lock-up area exposed to passers by while the bathroom inside had only a four feet wall. These factors caused violation of privacy for women detainees. Women were reportedly also kept in lock-up much beyond the stipulated time, while there were no separate juvenile cells for young girls under eighteen

years of age.

### **Violence against women**

Incidents of violence against women continued to be reported from across the country. The Taliban attack on Malala Yousafzai in Swat and a number of other attacks also highlighted the risks associated with working for women's rights.

In July, Farida Afridi, Executive Director of a women's rights organisation Society for Appraisal and Women Empowerment in Rural Areas (SAWERA), located in the Federally Administrated Tribal Areas (FATA), was shot dead outside her home by two armed men on a motor bike. She had reportedly been facing threats for working to help women and her murderers were believed to be affiliated with extremist elements in the region.

In the Khyber Pakhtunkhwa province and the neighboring FATA region, women and all those who worked to further the rights of women faced threats. In May, an influential religious cleric in Kohistan district in Khyber Pakhtunkhwa warned female NGO workers against entering Kohistan and threatened to forcibly marry violators to local men. The government did not take any measures to take the cleric to account for issuing the threat.

The Acid Throwing and Burn Crime Bill 2012 was submitted to the National Assembly in December 2012 as a private member's bill. Rather a comprehensive bill, it covered the process of reporting, investigation, collecting medical evidence, compensation for rehabilitation, and protection for the victim and the witnesses. After the bill was submitted to the National Assembly, it was sent to the relevant ministries for comments, which never came. This bill was expected to be presented again soon after the budget session, but that did not happen. The provincial assemblies were also pushed by the civil society to table this bill, but none of the assemblies had taken the initiative in this regard by the end of the year.

### **Honour killings**

The so-called honour killings remained the most consistent and abhorrent form of violence against women in Pakistan. According to media monitoring by HRCP, as many as 913 girls and women were killed in the name of honour in 2012. These included at least 99 minor girls. The number of victims of these attacks was believed to be higher than the figures suggested because of gaps in reporting. Out of the 913 victims of honour killings, at least 604 were killed after being accused of having illicit relations with men, often without any proof; 191 were killed because they had married according to their own choice and against their families' wishes. The incidents were not confined to the majority faith. At least seven Hindu and six Christian women also fell

victim to the crime. The perpetrators of these crimes were usually close relatives. In 202 cases it was brothers of the victim, in 71 cases the father, in 209 the husband, in 61 in-laws, and in 138 cases other close relatives of the victim. Of the victims, at least 16 were raped and 13 gang-raped before being killed.

Cases from the year under review indicated trends similar to those identified in the past; women of all ages were killed, tortured or publicly humiliated over mere suspicion of illicit relations, at times because they were seen talking to someone outside their family. Justice in these cases often remained elusive because the family of the victim was almost always complicit in the killing, and creating hindrances in the legal procedure

According to media reports, a young man recently released from prison shot his two sisters on the pretext that they had been speaking to other boys on the phone. However, their father declared that the girls were innocent and that his son had only shot them because he was angry that he was not given his lunch on time.

In village Fahad Khan Panhwar, near Jacobabad, Sindh, a boy was killed by some people he owed money to, while an innocent girl was killed along with him, just to make it look like ‘honour killing’. Those endangered by the accusation of honour crimes rarely received any state security or support, so when couples ran away, they were mostly left homeless and remained on the run. Even shelter homes, where many women declared *kari* ran to, have had a number of security lapses. In Darul Aman Chakwal, a woman was shot dead by her brother from within the facility, where men are not permitted entry without a security check. In another case, women were shot dead in open court at the Sindh High Court, by their male relative, also a lawyer, for honour. There were about three security checks on entry into the area, which possibly indicates either severe negligence or law enforcement allowing the weapon to pass through.

In some scenarios, the victims were also made to suffer in death as in Sindh where there was a separate graveyard, called ‘karanjo qabrustan’ (graveyard for the dishonoured), where victims of honour killing were not given a proper burial, funeral prayers were not offered for them and even visits by families were not permitted.

Witnesses were hard to come by owing to community pressures as giving evidence was interpreted as condoning the ‘dishonourable crime’ of the victim.

Although only in a handful of isolated cases, the year saw some level of action taken as the courts passed, and law enforcement implemented, a few decisions in favour of protecting those accused of honour crimes.

- ◆ A girl left her husband to elope with her cousin, and managed to get a free will certificate from a magistrate, solemnising her marriage. While her

siblings and cousins consented, her father and ex-husband did not. However the Sindh High Court restrained the police from arresting the couple and instead provided them with protection.

- ◆ Another scenario in Mir Hasan Mari village reported an 18 year old girl being murdered for honour and buried without any investigation. The SHO submitted an application to the judicial magistrate who in turn demanded the body be exhumed for further investigation, despite resistance from the girl's family.

- ◆ In Shikarpur, a jirga declared two girls *kari* after being kidnapped by a rival tribe. However police offered protection to the girls and as the media was alerted, pressure mounted to keep them safe.

### Domestic violence

It appeared from all accounts that physical and psychological violence against women in the household remained as deep rooted as ever. Perpetrators of domestic abuse were typically husbands, fathers and brothers and in-laws. Many cases of women being set on fire by the families of their spouses were reported. According to media monitoring by HRCF, at least 41 girls and women became victims of acid attack in 2012; 15 women had their limbs amputated, mainly over suspicion of 'immorality'; heads of as many as 37 women were shaved to humiliate them; and 49 women were set on fire in different incidents across the country. The perpetrators in a majority of these cases were related to the victim. According to Aurat Foundation, incidence of domestic violence in 2012 increased by 7 percent over the previous year. Statistics by the organisation showed 4,585 cases of domestic violence for the period from



An advice that largely went unheeded.





Women in prison were the most vulnerable of detainees in Pakistan.

January to June 2012.

Some of the grave cases reported in the media in 2012 appeared to be horrible acts of anger and blood lust, as women were tortured within their own homes.

- ◆ In Multan, a woman was strangled to death by her mother-in-law for refusing to hand over her jewellery to her husband's second wife.
- ◆ In Liaquatabad, Lahore, a woman's in-laws hanged her because she could not have children, and claimed that she had died of a grave illness. However, the police found on her neck the marks from the rope that was used to hang her.
- ◆ In Bahawalpur, a man broke his wife's legs and kept her locked in a cupboard for 15 days, after she found that he was involved in an extramarital affair. When she tried to escape, the man threw acid on her. She was rescued only when her brother broke into the house to find her disfigured and starving.

### **Forced conversions and forced marriages**

Forced conversion of Hindu girls often after abduction was a repeated grievance of the Hindu community in Pakistan, especially in Sindh. Once converted, these girls were prohibited from meeting their Hindu families. The most widely reported cases this year were of Rinkle Kumari, Lata Kumari and Aasha Kumari. [See also the chapter '*Freedom of Thought, Conscience and Religion*']

Women remained unequal partners in the union of marriage as families gave their daughters in exchange, to settle disputes or for other financial, social or cultural reasons. As many forced marriages went unnoticed and unreported, exact figures were not easily available, but reports suggested that



Demanding an end to forced conversions.

in just the month of January about 338 cases of forced marriages took place in 31 districts across Pakistan. The tradition of girls being married before reaching adulthood or even puberty remained an outstanding issue. In one case in 2012, a *panchayat* married a five-year-old girl to a six-year old boy in Sahiwal, as the girl's brother had eloped with the boy's sister. The father of the girl was given the option to pay the *panchayat* one million rupees if he refused to give his daughter away.

Activism against this prevalent issue remained the focus of non-government and civil society organisations. In March, ActionAid held a national conference against girls' early marriages. Demands were made to amend the Child Marriages Restraint Act 1929, to make the legal age of marriage for girls 18 years instead of 16 years and to increase punishment for those who arranged child marriages. A survey by ActionAid also indicated that 74% girls under 16 were married in Charsadda and Mardan districts of Khyber Pakhtunkhwa in 2012. However, no concrete steps were taken by the government to implement any strategic objectives to combat this concern.

### **Recommendations**

1. *Implementation of women friendly legislation needs to be carried out well within the stipulated time.*
2. *Government proposed plans and policies for women that have been*

*overlooked need to be seen through accurately.*

*3. Women need to be better accommodated in the socio-economic sector by allowing them greater opportunities and safeguarding of their rights at workplace.*

*4. Representation of women in the judiciary needs to be improved through the appointment of more of them as judges.*

*5. There is need to have more female representation in the law enforcement department and for putting more resources at their disposal.*

# 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)

Protection of child rights yet again did not appear to be a priority for the government in 2012 and, despite several promises and positive projections for the year, the incidence of child rights violations remained essentially unchanged. Recommendations made to Pakistan by the Human Rights Council and Committee on the Rights of the Child at the UN Universal Periodic Review (2008-2012) for the country indicated that Pakistan had seriously lagged in its commitments to child rights as more than half of the recommendations pertained to child rights. *Situational Analysis of Women and Children in Pakistan 2012* by UNICEF also painted a very dismal child rights situation in the country.

Threat to girls' education resurfaced as a serious issue in Pakistan and was particularly highlighted by an attack on Malala Yousafzai, a young advocate of women's education, in the Swat region. None of the provinces made any notable efforts to introduce laws on free and compulsory education to implement the right recognised by Article 25-A of the Constitution of Pakistan. While there was an overall reduction in the number of polio cases in 2012 compared to the previous year, the goal of a polio-free Pakistan remained a long way away. Child health also faced a serious setback toward the end of 2012 due to the eruption of measles epidemic across the country, resulting in hundreds of fatalities. September witnessed another wave of floods, causing devastation in several districts of Punjab, Balochistan and Sindh. UNICEF estimated that at



Dwelling on an uncertain future.

least 1.4 million children had been affected, of whom more than 390,000 were younger than five. At least 176 children were reported killed as a result of drone strikes in north-western parts of Pakistan in 2012.

Some positive developments during the year included the constitution of a Parliamentary Forum on Child Rights (PFCR) by the National Assembly with the primary purpose of ensuring protection of child rights in

the country, adoption of the Right to Free and Compulsory Education Act 2012 at the federal level, decline in the number of polio cases and declaration of 2013 as the year of child rights. The release of Rimsha Masih, a 14-year-old Christian girl accused of blasphemy, in November was hailed as a step forward in exposing the targeting of citizens on unfounded charges under this law. The decision was preceded by worldwide condemnation of the case.

## Health

The Economic Survey of Pakistan 2011-2012 reported that the country lagged behind other South Asian countries in terms of the infant mortality rate, which was 63.26 deaths per 1,000 births, and the under-five year mortality rate at 86.5 per 1,000 live births. There was a marginal decline in both compared to the preceding year but it was still inadequate to meet the Millennium Development Goals. Pakistan Medical Association blames low expenditure on the health sector for the dismal state of health in Pakistan and has recommended that at least six percent of the GDP should be spent on health.

Pakistan continues to be one of the only three countries in the world where polio still exists—the other two being Afghanistan and Nigeria. In 2011, 198 polio cases were reported in 60 districts of Pakistan, while in 2012, 58 cases were reported from 28 districts including Gilgit, its first ever case of polio. The polio vaccination refusals also declined by about 60%, when compared to 2011. According to the Pakistan Polio Eradication Initiative and UNICEF, over 0.5 million children were missed in the October polio campaign, which included 45,000 refusals. Khyber Pakhtunkhwa and FATA remained the most difficult regions for administration of polio vaccine due to presence of Taliban militants who had banned immunization. This was especially the case in South and North Waziristan, where consequently the highest number of polio cases was reported in 2012 - KP (27) and FATA (20). Five female health workers vaccinating children against polio were also shot dead in Pakistan in a series of attacks blamed on Islamist militants. One victim was a 17-year-old schoolgirl who had volunteered to work as a vaccinator.

Pakistan faced a measles outbreak late in 2012 as a result of which at least 306 children lost their lives. The measles incidence in 2012 witnessed a surge of nearly five times over the previous year when a total of 64 fatalities were reported. The jump was most pronounced in the Sindh province, where measles killed 210 children in 2012 whereas 28 children had died there the previous year. A total of 14,687 measles cases were recorded during 2012 (as against 3,890 in 2011) and 1,879 of these cases were reported from the flood-affected districts. World Health Organization (WHO) confirmed that the drastic rise in different parts of Pakistan resulted from inadequate routine immunizations coverage. As per a survey of Pakistan Social and Living Standards Measurement (2010–2011), Pakistan's routine immunization coverage for measles was nearly 65 percent which fell considerably short of the optimal routine immunization





Negligence led to fire claiming several newborns' lives in a Lahore hospital.

rate of over 80 percent.

According to the UN, up to 10 million children suffer from malnutrition in Pakistan. Nearly 3.5 million children are affected by acute malnutrition, and another 1.4 million by severe acute malnutrition, weakening their immune system and often causing death. A report released by Save the Children on child malnutrition in February 2012 stated that Pakistan, Bangladesh, India, Nigeria and Peru accounted for more than half of the world's malnourished children and in Pakistan it accounted for 35 percent of the deaths among children under the age of five. The report also warned that if concerted action was not taken, Pakistan would have the highest percentage of stunted children population over the next 15 years. Findings of the Community Based Management of Acute Malnutrition project, which was launched by the Sindh Health Department for assessing the food situation in 10 flood-affected districts of Sindh revealed that of the 1,469,415 children screened, 167,350 were found suffering from moderate malnutrition and 71,936 from severe acute malnutrition.

### **Education**

The state of education in Pakistan in 2012 is yet another example of the persistent government failure to provide basic rights to children. The literacy rate and the quality of education were both far from satisfactory and any prospects for improvement were hamstrung by rising security concerns in the country.

UNESCO released its Education for All Global Monitoring (EFAGM) report in October 2012 that presented an extremely dismal statistical account of the state of education in Pakistan. According to the report, Pakistan's Education

Development Index (EDI) is 113, which is much worse than regional countries such as India (102) and Bhutan (98). In terms of numbers, the report enumerated that around 5.1 million children aged five to nine years in Pakistan were out of school, which was the second highest number of out-of-school children in the world. If the age bracket was increased to include adolescents, it would show that a total 25 million children are not enrolled in schools. The report also stated that Pakistan was unlikely to achieve the millennium development goal of universal primary education for all by 2015. Pakistan also lagged behind other South Asian countries in its education expenditure. At 2.8 percent of its gross national product (GNP), Pakistan's expenditure on education was the second lowest in South Asia, ahead of only Bangladesh at 2.4 percent.

A report by Society for the Protection and Rehabilitation of Children (SPARC) that focused on the state of Pakistan's children in 2011, also presented similar figures, stating that around 25 million children were out of school in Pakistan, while seven million were yet to receive any form of primary schooling. About basic infrastructure for schools, the report noted that the situation was the most precarious in Sindh, where 35 percent of schools were without a building and in many cases without a boundary wall. Khyber Pakhtunkhwa, Balochistan and Punjab followed with 23 percent, 18 percent and 10 percent of such schools, respectively. The report also estimated that there are approximately 30,000 ghost schools throughout Pakistan which continued to receive government funding. A report titled 'Living under Drones' released by Stanford Law School and New York University in 2012, stated that children were being taken out of schools in the drone affected areas due to fear of attacks or because of the financial and emotional impacts of the strikes.

2012 was also marked by a horrific attack on Malala Yousafzai, a 13-year-old girl from Swat, in Khyber Pakhtunkhwa province, who was shot by



Rawalpindi: Schools lacked buildings even in main cities.

extremists who were upset over her advocacy for female education. The attack received worldwide condemnation and reignited the issue of female education or rather the lack thereof in Pakistan.. Around 63 percent girls of school-going age were out of schools in Pakistan, according to EFAGM. In response to the attack on Malala, the United Nations set up Malala Fund, a new global girls' education fund to educate underprivileged girls in Pakistan, and declared November 10 as Malala Day in support of Malala and other girls around the world who were denied their right to education. Pakistan also agreed to donate \$10 million to the fund during a conference titled "Stand Up for Malala, Stand Up for Girls Education" held in Paris in December 2012.

As the year was about to end, the parliament adopted the Right to Free and Compulsory Education Act 2012 in order to ensure provision of free education to children between 5 and 16 years, in the federal territory. Under the law the federal government would now provide free textbooks and uniform to the children in its jurisdiction besides ensuring that no child was deprived of admission to school and that schools had qualified teachers. Free pre-school education, early childhood care and free medical and dental inspection were also to be provided and no child was to be subjected to corporal punishment or mental harassment. No fee including admission fee was to be charged from the students and the government was to provide school buildings, playgrounds, laboratories and other facilities. Under the law, private schools were required to provide free education to the disadvantaged students to the extent of 10 percent of the class, and school management committees were to be established which would collaborate with the community for persuading parents to send their children to school. At the provincial level, none of the four provinces had introduced such a law until the end of 2012.

The prime minister also launched the Waseela-e-Taleem Scheme (acquisition of education scheme) under the Benazir Income Support Programme in November 2012 which aims at enrolling three million children in primary education in the next four years.

### **Rights violations and child protection**

On October 30, 2012 Pakistan's Universal Periodic Review (UPR) was held at the Human Rights Council in Geneva where the council proposed 163 recommendations to the government of Pakistan for improving the situation of human rights in the country and more than 50 percent of the recommendations related to children's rights. The recommendations given during UPR included adoption of all pending bills, including the Criminal Law Amendment (Child Protection) Bill 2009, the National Commission on the Rights of Children Bill 2009, the Prohibition of Corporal Punishment Bill, the Child Marriages Restraint (Amendment) Bill and the Charter of Child Rights Bill 2009. Both the National Commission Bill and Child Rights Bill were at the



Young voices lend support to Malala.

final stages of legislation when the year ended and were expected to be presented to the Cabinet soon. The Child Rights Bill proposed to increase the minimum age of criminal responsibility from 7 years to 10 years, and also included clauses to protect children from pornography and corporal punishment.

In Punjab, the Social Welfare Department and UNICEF had drafted a Child Protection Policy in 2011, which underwent several other rounds of reviews and amendments in 2012, but was yet to be adopted officially by the provincial government. Punjab Youth Policy was, however, unveiled in June 2012 which catered to persons between 15 and 29 years of age and aimed to provide the means and an enabling environment for youth development. Similar youth policies were in the pipeline for the other provinces.

In June 2011, the Sindh Assembly had passed the much trumpeted Sindh Child Protection Authority Act, 2011, but a year later the government was yet to set up the Authority as mandated by the Act and notify the corresponding rules. No budgetary allocation had been made for that either. The Child Protection and Welfare Commission, established in Khyber Pakhtunkhwa in 2011, set up Child Protection Units in the districts of Peshawar, Mardan, Swabi, Buner, Swat, Kohat, Abbottabad and Charsadda and had processed more than 7,000 cases since its inception. The establishment of a similar body was also being proposed in Balochistan under the Balochistan Child Welfare & Protection Bill 2011, which was being deliberated in the provincial assembly at the end of 2012.

The National Assembly established a Parliamentary Forum on Child Rights (PFCR) in July 2012 with the stated objective of giving focused attention to issues of child welfare in the country. Speaking on Universal Children's Day at an awareness event organized by PFCR, the prime minister declared 2013 as

the year of children and announced Rs 30 million for PFCR to spearhead its child development agenda. He said that the PFCR was created to ensure that parliamentarians take responsibility of monitoring public institutions engaged in the provision of education, healthcare, food, nutrition, protection and safe environment to children. He also directed the Ministry of Information and Broadcasting to be involved in the airing of special educational and entertainment programs for children in 2013 to ensure their balanced development. PFCR held its first meeting at the Parliament House in November 2012 (four months after its establishment). In the first meeting, it chose to discuss ways to hold non-governmental institutions (NGOs) accountable for misusing international assistance.

In order to ensure proper maintenance and welfare of minors whose custody had been given to guardians under the Guardian and Wards Act 1890, the Law and Justice Commission of Pakistan in May 2012 recommended changes in rules to compel a guardian to produce the ward before the court every quarter to report the condition in which the child was being raised. The law remained in dire need of revision and LJCP drawing attention to the issue at that juncture was seen as a step in the right direction.

The Federal Child Complaint Office (CCO) at the Ombudsman's office launched a report on the State of Children in Pakistan in September 2012. This report was the outcome of a study undertaken in collaboration with the provincial CCOs and UNICEF and was a comprehensive account of child rights, health, education and child labour situation in Pakistan. While establishing that Pakistan's overall situation of child rights was far from satisfactory, it made specific recommendations on how Pakistan could make progress including the implementation of a plan of action for children, developing a child rights policy, forming a child rights commission and several legislative changes. In October 2012, a consultancy was also commissioned on the 'Way forward for CCOs and a Child Ombudsman's System in Pakistan' by the Federal CCO. The former Child Ombudsman of Norway was hired as the consultant and the report was scheduled to be completed by February 2013.

As for the performance of the Federal CCO, it received 143 complaints in 2011, out of which 41 were held to be admissible and 102 inadmissible. 65 of the inadmissible complaints were referred to the provincial offices. Most of the complaints received in 2011 were against the provincial education departments. The Punjab CCO registered 2,218 complaints in 2012 out of which 1,848 had been redressed while the rest were being investigated as the year came to an end. 89 percent of the complaints had been lodged by children themselves. Most of the complaints received were against the education department, followed by the police. By the end of 2012, child complaint office boxes had been placed in Lahore, Rawalpindi, Multan, Sargodha, Khushab, Mianwali, Esakhel, Bhalwal, Faisalabad, Kasur, Gujranwala, Sialkot, Jhelum,



Attock, Chakwal, Katas, Ikhlaspur, Patoki and Muzaffargarh in Punjab.

### Violence against children

During the first six months of 2012, 1,573 incidents of child sexual abuse were recorded, compared to 2,023 cases over the same period the previous year, according to Sahil, an NGO established in 1989 that works exclusively against child sexual abuse and exploitation. The province-wise division showed that Punjab continued to take the lead in the number of reported child abuse incidents recorded at 1,092, followed by 314 cases reported from Sindh, 62 from KP and 52 from the federal capital Islamabad, 33 from Balochistan, 16 cases were reported from Azad Jammu and Kashmir and 4 from Gilgit. One of the positive observations in the report was the overall increase in the number of cases reported to the police and also more cases of girls being registered with the police as compared to boys. In the preceding year, Sahil had reported a total of 2,942 child sexual abuse cases.

The number of child kidnappings in 2011 was reported to be around 7,000, with 3,090 children abducted from Karachi alone, as per the findings in the annual report by SPARC which was released in September 2012. A media report based on statistics from Lahore police showed that out of 41 child kidnapping cases reported from January 1 to November 5, 2012, 20 children up to the age of 14 had been kidnapped for ransom, out of which two had been killed. As many as 15 victims were recovered safely, two returned home on their own and one was yet to be retrieved.

The Stanford Law School and New York University report on drone strikes in Pakistan quoted figures, based on estimates by the Bureau of Investigative Journalism Britain, that more than 176 children had been killed in drone attacks in Pakistan from June 2004 until mid-September 2012.

In 2012, the UN Secretary General



Quetta: Terrorism did not even spare the children.



submitted a report to the Security Council on children and armed conflict based on the work of the UN envoy on the issue. The report covered conflicts in 23 countries, of which 16 were on the Security Council agenda and seven—Colombia, India, Pakistan, the Philippines, Sri Lanka, the southern border provinces of Thailand and Yemen—were not. Pakistan objected to the report stating that the UN envoy was acting outside its mandate by including Pakistan and that the report included situations that were not conflicts but actions of terrorists and criminals. Pakistan also abstained from voting on a UN General Assembly resolution expressing readiness to impose sanctions on armed groups persistently violating rights of children. Pakistan was heavily criticised for its decision to abstain from voting especially by the UN special representative for children and armed conflict, Human Rights Watch and the Watchlist on Children and Armed Conflict, who called it a disservice to children and stressed that victimised children needed UN attention regardless of their country's inclusion in the council's agenda or not.

### Child labour

An official countrywide child labour survey - was not carried out this year, despite commitments in 2011 by the Federal Bureau of Statistics to complete a fresh survey with the support of International Labour Organization in 2012. Pakistan lags behind many other South Asian countries in recording latest child labour figures – Bangladesh conducted the last survey on child labour in 2005-6, Sri Lanka in 2009 and Nepal in 2011, while Pakistan's last survey was conducted in 1996. US Labour Department's 2011 Findings on the Worst Forms of Child Labour, released in September 2012, showed Pakistan as one of the 27 countries (out of a total of 144 countries assessed) that made no advancement in efforts to remove the worst forms of child labour. According



The building blocks of a nation.

to unofficial estimates, almost 10 million children were engaged / involved in child labour in Pakistan. SPARC claimed that nearly 1.5 million children were engaged in child labour in Khyber Pakhtunkhwa alone. During Pakistan's UPR in 2012, the ILO Committee of Experts raised its concern over the high number of children working under the minimum age and urged the government to step up its efforts in that regard. The deteriorating law and order situation in Balochistan had also given impetus to child labour in the province. At a public seminar, Balochistan Labour Department officials said that they were unable to monitor the child labour situation outside Quetta due to the law and order situation. It was also pointed out that lack of the relevant standing committees in the Balochistan Assembly slowed down the process of enacting legislation prohibiting child bonded labour in the province.

After the 18<sup>th</sup> Amendment to the constitution, Punjab was the only province that had adopted a law regulating the employment of children, a verbatim reproduction of the federal Employment of Children Act (ECA) 1991. In 2012, the four provincial labour departments reached a consensus on drafting a new law on child labour which would replace ECA 1991. The proposed law, in compliance with ILO Conventions No. 138 and No. 182, would ban the employment of children below 14 years of age, and also restrict the employment of children younger than 18 years of age in hazardous occupations and processes. In pursuance of this decision, Prohibition of the Employment of Children Act (PECA) draft, (as a replacement for ECA) was said to be in the pipeline in the Punjab Labour Department.

The report 'State of Children in Pakistan' released by the Federal Child Complaint Office (CCO) at the Ombudsman's office recommended using the cash for work (CFW) concept to reduce child labour in the Pakistan. Throughout the year, civil society organisations actively campaigned for inclusion of child domestic labour as part of the prohibited occupations for children but no such amendment materialised. The proposed PECA in Punjab also did not include domestic labour in the list of banned occupations.

### **Juvenile justice**

Another year went by without the establishment of a single juvenile court or regular provision of free legal assistance to juveniles involved in criminal litigation despite express provisions to the effect in the Juvenile Justice System Ordinance (JJSO) 2000. Torture in police custody also continued as a norm – one juvenile was reported to have been killed in police custody in Jhang district of Punjab in August 2012. AGHS Child Rights Unit, a project for the promotion and protection of child rights, conducted interviews of nearly 100 children from eight juvenile prisons of Punjab in 2012 and more than 95 percent complained of torture of varying degrees in police custody.

In May 2012, Juvenile Justice System (Amendment) Ordinance 2012 under

Article 89 of the Constitution was passed that empowered the federal government to extend the law to Islamabad capital territory. According to the newly inserted provision, the federal government may designate an existing Anti-Terrorism Court established under the Anti-terrorism Act, 1997 to exercise the power of a juvenile court in the territory of the federal capital.

According to the latest report of SPARC, the number of juvenile prisoners in Pakistan's jails increased from 1,225 in 2010 to 1,421 in 2011. The number and conditions of juveniles languishing in prisons did not undergo any notable change in 2012. The following table gives the number of juvenile prisoners in Pakistan in each of the four provinces at the end of 2012. This information was provided by the provincial prison departments at the end of 2012.

#### **Juvenile inmates in Pakistan's prisons**

<i>Province</i> .....	<i>Convicted</i> .....	<i>Under-trial</i>
Punjab .....	91 (including 1 female) .....	688
Balochistan .....	17 .....	29
Sindh .....	19 .....	233
Khyber Pakhtunkhwa .....	187 .....	7
<b>Total</b> .....	<b>314</b> .....	<b>957</b>

#### **Birth registration**

Every child has the right to be registered at birth. The registration gives the child an official identity, a recognised name and a nationality. The children who do not have an official birth certificate essentially lack access to a whole range of other rights, including education, healthcare, participation and protection. With no document to prove how old they are—or even who they are—the undocumented children are likely to be denied access to basic services such as health and education. Unregistered children are, almost without exception, the children of the poor and the marginalised and lack of registration at birth compounds their poverty and exacerbates marginalization.

A child birth registration unit was set up by Plan International-Pakistan an NGO in Islamabad in collaboration with Directorate of Municipal Administration (DMA), Capital Development Authority (CDA) and National Database Registration Authority (NADRA) in the premises of Directorate of Municipal Administration CDA. The purpose of the unit was to standardise child-birth registration in the capital territory and link it with the national database. NADRA also signed an agreement with the Lahore City District Government according to which no fee was to be charged on a certificate if obtained within 60 days of the birth of a child.

No estimates for the rate of birth registration were available for the year.

According to available UNICEF statistics, only 27 percent of total births in Pakistan between 2000 and 2009 were registered. As per UNICEF's 2011 State of the World's Children report, the figures for birth registration provincially were: Sindh and Khyber Pakhtunkhwa (20 percent); and Azad Kashmir (24 percent); while Punjab had a higher rate (77 percent) and was closest to universal registration. The situation was the worst in Balochistan and FATA, where only one percent of children were registered at birth. The National Database and Registration Authority Ordinance, 2000, aimed to register all people but the law failed to address the registration of refugee children, abandoned children and children of unidentified parents. In April 2010, an amendment in the ordinance seeking addition of a clause asking for registration of children whose parents were not identified had been proposed. No progress in that respect had been reported since then.

### Corporal punishment

The 2012 global report on ending legalised violence against children by the Global Initiative to End All Corporal Punishment of Children has identified Pakistan as one of the 26 states in the world where corporal punishment is not fully prohibited while the government of the country has made a public commitment for enacting prohibition in all settings.

The Right to Free and Compulsory Education Act 2012 for Islamabad Capital Territory, introduced this year, prohibited corporal punishment in government schools for 5-16 year old. However, specific legislation completely banning corporal punishment in both public and private institutions for all children, the Prohibition of Corporal Punishment Bill, 2010, remained pending in the National Assembly throughout 2012 while corporal punishment was inflicted with much the same rigour as before. Balochistan Prohibition of Corporal Punishment Bill has been at the drafting stage since 2011



Lessons that led to a high dropout rate.

and was yet to be presented in the provincial assembly at the end of 2012.

Media reports highlighted at least 23 cases of corporal punishment where students were brutally beaten resulting in serious injury or death. The cases reported from Punjab resulted in the death of two children (in Hasan Abdal and Lahore), two children committed suicide in Khyber Pakhtunkhwa due to fear of punishment and in eight cases the students suffered from fractured limbs due to incessant beating by their teachers. The only instance where some action was taken was the case the 15-year-old student from Hassan Abdal who died after being beaten by his teacher. The teacher was arrested on charges of torture and murder. The district education authorities constituted a three-member committee to investigate the case and it found the teacher guilty of the crime. On the team's recommendation, the service of the accused teacher was also terminated without pension or other financial benefits. Torture remained an inherent part of madrassa education. Three children aged less than 5 years were severely tortured in April 2012 in Kabirwala for plucking flowers from the madrassa garden. Later in the same month a student was tortured to death in a madrassa in Lahore (cited above).

According to media monitoring by HRCP, out of 1,976 people who ended their lives in 2012, as many as 188 were minors. Out of the 873 people whose attempts to end their own life did not succeed over the same period, 76 were younger than 18. In many of these cases, the reason for the children attempting or committing suicide was abject poverty.

In April, Usman Ahmed, a 12-year old boy in Rawalpindi, was so distraught at being pulled out of school that he hanged himself. His parents had forced him to leave school because they could not afford to pay for his education. Usman's parents had also asked him to start working at an automobile workshop to support the family.

Poverty and the stresses related to the continuing militancy and the military operations aimed at routing the militants have particularly left their mark on children in and around conflict zones. Kamran Khan was a 13-year-old boy in Shabqadar town in Khyber Pakhtunkhwa. Shabqadar is adjacent to the conflict-affected Mohmand Agency in FATA. In March, Kamran stood outside his house, doused himself with gasoline and set himself on fire. The reason was that his family could not afford to buy him a new school uniform. Kamran died in an army-run hospital a week later.

The desperately poor family had hoped that by keeping Kamran and his older brother in school it could pull itself out of poverty. Kamran's mother had already given away her fifth child as a baby because they could not afford to raise her. Kamran's death not only left the town of Shabqadar, two hours northwest of Peshawar, trying to understand why a child ended his life over a set of clothes, it also underlined how much children from poor families in the



conflict-hit areas needed assistance to stay in school.

### **Street children and children with disabilities**

In 2012 Pakistan made no progress in reducing either the number or the plight of street children nor introduced effective mechanisms for their protection. SPARC's annual report for 2011 estimated that there were 1.5 million street children in Pakistan. The report of CCO stated that the number of street children was growing rapidly, particularly after the 2005 earthquake and the 2010 floods, following which tens of thousands had been rendered homeless or orphaned.

Children with disabilities were also a largely ignored segment of the population in the country in 2012, with the exception of a few sporadic measures during the course of the year. Pakistan Baitul Mal provided 90,000 wheelchairs, 20,000 white canes, 30,000 hearing aids as well as uniforms for children of the four Special Education Centres in Islamabad working under the Directorate General of Special Education and Social Welfare, Ministry of Capital Administration and Development. In October, the Secretary Capital Administration and Development (CAD) announced the establishment of special desks in all government hospitals to provide free medical treatment to persons with disabilities on priority. In December, the Federal Minister for Capital Administration and Development also announced government plans to establish a degree college for persons with disabilities. At the provincial level, the Punjab chief minister ordered the Punjab Education Endowment Fund to provide scholarships to special children, adding that vouchers should also be given to deserving disabled children for free education under the education voucher



Scavenging for survival.



scheme of the Punjab Education Foundation. He said that the provincial government would formulate a comprehensive policy to provide education and impart skills trainings to special children. Six projects were approved for the Sindh Special Education Department under the Annual Development Program 2012-2013. The projects dealt with raising awareness on disabilities, training of teachers and upgrading of existing educational facilities.

### Child marriages

No significant change was observed in the social attitudes and official policies towards child marriages. The customs of *vani* and *swara* continued throughout the year and little action was taken against the perpetrators despite the passing of Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011 the previous year. The electronic media highlighted around 30 cases of underage forced marriage, out of which five were cases of *swara* and 12 of *vani*, the majority of which took place in Sindh and Khyber Pakhtunkhwa. In May 2012, the Law and Justice Commission of Pakistan took serious note of the practice of giving girls away in marriage to settle disputes on the intervention of a *jirga* or *panchayat*. The LJCP suggested amendments to the relevant laws to award rigorous punishment to those who abet, instigate, demand or receive a female in marriage as *Badal-i-Sulha* (in exchange for compromise). The Commission proposed that the punishment for such action should be extended to a maximum of 14 years, but must not be less than 10 years, along with a fine.

A report by United Nations Population Fund (UNFPA), titled 'Marrying too Young: End Child Marriage', noted that the number of child marriages was on the rise globally and might increase by 14 percent if the trends persisted.



Faisalabad: Sometimes child marriages were stopped as well.

According to the report, South Asia had the highest prevalence of child marriages at 46 percent. In Pakistan, the report said that about 5,000 new cases of obstetric fistula occurred every year, with young girls disproportionately affected due to early pregnancy. The UNFPA launched a fistula repair project in Pakistan to improve maternal health which primarily aims to create awareness about the link between child marriage, early marriage and fistula. It also intended to launch a programme on ending child marriage and early pregnancy.

None of the provinces made efforts to amend the Child Marriages Restraint Act 1929 to increase the legally valid age of girls from 16 to 18 as was provided for boys. In December, the Khyber Pakhtunkhwa government expressed the intention to table a bill in the provincial assembly soon to fix the minimum age for marriage at 18 years. A resolution with a similar demand was also submitted to the Punjab Assembly Secretariat in December. A provincial assembly legislator moved a private member's bill in the Khyber Pakhtunkhwa Assembly to ban child marriages but no progress was seen on the bill till the end of the year.

### ***Recommendations***

1. *The government should urgently take appropriate reformatory steps in view of the recommendations given by the Human Rights Council and the Committee on the Rights of the Child during Pakistan's second Universal Periodic Review.*

2. *All pending legislation related to child rights must be adopted on an urgent basis. Furthermore, each provincial government should formulate a child rights policy that provides a comprehensive framework within which the child rights protection system can operate. The Sindh Child Protection Authority must be immediately constituted and must assume its responsibilities prescribed in the corresponding legislation adopted in 2011.*

3. *The Pakistan government must intensify child health measures /schemes to curb the spread of diseases such as polio and measles. Its immunization programmes must be improved and expanded to ensure maximum coverage.*

4. *The Right to Free and Compulsory Education Act must be adopted by all four provinces without further delay. A mass campaign against corporal punishment must be started by the government in collaboration with the civil society. Special programmes must be designed to overcome the gender disparity in education.*

5. *The government must take all necessary steps to ensure the availability of accurate and updated child rights-related information. Fresh surveys to record the number of children engaged in child labour and on the street must be carried out on a priority basis as effective policy making cannot be*

*undertaken in the absence of such information.*

*6. The government must pay greater attention to children with disabilities and ensure their inclusion in the mainstream activities to the maximum extent possible.*

*7. Torture of children during police custody and in prisons must be strictly checked and all possible measures should be taken for its absolute prohibition and for prosecution of agents of the state who are found responsible for torture.*

# 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.*

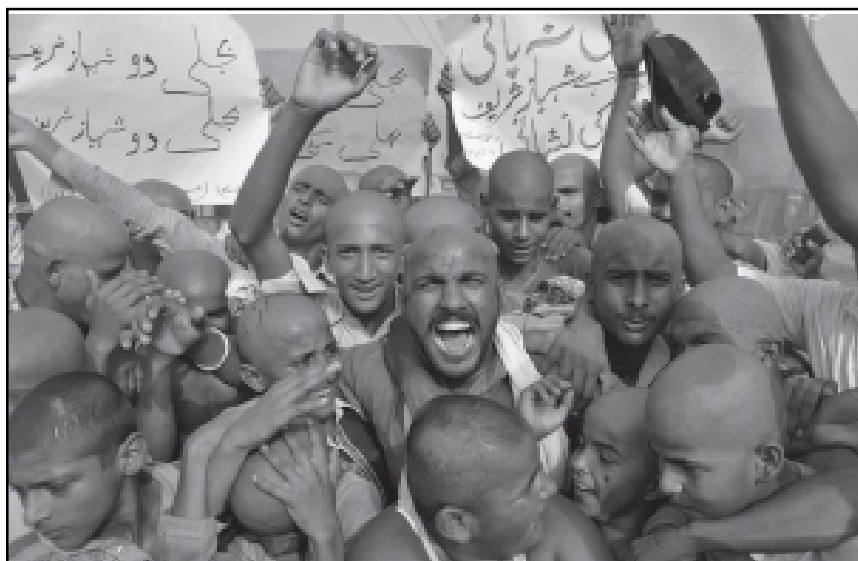
Article 25(1)

*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)

Much as in the previous years, in 2012 also the labouring poor of Pakistan failed to get the policy makers' ear, and as a consequence easily preventable violations and accidents continued to occur, the most notable being denial of effective right to association, lack of attention to safety at workplace continuing to claim hundreds of lives and, more generally, the failure of the state to watch out for the interest of the workers. In a country where a huge majority of the workforce did not have written appointment letters and thus no proof of



A group of bald protesters shout slogans against power cuts.

employment, the odds were stacked against the labourer even in the best of circumstances.

Most of the issues facing the workers in 2011 continued into 2012 with little positive movement. In a dwindling economy, poor law and order, a debilitating energy crisis, and failing public and private enterprises left thousands upon thousands unemployed. The workers of recently privatised public industries and corporations protested against unfair treatment. Workers of state-owned companies slated for privatisation vociferously opposed any move towards that.

The industrial relations law excluded the huge majority of the workforce from the right to unionise, most prominently informal workers and those without proof of employment, including but not confined to brick kiln workers. With the exception of Islamabad capital territory and trans-provincial establishments, the authority to legislate on labour-related issues lies with the provinces as a result of the dissolution of the concurrent legislative list under the 18<sup>th</sup> Constitutional Amendment. The provincial governments did not use this newfound legislative authority with much vigour and many pressing issues were left unaddressed. No independent legislation existed on the health and safety of workers. With the power of collective bargaining inaccessible to labourers operating without unions, the worker continued to be exploited. Much confusion still lingered over the transition of legislative authority on labour affairs from the federal to the provincial government under the 18<sup>th</sup> Amendment to the Constitution. The responsibility for labour welfare, trade unions and worker safety was shifted to the provincial government. The federal government's legislative authority continued on international conventions,



treaties and agreements with international labour bodies such as International Labour Organisation.

The ban on factory inspections, first put in place in 2003 as a measure to prevent corruption and promote business, was in effect across the country until September 2012. It took an industrial disaster in Lahore, claiming the lives of more than 25 workers, for the province of Punjab to resume factory inspections. Yet the staff shortage at the Punjab Labour Department demonstrates how even the resumption of inspections might not be enough to safeguard workers' rights or ensure their safety. For all the factories in Lahore, the capital of the Punjab province and the second most populous city of the country, only 13 inspectors were available. Only 100 inspectors were expected to thoroughly inspect all factories in the entire Punjab province. These inspectors were not even provided official transportation or conveyance allowance. Many admitted that they had received no formal training on inspections.

Industrialists often did not feel obliged to pay the meagre minimum wage, nor to invest in providing a safe working environment or social security benefits to their workers. Of the 58 million workers in Pakistan by official reckoning, only 2.1 million were registered with the provincial social security departments by their employers. Under the law, the labourers could not register themselves for these benefits and could only register their complaints regarding the process. By using unregistered labourers, the employers not only sought to circumvent their legal obligation, but also contributed substantially to some of the worst industrial disasters in 2012.

Workers' lives were deemed cheap by the state as well as by those ignoring to invest in their safety and only having an eye on maximising their profits. In the year under review, Pakistan suffered one of the worst industrial disasters in its history when a fire in a Karachi garments factory claimed at least 270 lives. The fire also exposed once again the complete neglect of workers' safety at the workplace and lack of preparation by government agencies tasked with fire-fighting and rescue services. Besides hundreds of fatalities in industrial disasters, workers suffered at the hands of terrorists and extortionists. Shopkeepers and traders in Karachi continued to face threats from extortionists who were believed to be affiliated with various political groups. Despite the fact that those harassed clamoured for justice, the perpetrators were almost never apprehended. In conflict-hit parts of the country in particular, many workers paid with their life in attacks that could have been prevented by affording some degree of protection to them in view of the hazards present in those areas.

Child Labour remained widespread and enforcement of legislation to protect children was not a priority.

### **Labour market**

The poor state of the economy, the energy crisis and the law and order

situation combined to make it ever more difficult for multitudes of women and men to find employment suited to their capabilities. In the year 2012, the employment-to-population ratio rose to 50.3 percent, according to the Pakistan Bureau of Statistics. Little attention was paid to job creation throughout the year under review.

The manner of calculating the total labour force in Pakistan and indeed exclusion of large segments of what constitutes the workforce further aggravates the situation. There are three official sources of data on the number of workers in Pakistan; the population census, Labour Force Survey (LFS) and Pakistan Integrated Household Survey (PIHS). The definitions of the terms 'work' and 'labour force' that the LFS and PIHS use are different from how these are defined for the purposes of the population census. The two surveys are much more detailed and regular and thus provide data which differs greatly from the figures for the population census.

According to these surveys, the total labour force in Pakistan in 2012 was 58 million. This number grows by around 3 percent every year. According to the latest World Bank Development Report, the wage employees were 37.1 percent of the Pakistani workforce, the self-employed constituted 23.1 percent and the farmers 39.8 percent of the workforce. The rate of unemployment increased to 6 percent in 2010-11, according to the Bureau of Statistics. This percentage includes a large number of women who suffer due to lack of employment opportunities and cultural barriers. Out of the total women of working age in Pakistan, only 28 percent are active workers, a majority of whom are employed as domestic help.

Unemployment was rampant as industries continued to shut down because of a difficult economic environment and energy shortages. The United Nations



Unemployed workers sit on a footpath and wait for somebody to hire them.

report on World Economic Situation and Prospects 2012 stated that new jobs were not created in the country due to long standing structural problems as well as security concerns and low investment. According to the World Bank, the top three reasons for joblessness in Pakistan were shortage of electricity, bad governance and political instability. Labour supply was also constrained by skills mismatch, malnutrition and low female participation. There were no statistics available on underemployment in Pakistan which was bound to be high due to a lack of jobs in the market.

Different state institutions and private companies resorted to downsizing in order to cut costs. The Karachi Electric Supply Company continued to sack workers throughout the year. It started the year by sacking 1,000 workers, followed by 101 workers in March, 4,000 in June and another 108 in November. It claimed that the workers were sacked based on the annual employees performance evaluation system. Most workers complained that they had not been given prior notice. Large numbers of workers losing their jobs within a short span of time made it extremely difficult for them to find work in an already constrained job market.

Reports of thousands of workers being rendered jobless because of increasing shortage of electricity and gas to run industry, including cottage units, came from cities large and small throughout the year. Unstable economic conditions made the labourer even more vulnerable. Workers were driven to despair as their demands and protests fell on deaf ears. Peaceful protest, which is the right of every worker, also came under increasing sanction. In January, as many as 61 employees of the National Database and Registration Authority (NADRA) were sacked after being blamed for disrupting its services through their protests. Penalising the workers who demand their rights puts a premium on workers being passive if they want to keep their jobs.

### **Working conditions, threats and violence**

In an environment where rules and regulations, and even rights themselves, were not enforced, it was far too optimistic to expect the employers to act on good conscience alone. Since the ban on factories' inspections in Punjab in 2003 the situation had worsened for industrial workers. The Punjab government at the time had justified the ban as a device to curb corruption brought to their notice by factory owners. The Sindh Government followed suit and the Chief Minister banned factory inspections in early 2003. Labour rights activists had decried the ban as selling out of workers' interest in the name of pro-business policies. The ban was lifted in Punjab in February 2012 after a building collapse in Lahore took the lives of more than 25 workers. The harshest criticism of the government after the building collapse was that the disaster could have been averted if inspectors had only visited the building and seen its poor state. Although labour inspections resumed on paper after that incident, there were few indications that they challenged very obvious hazards in the workplace as

demonstrated by easily avoidable disasters occurring later in the year.

On September 11, Pakistan's worst industrial disaster took place when a garments factory in Baldia Town, Karachi caught fire. The four-storey building had no emergency exit or fire safety equipment. The windows were grilled shut and the doors locked. Of the 500-worker shift under way at the time, around 270 died. HRCP noted with concern that although the entire fire-fighting fleet of Karachi was engaged in efforts to douse the flames, with additional support from Pakistan Navy, the air force and the Karachi Port Trust, the fire took almost 48 hours to extinguish. The Commission stated that the fire exposed lack of capacity of emergency response services in Pakistan's largest city and its financial capital and that inspired no confidence about the state of preparedness to deal with such hazards elsewhere in the country. As a result of the disaster, several civil society organisations, including HRCP, filed a case in the Sindh High Court to hold the owners of the factory to account. However, the owners and the other accused were later granted bail.

On the same day as the Karachi factory fire, a similar incident in a shoe factory in Lahore, the second largest city, highlighted that hazards for workers, safety inadequacies and criminal negligence of the authorities was not exclusive to any one province. Ill-equipped and insufficient fire fighting facilities, non-compliance of building rules, as well as lack of accountability including absence of inspections were some of the factors contributing to disasters of such massive proportions. The usual finger pointing and investigations ensued but no lasting steps were taken to ensure that the workers were protected from such accidents in the future.

Working in the mining industry in Pakistan was one of the most hazardous employments in the country. Scores of miners are killed in accidents every



Fire in Karachi factory: The worst industrial disaster.

year in mines operated not only by private individuals and companies but also by the state authorities. In January, four miners lost their lives after a blast in a coalmine in Orakzai Agency, FATA. In the same month, 13 miners lost their lives after being buried under rubble when a phosphate mine collapsed in a remote village near Abbottabad, in the Khyber Pakhtunkhwa province. The area was inaccessible by road which delayed a rescue operation by eight hours. Use of explosives, unscientific mining techniques, lack of safety equipment and process and improper waste disposal have been the main causes of accidents and deaths in mining operations. The hazards of mining have increased in conflict-hit parts of the country.

Workers in volatile and insurgency-hit Balochistan and FATA regions were rarely paid risk allowance and few measures were taken to ensure their safety against militant attacks. At least some incidents of unidentified men shooting and killing labourers reported from Balochistan appeared to have ethnic overtones. Due to a lack of options, the workers were forced into hazardous and risky jobs. The conditions were such that labourers were willing to illegally cross borders, regardless of the peril, in search for a better future abroad.

In February, seven labourers were shot and killed in an attack on a construction company's camp in Kech district of Balochistan. An insurgent group claimed responsibility for the attack but the killers were never found. In another incident in Balochistan, seven coal miners were abducted and killed in Quetta in July. Around 40,000 coal miners in the province went on strike to push for the arrest of the killers.

### **Unions under attack**

Forming and leading unions remained a dangerous job in a country where prominent labour leaders have been targeted and killed with impunity to send out the message that any hindrance to exploitation of labour shall be removed. In July, the president of All Pakistan Clerks Association (APCA) at the Lahore Accountant General's office, Bakhsh Elahi, was shot and killed by unidentified men riding a motorbike. The APCA workers at the Accountant General's office, led by Elahi, had been on strike for the preceding 12 days. The killers responsible for the deaths of WAPDA union leader in Jhang and president of PIA workers union in the preceding year were neither identified nor brought to justice till the end of 2012.

The six power loom union leaders in Faisalabad convicted to 594 combined years in jail served the third year of their highly controversial sentence. The conviction of these union leaders, charged with attempting to murder four owners of a power-loom factory, was largely considered unjust as numerous details of the case suggested of a clear motive to threaten workers demanding minimum wage. The Lahore High Court agreed to hear an appeal against the sentence but no hearing date had been set till the end of 2012. In August of the year under review, Labour Qaumi Movement, a movement of power loom





Protest against arrest of power-loom workers.

workers, led a march of 10,000 strong to demand the release of their leaders and to continue their struggle for minimum wage.

Women were especially vulnerable at the workplace as they often undertook hazardous or poorly paid work that did not appeal to many men. They were overwhelmingly not entitled to maternity leave. Harassment at workplace was also not uncommon. In January, a vigilance officer of the Punjab Education Department molested a female schoolteacher. When the teacher filed a complaint against the man, she was fired. Protests by the Punjab Teachers' Union led to the teacher being reinstated and the vigilance officer sacked. This was one of the rare occasions when a female worker stood resolute to confront her tormentor. In most such cases, however, women remained silent about the sexual abuse and harassment they faced for fear of losing their jobs. In addition to the fact that women are often paid less for the same amount of work compared to men, the fact that home-based workers are not counted among the workforce affected women more directly, and deprived them of rights such as social security benefits and minimum wage, among others. [See the chapter 'Women']

### Peasants' struggle

Pakistan is among those states in the world where feudalism is still rampant and power is still associated with the ownership of land. Holders of large tracts of land sit in positions of power and the peasants who seek their rights from these land holders have little hope of getting justice from state institutions. The verdict of the Shariat Appellate Bench of the Supreme Court that land reforms are un-Islamic has effectively shut the door on judicial recourse for those seeking or advocating equitable re-distribution of land. This decision



was challenged in the Supreme Court during the year but the petition was not heard until the end of the year.

Throughout Pakistan, different relationships exist between the land owner and those who till the land. In the Punjab province, the majority of the tenants are expected to give a pre-determined amount of their produce to the land owner. In most areas of Sindh, however, the relationship differs to a great extent. A form of modern slavery exists in the shape of the *Hari* system where the task of the tenant is to cultivate and then hand over the entire produce to the land owner. It is then for the landlord to decide what the *Hari* is to be given for his work. *Haris* do not manage to earn enough to meet even their basic needs and as a result have to borrow from the landlord. Since they are never able to return the exorbitant interest on the loan, much less the principal amount, whole families end up in perpetual debt bondage. Peasants are known to be charged under spurious cases when land owners try to pressurise the peasants to leave the land they might have worked for centuries, simply because the land had become too valuable.

In May, tenants from Dera Saigol farms in Muridke town of Punjab protested against the arrest of four fellow workers. These tenants had been working on the farms for almost 40 years but were being forced out since the land was reportedly to be sold. The tenants claimed that numerous police actions against their families in which workers, including women and the elderly, had been beaten and at times taken into custody on unfounded charges were carried out at the behest of the farmland owners. When the tenants blocked a road to protest the four workers' arrest, the police action to disperse the protesters resulted in a passer-by being shot and killed. A policeman was hit by a rock and died later.

An HRCP fact-finding team that visited the site noted in its observations



Excesses of feudals: Peasant leader Sehto on hunger strike.

that the protesting tenants did not have any firearms and the police appeared to have used disproportionate and excessive force to disperse them, including resorting to tear gas, baton-charge and firing of live ammunition, which the team found prima facie uncalled for. The protesters responded by pelting the police with stones. A passer-by was shot and died on his way to the hospital. The deceased's brothers claimed that he was first beaten with batons by cops and was then shot dead by a policeman. Their statement did not lead to an investigation that such a serious charge warranted, nor was the bullet that killed the passer-by matched with the weapon used to establish the identity of the person who pulled the trigger. A police assistant sub-inspector (ASI) who was hit by a stone, was hospitalized, and died 13 days later. Several people who were not even present at the protest were arrested subsequently and charged with murder. Even though no more than 50 individuals had gathered for the protest according to most accounts, the police nominated 32 people and also booked another 200 unidentified persons for the murder of the passer-by and the police ASI. Later, the police added the names of another 120 people to the first information report without any evidence and without investigation. The HRCP team also noted that despite deployment of a large police contingent which resorted to force without much hesitation, no provision had been made to arrange emergency medical support or ambulances at the site. Labour leaders cited the incident as an example of how pressure was brought to bear on the tenants if they did not forego defence of their rights.

Lack of adequate access to water has been a major impediment affecting farmers' livelihoods. In the province of Sindh alone, around three million acres of land had reportedly received little or no water amid claims of theft and water being diverted upstream by influential land owners. The Sindh Hari Committee, an organisation working to promote the interests of landless peasants in Sindh, organised protests to demand access to water. A leader of the Sindh Hari Committee staged a hunger strike lasting more than 90 days but the issue failed to get the authorities' attention.

Although as much as 60 percent of the population is directly or indirectly dependant on the agricultural sector, lack of responsible innovation and investment in the agricultural infrastructure, high input costs, failure to impart the requisite skills to the farmers, and salinity and water logging, have led to a decline in the produce and made the lot of the farming communities ever more difficult. Lack of opportunities has been forcing individuals to move to urban areas where they settle for petty jobs due to skills mismatch.

Acknowledging the issues faced by peasants all over Pakistan, HRCP held a two-day peasants' convention in Multan in September. The convention made a strong plea for land reforms, development of equitable land utilisation policies, mitigation of the hardship of landless tillers, acceptance of land rights of the tenants who had settled for long on lands leased to the military, fixation of a fair return to farm labour, effective action to eradicate bonded labour, protection

of the rights of women workers, a peasant-friendly policy for distribution of inputs and for marketing of the farm produce. The participants at the convention noted that studies by economists had shown that the skewed land ownership pattern in the country was hampering economic growth and spread of education, besides increasing food insecurity and mass poverty. The convention called upon all political parties to give the peasantry's interests and concerns a prominent place in their manifestos and programmes.

Although workers' representatives were free to contest elections in theory, they could not afford the tens of millions that even mildly effective campaigns cost. Since no labour quota existed in either the National Assembly or in provincial legislatures, the workers found themselves excluded from having a say in matters that affected them.

### **Wages and pensions**

The issue of minimum wage remained a point of contention between workers and the government. Even though the provincial governments of Punjab and Balochistan increased minimum wage from Rs 7,000 to Rs 9,000 in 2012, the figure remained divorced from ground realities. The question of deciding the minimum wage was devolved to the provinces. The provinces of Punjab, Sindh and Balochistan decided on a new minimum wage in 2012, while Khyber Pakhtunkhwa did not. In May, the federal government also raised the minimum wage by Rs 1,000 which was only applicable in areas governed by the federation. Labourers rejected the revised minimum wage as utterly inadequate and nothing more than a token gesture on May 1. They said that the wage revision had not accounted for inflation. Workers' organisations demanded a minimum wage between Rs 15,000 and Rs 20,000 per month in order to enable workers to meet the cost of living.

The Minimum Wage Ordinance 1961 addresses procedural issues in setting up committees in order to determine the minimum wage but does not mention the considerations taken into account to decide the figure. This allows the federal or provincial government to decide the figure on their whim. Even though it is mandatory to include a workers' representative in the four-member committee, the representative has not been able to sway committee's decisions. The workers' representatives, even when acceptable to a majority of workers, have limited influence on the decision-making process.

The enforcement of the minimum wage remained a problem in the year under review. Employers who refused to give the minimum wage were not brought to justice and in many cases went unreported since employees feared termination of employment. Enforcement can only be ensured when accountability is promised through a fair justice system.

The non-payment of salaries caused grievances and even suicides among workers in 2012. Numerous cases of holding back salaries emerged throughout the year. In January, caretakers at an old-age home in Multan had not been



CNG Association also staged protest.

paid up to six months salaries. Their contracts had expired in 2011 and had never been renewed, despite the fact that they continued their work.

Social security benefits, supposedly one of the core responsibilities of a government, were available to a very small minority of workers in Pakistan. It is believed that out of the 58 million workers, only 3.9 percent workers have access to social security benefits. Lack of awareness about labour rights is also an issue which increases the chances of workers being exploited. Officials from the government's Employees Old- Age Benefits Institute (EOBI) claimed that they had even taken mobile teams to different factories in order to register workers. They said that they had seen very little turnout because the workers had been threatened by their employers. That was the case because the funding for these benefits mainly came from the employers' pocket. For each employee registered, the employer had to pay 5 percent of the minimum wage.

It is projected that the elderly population in Pakistan (aged 60 and above) would increase from 7.34 million in 1998 to 11.19 million by 2013. As life expectancy increases, this figure will continue to rise at an increasing rate. As the number of elderly population rises, the pressure to provide appropriate social security increases. Currently, only the registered former employees of the formal sector fall in the ambit of covered workers. The EOBI, which provided pensions to almost 1.5 million people, was facing its own financial issues and had been reportedly involved in numerous scandals concerning land scams. The EOBI, which found it difficult to pay its employees' salaries, purchased land worth Rs 16 billion. This was in gross violation of the rule that investments in real estate could not exceed 12.5 percent of the institute's total available funds.

On numerous occasions, pensioners registered their grievances with the

authorities related to the receipt of their pension every month. Senior citizens and physically challenged individuals had to wait in long queues, often for a whole day, for their pensions. In numerous instances, pensioners had to make several visits to get their pension. The president took notice of this situation in July 2012 and a committee was formed to devise efficient plans for pension disbursement. By September 2012, the committee, comprising chairman of National Database and Registration Authority, Governor State Bank of Pakistan, and the Ministry of Finance secretary, among others, came up with an electronic banking system with biometric smart cards. The plan was slated to become operational by the end of April 2013, after which all pensioners would be issued smart cards and could withdraw their pension from any of the 600 selected bank branches nationwide.

### **Laws, policies, lacunas**

While the deep-rooted issues faced by workers in Pakistan ought to be covered by the laws on the statute books on the one hand and Pakistan's commitments under international human rights and labour treaties on the other, lack of implementation and prioritisation has meant that there has been little change on the ground as new human rights treaties have been signed and ratified. Besides relevant provisions in the International Covenant on Social, Economic and Cultural Rights, and the Convention on the Rights of Child that Pakistan is a party to, the country had ratified 36 ILO conventions of which 34 were in force. The ILO conventions ratified by Pakistan cover forced labour (Convention 29), freedom of association and protection of the right to organise (Convention 87), right to organise and collective bargaining (Convention 98), equal remuneration for work of equal value (Convention 100), abolition of forced labour (Convention 105), and discrimination in employment and occupation (Convention 111), among others. Despite these commitments and ratifications, however, numerous anti-labour policies and practices continued.

The devolution of legislative authority from the federal to the provincial governments under the 18<sup>th</sup> Amendment to the Constitution was followed by disparity in the provinces' response to workers' issues. The provinces could now devise any policy on labour without any check from the centre. However, the provinces made little use of this new legislative authority. The government of Pakistan claimed in the report it submitted to the United Nations for the country's Universal Periodic Review in 2012 that curbs on trade union activities had been effectively lifted, even though the majority of the labour force was denied that right. Formation of national, industry-wide trade unions was not possible after the National Industrial Relations Commission (NIRC) was abolished as a result of the 18<sup>th</sup> Constitutional Amendment. The national law has been replaced by the Provincial Industrial Relations Act which has been adopted by all four provinces with some changes. The IRA adopted in Punjab, for example, stipulated that in order to form a trade union there must be at least 50 workers in a factory. In order to fill the legal vacuum at the federal



level, the Industrial Relations Ordinance 2011 was promulgated, which was criticised for placing unjustified limits on the freedom of association of workers in violation of the Constitution of Pakistan and numerous ILO conventions. For example, under this law in instances where there was more than one trade union in an establishment only the most representative trade union could call for a strike. Despite demands by trade unions and labour leaders throughout 2012, these laws remained in place.

According to a recent World Bank study, up to 10 million women in Pakistan were employed as home-based workers. These women were not afforded protection under any labour laws, nor entitled to social security benefits. Their wages depended almost entirely on the good conscience of the employer. They had no protection against abuse. In most cases, these women had little education and almost no knowledge of their rights. The Punjab government drafted a policy on home-based workers, but the integral framework needed to implement the policy remained non-existent. This policy on home-based workers was devised under the supervision of the Provincial Council for Home-based Workers by Punjab Labour and Human Resource Department. Once implemented, the policy is supposed to lead to registration of home-based workers in urban and rural areas of Punjab with the Labour Department. The registration will entitle the workers to social security as well as other legal rights. A social protection bill for home-based workers was also a part of the overall women's empowerment package announced by the Punjab chief minister in 2012 but it had not been approved until the end of 2012. In the year under review, civil society organisations also drafted a National Policy on Home-Based Workers. Proponents of the policy noted that there were around 20 million home-based workers in Pakistan, a majority of them women, whose



Special persons hold a demo for a quota in jobs.



interests were not protected by any national legislation.

Pakistan lacked a law that exclusively dealt with workers' occupational safety and health. Selected clauses of various laws, including Hazardous Occupation Rules, 1963, and Factories Act, 1934, continued to be used to cover a few aspects in that respect. The Factories Act dealt with issues ranging from working hours to cleanliness and contained special provisions prohibiting child labour. A major criticism of the law remained that it was outdated. For example, if a factory owner was found to have been negligent in the protection of his workers, he was liable to pay as fine a mere 500 rupees.

In the face of criticism, the government often mentions the numerous subsidies it has given to provide affordable food items to the poor. The food subsidies are given out through Utility Stores, Ramazan packages and Sasti Roti schemes, etc. According to the Benazir Income Support Programme (BISP) chairperson, who was also a federal minister, the government had planned to open 2,000 new utility stores where the BISP cards could be used to acquire food items at subsidised rates. These efforts however have over the years failed to benefit the neediest because of the simple fact that the subsidies have not been targeted. Proponents of universal subsidisation claim that it helps 3.5 million families but little is known of these beneficiaries' economic status. The working classes and many economic experts hold that universal subsidies on food and other items at Utility Stores largely benefit the rich. They call untargeted subsidies essentially a waste of scarce resources and a fig leaf rather than a meaningful attempt to care for the poorest sections of society.

As affirmative action, a job quota is reserved in different government departments and institutions for religious minorities. The HRCP Expert Group on Communities Vulnerable because of their Beliefs, a body comprising members from religious minority communities and also some members of the majority faith, noted that even though there was a five-percent job quota for minorities the same was exhausted almost entirely by hiring sanitary workers.

### **Protests**

Numerous protests, by employees of both public and private institutions demanding or asserting their rights, were recorded throughout the year. According to media reports, workers associated with state-owned electricity generation companies and All Pakistan Clerks Association (APCA) protested most frequently. The most common reasons for these protests were electricity and gas load shedding, inflation, unemployment, kidnapping and murder of employees, low wages, privatisation and lack of regularisation.

A major reason behind protests by industrialists and workers in Karachi was extortionists operating with complete impunity in the city. In March, around 350 marble factories in Karachi closed down to protest against extortionists. The chairman of All Pakistan Marble Mining and Processing and Export Industries Association said it had become routine for unidentified men

to drop slips demanding huge sums of money if the factories were to stay in business. When extortionists' demands for huge sums of money were not met, they fired on factories, endangering the lives of the workers and destroying equipment. The law enforcement agencies abjectly failed in ensuring protection and apprehending the extortionists.

Workers held thousands of rallies throughout Pakistan on May Day. Individuals from all walks of life, including civil society, students, political party representatives, took active part in the rallies. Employees of struggling public institutions also got a chance to voice their grievances. Protestors demanded labour laws that conformed to Article 17(1) of the Constitution which states that every citizen shall have the right to form associations or unions. One consistent demand was a raise in the minimum wage. Labourers demanded a minimum wage of Rs 20,000 instead of the Rs 7,000. On May 1, the federal government raised the minimum wage to Rs 8,000. On the same day, the Punjab government set the minimum wage in the province as 9,000 rupees. There were large-scale complaints that even the previous minimum wage had not been implemented.

Load shedding was a common reason fuelling workers' protests throughout Pakistan. Shortage of electricity affected the entire country but some areas experienced longer hours of load shedding. Protests were held throughout the year by employees of electricity generation companies over the proposed privatisation of these companies.

During the year under review, in quite a few protests the protesting workers used violence as a tool to get the authorities' attention. Storming offices, burning vehicles and damaging property were noted to have become more common



Young doctors stage a sit-in against 'poor' service structure.

protest tactics. A protest held in May by All Pakistan Clerk Association (APCA) turned violent in Lahore when their request to meet the chief secretary was not entertained. Around 2,000 employees tried to storm the Civil Secretariat in Lahore. They were demanding regularisation of contract employees. Around 200 workers, including women, were arrested. Other protests started as peaceful assembly of workers but turned violent after the police tried to break up the protests by using force. Also in May, employees of Technical Education and Vocational Training Authority (TEVTA) clashed with the police while protesting for regularisation of their service and better salaries. Several TEVTA employees were injured as a result of baton-charge, stone pelting and outright punching. Such incidents demonstrated a lack of imagination by the police to deal with the protesting workers as well as the frustration felt by the workers who felt that the only chance they had of getting their problems resolved was by continuing their protests.

Sacking of employees without prior notice or appropriate compensation also led to many protests throughout 2012. In August, the Canteen Stores Department (CSD) fired at least 130 employees by simply delivering termination letters one day in advance. CSD stores throughout Pakistan remained closed for two days in protest. The workers turned off the main switch which provided electricity to the CSD headquarters to force the management to heed their demands. The workers relented only after the management agreed to review the sackings.

Another major reason for protests all over Pakistan was the intended privatisation of several state-owned companies. In October, the Railway Workers' Union warned of nationwide protests against the privatisation of Pakistan Railways (PR). They said that around 53,000 employees had been laid off while the officers' expenses had been raised by almost eight percent over the last 12 years. From July 2011 until June 2012 PR incurred losses of up to Rs 35 billion in addition to cancellation of several train routes. The PR was in such dire straits that the government had to provide handouts of Rs 2.5 billion a month to enable it to pay pensions and salaries to present and retired workers. According to Pakistan Institute of Labour Education and Research (PILER) and various other experts, this state of affairs was largely the result of political interference, and inept and corrupt management.

### **Bonded labour**

The modern form of slavery that is bonded labour is perhaps one of the most pressing issues in Pakistan. Dedicated efforts by civil society organisations and unions have ensured that this issue is brought to light and remedies sought. Despite the fact that more and more labourers in debt bondage are being freed in the country, the issue is still a vast one. After the agriculture sector in Sindh, the brick kiln industry in Punjab is the biggest sector where debt bondage thrives. According to a survey by the Brick Kilns Owners Association, out of approximately 10,000 brick kilns in Punjab, only 3,836 are registered. According



Bonded labourers recovered in a raid conducted by police at Umerkot.

to a baseline survey by the Bonded Labour Liberation Front (BLLF) almost 80 percent of the brick kiln workers have not been issued national identity cards. Lack of registration of the kilns and absence of identity documents and lack of information about legal recourse made escape from debt bondage all the more difficult for the bonded kiln workers and their families.

Even though it had been two decades since the bonded labour system was officially banned, the extent of the issue remained undiminished. Through the establishment of anti-bonded labour cells and provision of quick relief from courts, many bonded labourers won their freedom. There was, however, a serious lack of accountability and will to tackle the issue head on.

Labourers in debt bondage at kilns were made to work for long hours in conditions which were injurious to health, not least because of respiratory ailments occurring due to emission of pollutants such as carbon monoxide, nitrogen and sulphur dioxide. The workers were never compensated for the illnesses that resulted from working in a thoroughly polluted environment. Some were not paid wages at all while others were paid almost half the amount determined by law. The government had notified almost two years ago that the minimum wage for brick kiln workers was Rs 517 per 1,000 bricks. A majority of the kiln owners deducted from the wages interest on the debt supposed to have been extended to the worker as well as other costs and the labourer was left with no more than Rs 250 per 1,000 bricks. The few workers who were courageous enough to demand their rights were at times implicated in false cases. In March, Munir Ahmad, a kiln worker from Pakpattan district in Punjab, was implicated in a false sexual assault case because he demanded minimum wage. According to different rights organisations, Ahmad was implicated because he registered a complaint against the kiln owners for assaulting him and threatening him of dire consequences if he persisted with

### Bonded labourers released in Sindh in 2012

#### District ..... Released

Umerkot .....	1,433
Mirpurkhas .....	1,780
Sanghar .....	988
Badin .....	516
Tando M. Khan .....	22
Tando Allahyar .....	120
Hyderabad .....	52
Mityari .....	71
Tharparkar .....	41
Khairpur .....	17
Thatta .....	22
Nawabshah .....	36
Ghotki .....	51
Naushero Feroze .....	14
<b>Total .....</b>	<b>5,163</b>

his demand for a wage of Rs 517 per 1,000 bricks. The kiln owners who assaulted Ahmad remained at large after they got a pre-arrest bail from the court. Until the end of 2012, Munir Ahmad was confined at Sahiwal Central Jail. Many other incidents were also reported from elsewhere in the country where criminal charges were filed against workers demanding their rights.

In a two-day consultation on bonded labour organised by HRCP in Lahore in June, various organisations agreed that since debt bondage was slavery, its elimination should be the government's top priority. The recommendations drafted at the consultation called upon the provincial governments to set up cells to monitor implementation of Bonded

Labour System (Abolition) Act 1992, enhance the penalty for keeping workers in bondage, and take responsibility to prosecute the offenders.

Despite frequent protests and measures by civil society organisations, a number of issues still linger. The plight of labourers did not end even after their release from bondage. Until the end of 2012, there was no system in place that ensured that they did not slip back into slavery-like existence after failing to find work elsewhere. In respect of bonded labour also, the issues resulting from the 18<sup>th</sup> Constitutional Amendment still remained as only Punjab was able to adopt an amended version of the Bonded Labour System (Abolition) Act. Till the end of 2012, none of the other provincial governments had adopted new laws.

The table above shows the number of bonded labourers released in different districts in Sindh in the year 2012. The number of labourers released from debt bondage in the province in 2012 was 5,163, compared to 3,407 in 2011.

### Child labour

Rising levels of poverty stretched the resources in poor households in particular and that led to more children being forced into work. As poverty and unemployment grew in Pakistan, more and more parents chose to send their children to work. According to the Federal Bureau of Statistics, 3.8



million children between the ages of five and 14 were employed in Pakistan. The data was an estimate at best since the last survey on child labour was conducted in 1996.

According to the ILO Convention No. 138 on the minimum age for admission to employment and work, no person under the age of 18 shall be employed in a hazardous work environment. The basic minimum age for work is set at 14 for developing nations. In Pakistan, however, children below the age of 14 routinely worked in conditions hazardous to their health, including workshops, brick kilns, weaving industries, etc. This was a clear violation of their rights under the Convention on the Rights of the Child (CRC). Most children were employed in the informal sector as agricultural helpers, home-based workers or domestic help. Not only were they deprived of a childhood but also of their basic right of education. They were exposed to hazardous and unsafe working environments and were effectively denied protection from exploitation which was promised to them under human rights conventions and national legislation.

A seminar organised by Society for the Protection of the Rights of the Child (SPARC) in October demanded that factories should be inspected separately for child labour and that every school's curriculum should highlight the hazards of child labour. Child labour was also found to be closely associated with bonded labour as the children of these labourers were born into slavery and inherited the debts of their parents. These children were made to start working as soon as they were five or six years old. In January 2012, an 11-year-old boy named Javed fled from his employer's home in Rawalpindi where he had been employed as domestic help. When he was examined at the Child Protection Bureau, his hands and feet carried marks of physical violence. Even though the child was held in captivity for almost two years, no action was taken



Children work on a rough surface with soft hands.

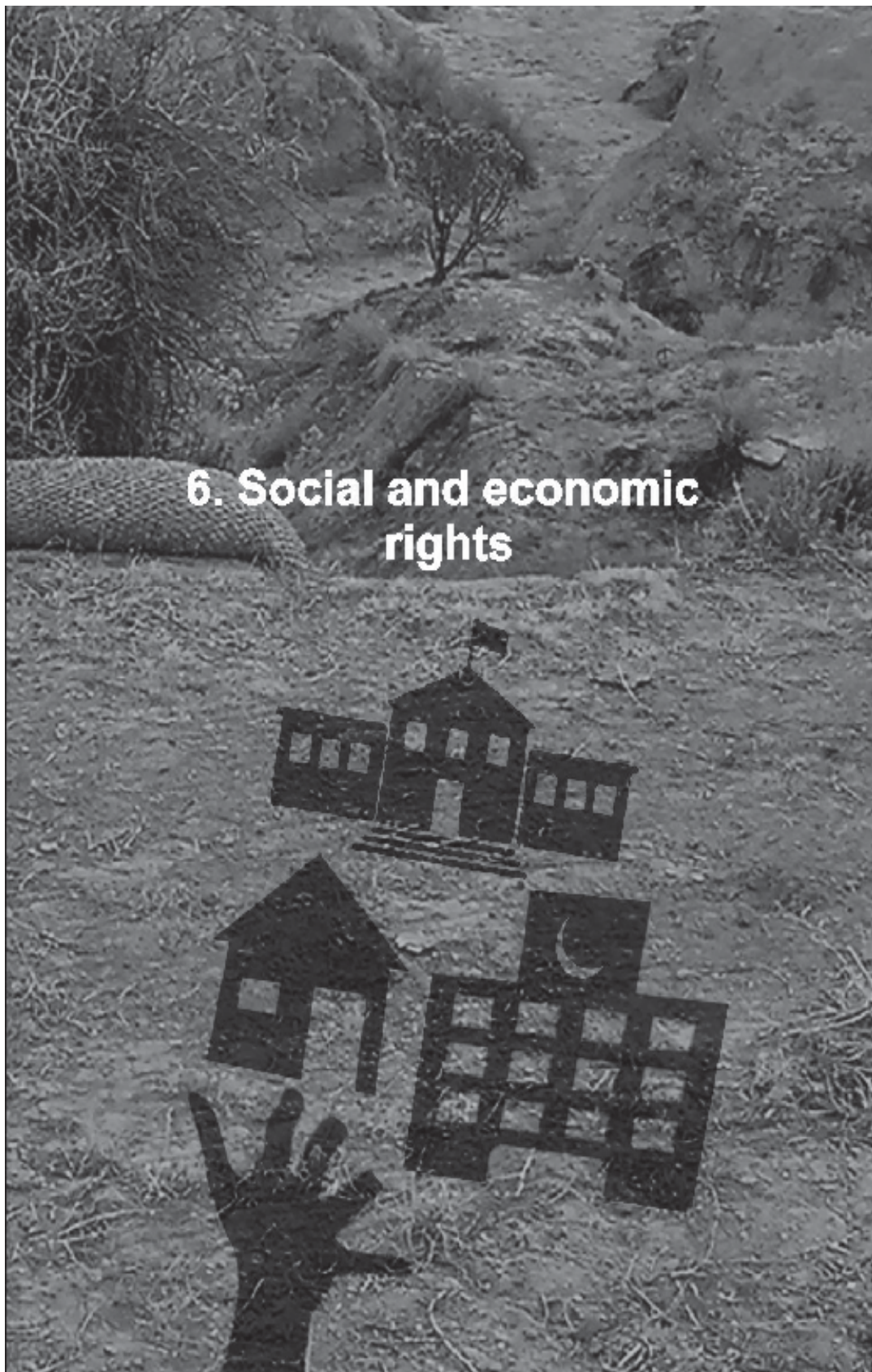


against his employers. [See the chapter 'Children']

### **Recommendations**

1. *Meaningful land reforms should be carried out to ensure respect for the rights of the tillers of the land.*
2. *The minimum wage should reflect the average monthly cost of decent living and ensure that inflation is accounted for. It should be uniform throughout the country.*
3. *The ban on factory inspection should be lifted in areas where it remains in place. The employers should be penalized severely if they fail to provide a safe and healthy working environment to the employees.*
4. *All workers, including home-based and agricultural workers, should be given the right to form unions and facilitated in realizing their right of assembly.*
5. *The penalty for keeping labourers in bondage under the Bonded Labour System (Abolition) Act 1992 should be increased and adjusted with current inflation rates in order to ensure deterrence.*
6. *Sincere efforts should be made to implement the 36 ILO conventions ratified by the government as well as workers rights guaranteed in human rights treaties to which Pakistan is a party.*

## 6. Social and economic rights





# 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 system of education in Pakistan was often scrutinised by the media as well as the civil society in 2012. It was the last year in office for the government and genuine commitment to education warranted use of the greater say in the matter allowed to provincial governments after the 18<sup>th</sup> Constitutional Amendment. However, progressive and enlightened education eluded the majority of the children in Pakistan who studied in madrassas and public schools. A stark contrast which exists between the three parallel education systems in Pakistan—public schools, English-medium private schools and madrassas—reinforces divisions along the lines of social standing, affordability and gender. The education system, even at the college and university level does not educate the students about their rights and fundamental freedoms as well as their obligations and fails to promote positive values and civic sense.

A pivotal goal of the National Education Policy formulated in 2009 was to increase the rate of literacy in Pakistan up to 86 percent by 2015. As of 2012, the literacy rate in the country stood at 58 percent. As per officials of the



Khyber Pakhtunkhwa: There were schools in ruins like this even in big cities.



Planning and Development Division, Pakistan had witnessed a one percent improvement in the fiscal year 2011-12 from the 57 percent rate recorded two years earlier. At this rate the country would achieve a literacy rate of 59-60 percent by 2015, falling almost 26 percent short of its target.

Much of the discourse on education in the media in 2012 focused on the low enrollment rate, insufficient allocation of funds, outdated teaching techniques, lack of commitment at the government level as well as by the teachers and administration, absence of legislation on the subject.

Rebuilding schools destroyed by natural disasters and militancy since 2010 continued to be an insurmountable challenge for the indigent education departments. At least 121 schools were targeted by militants opposed to education, especially girls' education. These schools were mainly targeted in Khyber Pakhtunkhwa and FATA.

However, the most appalling attack of the year was the shooting of eighth grader Malala Yousafzai, an ardent champion of women's education, by militants in her hometown Mingora, district Swat. Malala was injured in the attack but survived and was being treated in a hospital in Britain as the year came to an end.

Two important statutes promulgated in light of devolution of education as a legislative subject to the provinces were the Right to Free and Compulsory Education Act 2011 and the Right to Free and Compulsory Education Act 2012, applicable to Sindh and the federal territories, respectively.

### **The debate over budgetary allocations**

While the 18<sup>th</sup> Amendment made elementary education a fundamental right, the financial allocation in the budget for 2011-12 for primary education was Rs 26.3 billion and for secondary education Rs 40.2 billion, which together were smaller than the allocation of Rs 92.6 for higher education. The priority was clearly for higher education. In the revised estimates for 2011-12, there was a slight shift of priorities. Allocation for primary education rose sharply to Rs 45 billion and the secondary education to Rs 51.3 billion, while higher education received Rs 99.8 billion. In the budget for 2012-13, primary education got Rs 71.6 billion and secondary education Rs 69.4 billion. The budget for higher education was Rs 113.5 billion. With priorities like these, the Millennium Development Goal 2 relating to universal primary education by 2015 appeared to be an unrealisable dream.

According to a report prepared under the leadership of a leading economist, Hafeez Pasha, the actual size of Public Sector Development Programme (PSDP) was 7% lower than the budgeted level in 2007-2008, 27% lower in 2008-09 and 17% lower in 2009-10. This reduction was largely meant to control the budget deficit in the light of targets set in the Stand-By Agreement with the International Monetary Fund. Such measures were deemed necessary due to low tax-to-GDP ratio and a significant increase in the expenditure on security



and subsidies. The Punjab government was criticised for failing to ensure the right to free education under Article 25-A of the constitution and instead spending money on projects such as Daanish schools and the laptop scheme. However, the distribution of laptop was generally praised by students in the province.

### **The public-private divide**

With an annual population growth rate of more than 2 percent, the highest in Asia, provision of quality education to a rapidly growing population is becoming increasingly difficult for the public sector in Pakistan, especially in view of stunted budgetary allocations. This population explosion and a lack of confidence in the public education system have led to a mushroom growth of private schools, which enrolled over 30% of all schoolchildren in Pakistan by 2012.

Private schools are believed to contribute towards the rapidly growing disparity between the elite and the common citizen. Polarization of education along the lines of class, affordability and curricula puts attendees of public schools at a significant disadvantage, especially when they enter the job market. Public schools are criticised for instruction in outdated syllabi by poorly qualified teachers, and the emphasis on rote learning in effect contributes to widening the socio-economic and linguistic gap.

### **Schooling in times of militancy**

The most appalling incident of the year was an attack by extremist militants on Malala Yousafzai, a teenager from Swat district, in Khyber Pakhtunkhwa. Malala had not only blogged about living under the violent rule of militants, but also championed women's right to education. In October, Malala was shot by attackers sent by the Tehrik-e-Taliban Pakistan for speaking out against the militants and promoting girls' education. In view of her severe injuries Malala was admitted to a hospital in the United Kingdom. While she survived the attack, the young activist faced a long road to recovery.

According to a report by child rights organisation SPARC on the state of children in Pakistan in 2011, 600,000 children in Khyber Pakhtunkhwa had missed one or more years of education due to militancy in the affected districts of the province. According to statistics compiled by Pak Institute for Peace Studies (PIPS), extremist militants in the regions of FATA and Khyber Pakhtunkhwa persisted with their attempts to sabotage education by blowing up schools. As many as 121 educational institutions were targeted in these attacks in 2012, compared to 142 schools attacked in 2011. Eighty of these attacks in 2012 occurred in Khyber Pakhtunkhwa, against 79 in 2011. In FATA however, the attacks on schools were clearly less than the previous year: 40 in 2012 compared to 56 in 2011. The attacks were reported from 12 districts of Khyber Pakhtunkhwa, including Swabi (18), Charsadda (14), Nowshera (11), Peshawar (13), Mardan (9), Kohat (4) and Hangu (4). Two schools each were attacked in Lakki Marwat and Dera Ismail Khan and one



Students returned to the rubble of their schools to resume education.

each in Bannu, Swat, and Tank. In FATA, the attacks took place in Mohmand (24), Khyber (9), Bajaur (3), South Waziristan (2), Orakzai (1), North Waziristan (1) and South Waziristan. One school was also attacked in Balochistan, in the district of Awaran.

Government officials expressed concerns over the lack of funds for reconstruction of the targeted schools. The Khyber Pakhtunkhwa education secretary was reported to have said that the government had allocated Rs. 6.7 billion for educational development in the province in 2012-2013.

In June, the United Arab Emirates (UAE) funded the construction of 40 schools and other educational institutions in Swat district of Khyber Pakhtunkhwa province. Media reports claimed that as many as 21,000 boys and girls had already begun attending these institutions.

In February, a banned jihadi group was reported to have arranged a sermon at the Peshawar University campus. The sermon was part of a membership campaign in which leaflets and other material were distributed outlining the outfit's agenda. The university administration failed to take action against the group.

Education was also badly affected in Balochistan due to the ongoing conflict. An HRCF fact-finding mission was informed by the provincial secretary education that finding teachers to serve in many affected areas was a major problem, leading to disruption of education. Attacks on buses used by young Hazara men resulted in over 300 students discontinuing their higher education.

### **Laws and policies**

With the devolution of the subject of education to the provinces following the 18<sup>th</sup> Constitutional Amendment, it had become the responsibility of the

provincial government to promulgate legislation in light of the recently acknowledged right to education under Article 25-A of the constitution. Unfortunately, even though the devolution process through changes in the constitution had started in 2010 the only laws promulgated on the subject were the Right to Free and Compulsory Education Act 2011 applicable to Sindh and the Right to Free and Compulsory Education Act 2012 for the federal territories. The remaining provinces were yet to introduce the required legislation.

The Punjab Women Empowerment Package was introduced by the provincial government in 2012. The package presented various measures for promotion of women's empowerment including provision of higher education and schooling. The package committed to earmarking 60% of the funds out of the Punjab Education Sector Reforms Programme (PESRP) to ensure provision of missing facilities at girls' schools.

The Khyber Pakhtunkhwa cabinet approved the Khyber Pakhtunkhwa Private Schools Regulatory Authority Bill 2012 in order to establish a regulatory authority to register and regulate private schools in the province. The regulatory authority's mandate included decisions with regard to minimum qualifications for teachers of private educational institutions, trainings, salaries and service matters.

The federal government launched the primary literacy plan called 'Waseela-i-Taleem' for 3 million impoverished children. Under the four-year literacy programme children from indigent families, especially girls, would get free education in primary schools.

### **The status of schooling**

According to the National Commission for Human Development, only 12% of the 19 million primary school-age children in Pakistan studied beyond the fifth grade. In essence, 22 out of every 25 primary school-age children were expected to fail or drop out of school before the fifth grade; only a third of those who carried through successfully completed primary education. The latest Education For All global monitoring report by the United Nations Educational, Scientific, and Cultural Organisation (UNESCO) noted that at least 5.1 million Pakistani children did not attend school and 63 percent of the said number were girls. The report also stated that the school-age population of Pakistan was 197.5 million, while up to 7.27 million adolescents were not attending school.

Seminars and conferences held throughout the year emphasised that the low fiscal allocation for education led to lack of provision of the most basic facilities at schools. A seminar organised by Pakistan Coalition for Education noted that around 10.9 percent of schools in Pakistan lacked proper buildings, 37.7% lacked boundary walls, 33.9% had no drinking water facility, 36.9%

lacked toilets, and 59.6% schools had no electricity. Moreover, 505 schools lacked proper buildings in Punjab, 11,669 in Sindh, 1,113 in Khyber Pakhtunkhwa, 681 in Balochistan, 2,705 in Azad Jammu and Kashmir, 183 in Gilgit-Baltistan, and 908 schools in the Federally Administered Tribal Areas. Experts believed that absence of such facilities contributed to the high dropout rate in the country.

School buildings in Pakistan were frequently employed as polling stations, relief camps in times of natural disasters and even police stations. In FATA, the military was also reported to have used them as camps. In addition to such disruption of education, the government reportedly engaged public school teachers in non-academic activities, robbing them of the time to concentrate on lesson planning and classroom management. Teachers were reportedly also engaged in anti-polio campaigns, sugar distribution monitoring, voters' list compilation and political meetings of top government functionaries.

Reports of occupation of educational premises by government officials also made the news in 2012. In one case before the Supreme Court, the Abbottabad district administration was ordered to ensure that police vacated an illegally occupied girls' school. A girls' hostel of the Rawalpindi Medical College remained illegally occupied by the National Accountability Bureau (NAB) for many years and despite the Prime Minister's intervention it had not been vacated.

Corporal punishment leading to broken limbs and even suicide by students was frequently reported in 2012. Even though the government had prohibited corporal punishment at schools through the Prohibition of Corporal Punishment Act, the violent practice continued and was seen as one of the reasons for a steep dropout rate in the country. *[See also the chapter 'Children']*

According to an education officer from Bajaur Agency, enrolment increased in 2012 with 39,000 new students enrolling in schools. The increase



A happy madrassah student.

was said to be partly due to the return of families displaced by the conflict in 2008-09, and partly as a result of the World Food Programmes incentive of providing ration to enrolled students every second month.

### Issues of higher education

The World Economic Forum Global Competitiveness Report 2011-2012 identified higher education, training technology readiness and innovation as three of the 12 pillars of a knowledge economy. The budget allocation for higher education in Pakistan stood at 11% of the total education budget, whereas according to UNESCO standards this allocation should be at least 25% of the total education budget.

Public universities faced financial pressure in 2012 due to non-provision of funds by the government. Vice chancellors of various public universities complained that provincial governments refused to extend financial support to universities because they believed it to be the responsibility of the federal government until 2014. Thousands of scholarship holders also suffered due to non-release of development funds to the Higher Education Commission (HEC) amounting to Rs 6.8 billion for the last quarter of the financial year.

In 2012, the country saw the launch of its very first Information Technology University, called Punjab Technology University (PTU). Another first for the country was the announcement of university rankings by the HEC. Many universities rejected the HEC ranking, calling it miscalculated and biased.

A welcome development was the acquisition of 1,016 kanals of land for Swat University and foundation laying for Swabi University in Khyber Pakhtunkhwa. Officials of some public universities were reported to have attributed financial woes of their own educational institutions on the government



Students and teachers rallied to bring peace and order to Sindh University.



decision to establish new universities and lack of adequate funding from the HEC. Sources at Peshawar University claimed that only 50% of the total committed funds for 2011-2012 were released to the university. As many as 70 public sector universities were also facing financial difficulty due to non-receipt of funds from the HEC. However, media reports highlighted that HEC was also facing difficulties because the government had not paid it funds to the tune of Rs. 9 billion for the year 2011-2012.

In November the Punjab government launched the Punjab Accelerated Literacy Promotion (PALP) programme which aimed at educating and providing technical skills to the population which was usually denied access to education, such as transgender persons, prisoners and child labourers. As a part of the programme, the Literacy and Non-formal Basic Education Department was to open 4,236 new non-formal basic education schools in 32 districts, as well as adopt 1,204 exiting schools, to enroll 190,000 children for formal education from grades one to five.

### **Violence on campus**

While student unions in the country were once credited for serving as nurseries for preparing students for participation in the democratic political process, in the last few decades student politics has been a very violent affair with groups affiliated with political parties facing off in turf wars.

Violence by student/political groups on campus continued in 2012. The murder of Professor Basheer Ahmed Channar of the Sindh University led to protests by teachers and students demanding a judicial inquiry. The teachers' association in particular demanded removal of Rangers and police from the



Question in the homework led to this.



university premises, in addition to confiscation of all weapons. Protests led to the suspension of teaching at the university for over two months, but within two weeks of reopening the university had to be shut down again due to the murder of a student by unidentified men. The teachers' union at Sindh University went on strike to demand the removal of the vice chancellor. Attacks on professors spearheading the movement were also reported.

At least 22 students of the Government Emerson College in Multan were arrested after a clash between two student groups. The dispute reportedly began after activists of the Muslim Students Federation tried to set up their unit in the college and activists of the People's Students Federation resisted the attempt. Twenty-five students associated with Pakhtun Students Federation and Insaf Students Federation were arrested after a clash at the Government Postgraduate College, Rawalpindi. Firearms were displayed in both incidents.

### **Facing the challenge of gender disparity**

Disparities in educational opportunities in Pakistan continue to be influenced by multiple factors including wealth, gender, ethnicity and geographic location. Comparisons of education indicators with Pakistan's neighbours, especially with regard to gender disparities in access to education and outcomes, access to schooling in remote and rural areas, and adequate education infrastructure, were far from flattering. The Taliban were said to have destroyed more than 400 of the 1,576 schools in Swat valley, Khyber Pakhtunkhwa alone. According to Sarhad Rural Support Programme officials, 70 percent of the schools destroyed were meant for girls.

On a positive note, the governments of Punjab and Khyber Pakhtunkhwa announced their support for promotion of female literacy in 2012. Punjab decided to provide a sum of Rs 520 million to upgrade girls' elementary schools across the province up to secondary level, while the Khyber Pakhtunkhwa education minister announced the allocation of 70 percent of the provincial budget in the Annual Development Programme for female education.

### **International rankings and literacy rate**

In March, UNICEF stated that around 20 million children in Pakistan including an estimated 7.3 million of primary school age were not in school. A report titled Public Financing of Education 2011-2012 by the Institute of Social and Policy Sciences showed that 63% of the country's population comprised youth under the age of 25 years. The report identified it as an opportunity which could be capitalised on to achieve economic prosperity and development. Unfortunately, according to AUSAid, almost half of the country's adult population was illiterate and out of the two-thirds children enrolled in primary school, almost a third were expected to drop out before reaching secondary school.

An overall increase of 1% in the rate of literacy during the fiscal year

failed to impress. Adult literacy rate also witnessed a 1% improvement from 54 % to 55 %. Pakistan's annual education expenditure stood at 2.1% of the Gross Domestic Product (GDP), which was reported to be the lowest in the region. In contrast, Bangladesh spent 2.6% of its GDP on education, India 3.3%, Iran 5.2% and Nepal 3.2%. However, in efforts to achieve an 86% literacy rate, a goal set by the MDG's, the National Commission for Human Development (NCHD) established 6,200 literacy centres all over Pakistan with enrollment of 141,460 students, who were expected to receive basic literacy lessons.

### **Lack of transparency in examinations**

News of cheating in examination, students attempting papers at home and invigilators leaking papers were reported from all provinces. In many areas, cases were registered against students and invigilators caught cheating or facilitating the process. Protests by teachers against the murder of Professor Basheer Ahmed Channar rendered approximately 6,500 students unable to take their viva voce exams at the Sindh University. Protests against examination results and delays in announcing the same also seemed to be a common occurrence in 2012.

### **Private schools**

Private schools in Pakistan have flourished in a non-competitive environment and this exploitative position has gone unchecked in the absence of a regulatory mechanism. Despite repeated commitments and a lapse of almost five years, provincial governments across the country failed to establish authorities to regulate the affairs of private schools. Concerned parents felt their pleas against exorbitant fees and unscheduled imposition of various charges continued to be ignored. By the end of 2012, only the Khyber Pakhtunkhwa cabinet had approved a bill to initiate the process for establishment of a regulatory authority to register and regulate private schools in the province.

In Punjab the All Pakistan Private Schools Management Association (APPSMA) rejected the provincial government's decision to make it mandatory for private schools charging fees in excess of Rs 5,000 a month to reserve 10 percent seats for needy students. The association asked the Punjab government to focus on improving public sector schools instead of delivering such directives.

### **Madrassa education**

The appeal of madrassa education in the country is not surprising in view of the fact that most of them provide food, lodging and education; a package that beats all else in public sector education. According to media reports, there were at least 20,000 registered madrassas in Pakistan. The number of unregistered ones was believed to be much higher. Media reports stated that devolution of education to the provinces had made it more difficult for them to



Madrasahs opened their doors to those who could not afford education.

streamline the affairs of the madrasahs as they were administratively controlled at the national level by their respective *Wafaqs* (boards).

Several media reports suggested that a large number of madrasahs in Pakistan received funding from foreign governments and then propagated those countries' ideology and often their agendas of intolerance and hatred to their students. Towards the end of the year, a list submitted by the Interior Ministry to the National Assembly showed that 2,673 foreign students from more than 35 countries were enrolled in madrasahs in Pakistan. The NA was also informed that almost all foreign students enlisted in Balochistan's madrasahs were of Afghan origin.

Corporal punishment remained a serious concern in the case of madrasahs. [See also the chapter 'Children']

### Special schools

Information concerning schools for special needs students was entirely missing for two important regions of Pakistan. At the end of 2012, Sindh had 48 special education institutions, Punjab 101, Khyber Pakhtunkhwa 21, while records were not available for Balochistan and Gilgit Baltistan. The websites for special education institutions in Sindh and Punjab were somewhat more comprehensive.

On the upside, in 2012 Punjab University became the first educational institution in the country to provide free education up to PhD level to all special students, and committed itself to granting them scholarships.

### Curriculum and textbooks

Education experts have often criticised textbooks used in Pakistan's



As prices of book escalated used books attracted readers more and more.

educational institutions for lacking creativity, containing a biased view and failing to provide intellectual stimulation. Attempts to revise Islamiat textbooks in particular have been vehemently opposed by religious groups, leading to the shelving of such projects.

A content analysis report published by the National Commission for Justice and Peace revealed that hate content in textbooks used in the Punjab had increased from 45 sentences in 2009 to 122 in 2012. The report examined textbooks for the academic year 2012-2013 in Punjab and Sindh from grades one to 10. The report claimed that textbooks advocated intolerance and there was a marked increase in hate content in the curricula for grades 7-10. Increase in hate content had been noted in Urdu, Islamiat and Pak Studies textbooks.

### ***Recommendations***

1. *All governments, federal and provincial, are falling behind the MDGs on education and in delivering on the promised right to education. Realising that right for every child must become the immediate priority.*

2. *Budgetary allocations are a significant indicator of the overall commitment to education. The allocation must be increased to at least 4% of the GDP. The money should be spent judiciously and in a transparent manner in consultation with experts and not merely allocated on the whims of politicians and bureaucrats. The allocation of resources, attention and expertise to all tiers of education, from the elementary to higher education, should be planned in ways that reflect the education needs of the country.*

3. *Militants' attacks on girls' institutions and the traditional bias against*

*the female gender's right to education must be confronted through awareness campaigns and engaging community leaders and role models. Girls must have a safe environment for education.*

*4. The need to reform and update education curriculum in order to promote a sense of tolerance and positive notions and to provide intellectual stimulation to the students must not be delayed any more.*

# 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)

There are 115 countries in the world which guarantee the “right to health” as a basic human right to its citizens; Pakistan is not one of them. The responsibility of the state to ensure health and adequate medical services does not receive a mention in the Principles of Policy in the Constitution of Pakistan. The primary problem with this is that Principles of Policy are not directly enforceable, and a citizen cannot petition a court to have this particular right enforced by the state.

The health sector in 2012 continued to present a dismal picture. The failure can perhaps be classified in three broad threads. First is resource allocation, which in essence is how much budgetary allocation the health sector





Badin: Hospital services too were affected by floods.

received. The resource allocation was meagre and severely inadequate. Second is the prioritization of that resource, namely where the allocated money is spent. The focus continued to be on secondary healthcare and curative health and along with a higher percentage of GDP allocation perhaps a paradigm shift to primary healthcare and preventive health is also required. Finally, there is the critical issue of oversight or monitoring of the utilization of these resources and the performance of the health sector.

### **Budgetary allocation**

The trajectory of budgetary allocation in Pakistan has progressively been on a downward route. Statistics from the Planning and Development Commission indicate that the percentage of GDP being allocated towards health has declined from 0.72 percent in the fiscal year 2000-01 to 0.27 percent in the fiscal year 2010-11. In the 2012-13 fiscal, the trend of decline continued as the health sector received a mere 0.2 percent at Rs. 7,845 million. Out of that amount, as per budget documents, Rs. 132 million was allocated for medical products and appliances, Rs. 6,609 million for hospital services and Rs. 259 million for health administration. Epidemics such as dengue fever and measles creating havoc and claiming lives of people were a stark reminder that much more is required in terms of allocation for the health sector and judicious use of the allocated amount in order to prevent future disasters.

### **Maternal health and infant mortality**

Pakistan lags behind in maternal health and infant mortality as compared to other developing countries and seems unlikely to achieve the relevant Millennium Development Goals (MDGs) by 2015. The infant mortality rate at 63 deaths per 1,000 live births and the under-five year mortality rate at 86.5



Too many patients, too little space.

per 1,000 children remain serious concerns. The high mortality figures are largely due to poor diet, water-borne diseases and malnutrition. Maternal mortality rate (MMR) at 276 deaths per 100,000 live births is still too high and is unlikely to be reduced to 140 by 2015 as per the MDG. Contraceptive prevalence rate (CPR) is 30 percent which needs to be increased to 55 percent by 2015, while total fertility rate (TFR) is 4.1 live births per woman which needs to be reduced to 2.1. In Balochistan, MMR is 785 per 100,000 live births, CPR is 14 percent, while TFR is 4.1. This appalling situation has as much to do with insufficient allocation and injudicious use of the allocated money as it does with lack of education and awareness among the people.

### **Water sanitation**

Water sanitation and hygiene is an overarching theme in the healthcare challenges in Pakistan. It is very significant primarily because it has a direct co-relation with a remarkably large number of diseases. According to reports, incidence of more than 10 percent of the diseases could be prevented with improvements to water, sanitation and hygiene and better water resource management. The burden of water-related diseases falls disproportionately on the poor and particularly on children under five, with 30 percent of deaths of these children attributable to inadequate or poor access to clean water and absence of sanitation.

The benefits of water and sanitation have remained insufficiently documented in Pakistan and no meaningful effort for public awareness on the issue is being made. There is a distinctly low political and development priority for water issues and in sub-optimal levels of investment in water infrastructures.

### **Mental health**

Pakistan inherited the Lunacy Act 1912 which was largely ceremonial in



Challenged children in a school.

its impact upon psychiatric patients in the country. There was little or no progress in this field when the first Pakistan Mental Health Act 2001 was adopted. The 18<sup>th</sup> Amendment to the Constitution devolved the provision of mental health from the federation to the provinces. The amendment abrogated the Act of 2001 which was premised on federal psychiatric regulatory institutions. Sindh Mental Health Bill was submitted to the provincial law ministry for vetting in January 2012. The bill contained clauses for setting up a framework for the Provincial (Sindh) Mental Authority and the Board of Visitors, the key government bodies responsible for licensing, regulating, monitoring and supervising psychiatric care. The bill also contained provisions for psychiatric care in prisons and police stations. It also prescribed penalties and punishments for abuse of psychiatric patients in these facilities. However, at the end of the year under review there was still no sign of meaningful progress on that front.

### Suicides

The high incidence of suicide in Pakistan in previous years continued in Pakistan in 2012. According to media monitoring by HRCP, at least 1,976 persons committed suicide during the year under review. These included 1,323 men and 626 women. The media reports did not specify the gender of 37 individuals who committed suicide. Those who took their own lives included at least 188 minors. As many as 873 persons, including 488 men and 382 women, also unsuccessfully tried to take their own lives. It is believed that a significant number of suicide and attempted suicide cases go unreported every year because of the social and religious stigma attached to people taking their own lives. According to Madadgar National Helpline's database, 32,762 suicides were documented in Pakistan over the last 12 years (from 2001 until 2012), including 4,031 cases of children, 11,752 of women and 16,975 of men. The

monitored data on suicides showed a strong association between poor socio-economic conditions and suicide. Helplessness, poverty, loss of control over one's life, depression and domestic violence were the most common reasons for suicide, whereas poisoning, use of firearm, hanging, consuming large quantities of sleeping pills and insecticide were the most common methods of committing suicide.

The high number of suicide cases shows discontentment and dissatisfaction amongst the general population and raises serious questions about preventive mental healthcare provided to the people who contemplate or attempt to commit suicide.

### **Drug addicts**

Drug addiction needs to be fought through a sustained mass awareness campaign. There are around 9 million drug addicts in Pakistan and the number is decidedly on the rise. As many as two million of the addicts are aged between 15-25 years and the number of female addicts is around 200,000. Pakistan is part of the UNODC/WHO global project on drug treatment and rehabilitation, which is aimed at enhancing the capacity of drug treatment professionals based on the treatment protocols. The United Nations Office on Drugs and Crime (UNODC) representative for Pakistan recently stated that the UN organisation promotes policies that strike the right balance between the reduction of drug supply, as well as demand, and also guide member states to adopt science-based drug prevention and dependence treatment. In order to standardize and enhance the delivery of drug treatment and rehabilitation services, the UNODC launched a set of rules for treatment which was titled "Treatment Protocols for Drug Use".

The Secretary of the Ministry of Narcotics Control stated that under the



Getting heroin injected.

National Drug Control Master Plan (2012-2015), the government of Pakistan aimed to mainstream drug treatment and rehabilitation services into the health system. He also stated that people with drug use problems should receive effective and humane treatment and that drug use should be considered a medical problem and users treated like patients suffering from any other disease.

### Mismanagement and lapses

#### *PIC scam*

In January 2012 tainted drugs at a cardiac facility in the city of Lahore claimed more than 100 lives. In mid-January several cardiac patients registered with PIC (Punjab Institute of Cardiology) started showing up at different public and private hospitals in Lahore suffering from a sudden drop in platelets and white blood cells and bleeding from different parts of body. Initially, it was taken as a symptom of another dengue outbreak after the one in 2011 but it was soon realized that the symptoms were of a reaction to a drug which was being distributed by PIC free of charge. Investigations found that the license of one of the pharmaceutical companies supplying the drug to PIC had long expired and yet it was continuing supplying drugs to government hospitals and the open market. Tests carried out by British Medicines and Healthcare Products Regulatory Authority (MHRA) in the United Kingdom indicated that Isotab, one of the five suspected drugs, was contaminated. The report also showed that Isotab contained pyrimethamine which is in fact used for the treatment of malaria. The presence of pyrimethamine proved to be toxic. The pharmaceutical factory manufacturing the contaminated drug was sealed and names of the owners added to the Exit Control List. The Pakistan Medical Association (PMA) noted that a lapse in quality control while acquiring medicines was the main reason for the deaths caused by the drug reaction and called upon the federal and provincial governments to establish drug regulatory



Protest against death by spurious drug.



mechanisms.

### *Cough syrup scandal*

In November and December at least 50 people (mostly drug addicts according to media reports) died in Gujranwala and Lahore districts of Punjab after drinking contaminated cough syrups. The Punjab health secretary blamed excessive quantity of an active ingredient (dextromethorphan) in the cough syrups as the cause of deaths. The Punjab government formed a special committee to look into the matter. The Drug Testing Laboratory (DTL) found that there was something wrong with the raw material. The World Health Organization (WHO) was involved while the drug samples were then sent to Medicines and Healthcare Products Regulatory Authority (MHRA) in the UK. WHO found toxic 'levomethorphan' in the raw material imported from an Indian manufacturer and used in cough syrups in Pakistan as the cause of deaths in Lahore and Gujranwala. This dealt a blow to the already fragile trade relations between the two neighbours.

### *Young doctors' strike*

Young doctors carried out strikes several times during 2012 to demand improvement in their salary and service structure. Due to the strikes even hospital emergencies remained closed or understaffed, multiplying the miseries of patients. Punjab was the worst-hit province with hospitals in all the major cities badly affected. The provincial government resorted to arresting doctors who refused to show up for work. The government temporarily resolved the dispute by releasing the arrested doctors and withdrawing show-cause notices issued to others. But towards the end of the year young doctors had begun another round of strikes increasing the agony of patients. The Lahore High court also ordered the young doctors to end their strike and return to work and directed the government not to harass the protesting doctors. The Punjab



No breakthrough in govt-doctors stand-off.



government's failure to resolve the issue was criticised as either incompetence or unwillingness, and at times a bit of both.

## **Infections and infestations**

### *Dengue*

As compared to 2011, there was a sharp decline in the number of reported dengue cases in the country during the year under review. In 2011, there were 31,665 reported cases of dengue hemorrhagic fever which led to 347 deaths, 296 of them in Lahore alone. In Sindh, there were 1,053 reported cases and 17 deaths in 2011. In 2012, in Karachi 639 patients were diagnosed with dengue fever out of which two patients died. The Punjab government was credited with tackling the virus by carrying out massive awareness campaigns through media and in educational institutions, offices and markets. Separate desks were set up at all hospitals for dengue patients. Show-cause notices and first information reports were lodged against hospitals and organizations which failed to implement preventive measures and where dengue larvae were found.

### *Polio*

As many as 58 cases of polio were reported in 2012. According to Dr. Elias Durray, head of the Global Polio Eradication Initiative at WHO, Pakistan is close to eradicating the poliovirus type 3 (P3). The last case of P3 virus was reported in the country on April 14, 2012 and since then the virus has not been found in any part of the country. WHO had already removed India from polio endemic countries and Pakistan also seemed to be on the right track. The WHO official also added that though there was 70 percent decrease in the number of polio cases in Pakistan in 2012, no part of the country could be considered polio-free until the poliovirus was eradicated completely. The tally of polio cases in Pakistan for 2012 at 58 was considerably lower from the previous year when 178 cases were reported. The WHO official noted that all recent sewage samples collected from Punjab were negative and most samples from Peshawar, Gadap Town in Karachi and Hyderabad, localities which had previously shown positive results, also showed negative results.

A major challenge that Pakistan faced in its fight against polio was the use of violence against polio workers. In 2012, eight polio workers were killed whereas many received death threats and intimidation during vaccination campaigns. The polio eradication campaign has been hampered over the years because of misconceptions and suspicions regarding vaccination amongst the people. Resistance against the polio campaign comes mainly from poorly educated parents and misinformed religious interpretations. The propaganda increased considerably, especially in Khyber Pakhtunkhwa and FATA after a doctor carried out a fake polio vaccination campaign in Abbotabad to locate Al Qaeda leader Osama bin Laden, who was subsequently killed in a US operation. The use of polio campaign to track down the Al Qaeda leader provided extremist elements the chance to use an isolated incident to sabotage the whole campaign.



More than 3.5 million Pakistani children missed out on polio vaccination.

Opposition to the polio campaign and the attacks on polio workers/volunteers again illustrated the need for a grassroots awareness campaign.

### *Tuberculosis*

TB is an infectious bacterial disease caused by mycobacterium tuberculosis, which most commonly affects the lungs. Pakistan ranks sixth among the 22 high risk tuberculosis countries, contributing 43 percent of the disease towards the East-Mediterranean region, according to WHO. According to available data, the incidence of TB per 100,000 persons in Pakistan is 181, case notification per 100,000 per year is 150 while the treatment success rate is 85 percent. The government of Pakistan has established a National Tuberculosis Control Programme via which 1.5 million patients have been treated and 5,800 tuberculosis diagnostic centres have been set up across the country. Yet, approximately 420,000 new tuberculosis cases emerge in Pakistan every year out of which approximately 70,000 cases are from Sindh – 14 percent of Sindh's cases comprise fatalities.

### *Malaria*

With an estimated 1.6 million malaria cases annually, Pakistan finds itself in Group-3 countries of the Eastern Mediterranean region, contributing 95 percent of the regional malaria burden. Factors contributing to the high incidence of malaria in Pakistan are low coverage of effective interventions, changing disease epidemiology, and drug and insecticide resistance in parasites and vectors. Environmental hazards like floods along with poor sanitary conditions, high population growth and haphazard urbanisation have all increased malariogenic potential of the country both in urban and rural areas.

### *Cancer*

One out of every nine women in Pakistan faces the risk of breast cancer

which results in 40,000 deaths every year, higher than in any other country in Asia. The average age of cancer patients in Pakistan is between 30 to 40 years which is lower than the worldwide average. According to experts, 90 percent cases of breast cancer are curable if they are detected in time and properly treated.

Social taboos attached with medical examination prevent timely detection of the disease and its treatment. Lack of treatment facilities at all but a few hospitals across the country was also a factor leading to the high fatality rate.

### ***HIV/AIDS***

HIV is not an epidemic in Pakistan but the number of infected persons is definitely growing. The National Aids Programme figures show that 4,000 cases had been reported between 1986 and 2012. However, the figures are believed to be much higher because of lack of reporting on account of the stigma attached with this disease.

### ***Measles***

According to the United Nations, while the number of measles deaths around the world has significantly decreased over the past few years, large outbreaks in certain areas including India and Pakistan are hampering progress. The UN also added that improved vaccination rates are critical to eradicating the disease. Between 2000 and 2011, measles deaths dropped from 542,000 to 158,000 globally, representing a 71 percent decrease. New cases also dropped during the same period by 58 percent, according to data released by the WHO. However, the agency warned that despite global progress, some populations remain unprotected, with an estimated 20 million children lacking vaccination. More than half of them are concentrated in five countries: Pakistan, the Democratic Republic of the Congo, Ethiopia, India and Nigeria.

Pakistan suffered record child measles deaths in 2012 when 306 people died, compared to 64 measles deaths in 2011. In Sindh, 210 children died from measles compared to 28 in 2011. A WHO spokesperson stated: "Most of the affected children died due to post-measles complications such as pneumonia, post-measles encephalitis and diarrhea." Three consecutive years of flooding have left millions of children unvaccinated and malnourished to resist infections. The spokesperson said that floods, displacement and food shortages had played a major part in the deaths.

### **Oversight**

Pakistan has been facing a continuing trend of "privatisation" of the health sector. In essence, the reliance on private healthcare has increased and it now forms the considerable portion of healthcare services. The spectrum of private healthcare includes physician-practitioners, maternity homes; dispensaries,

diagnostic laboratories, and for-profit hospitals. There are also some large tertiary hospitals in the private sector, concentrated mostly in the main urban centres. There is a lack of duly empowered regulatory mechanisms to oversee the dispensation of private healthcare. In Pakistan there are two types of hospitals providing services to the patients; public and private. Where private hospitals provide good quality service they are too expensive and unaffordable for the majority of the people. Private hospitals also have a commercial approach and work as business enterprises with profit maximization/revenue generation as their primary objective. Public hospitals on the other hand are overcrowded and suffer from inadequate facilities. There is also a high number of absentee staff in government hospitals as doctors who are paid low salaries focus on private practice. All this leads to misery and hardship for poor citizens as they have to wait for hours in queues to see a doctor.

### **Regulation of medical education**

The seminal challenge with respect to medical education is the verification or authentication of the academic credentials of the practitioners and at times even the ability of the private institutions both in Pakistan and abroad to impart the desired medical education itself. A standard practice in rural areas is that medical assistants after gaining sufficient experience set up clinics posing as doctors. In more urban settings a challenge faced is with the verification and acknowledgment of medical degrees received from foreign institutions, mostly from China and Central Asian Republics. Perhaps, a clearer and more stringent criteria needs to be devised. On the domestic front the regulation of “private” medical colleges has also been on the rise. Theoretically speaking, they are regulated by the University of Health Sciences (UHS), yet there remain significant doubts regarding the monitoring. UHS is an internationally recognized student centred research university with 80 colleges and institutes affiliated to it and with around 35,000 undergraduate and 4,000 post-graduate students registered. The competition to get into public medical colleges is cut throat and only the very best are supposed to get admission. The standard or merit required to gain admission to most of the private medical colleges is considerably relaxed when compared to those of the public sector. Another undesirable practice is that of “self-finance” scheme, which allows students who do not meet the admission criteria to get in after paying a higher tuition fee. There have been calls to revisit licence granting procedure to private medical colleges and to raise the threshold.

### **Quacks**

On the extreme end of this spectrum are the practitioners of “traditional medicine” which include the homeopathic doctors and *Hakeems*, etc. In most cases they prescribe medicines and even perform surgical procedures without any formal training. The medicines prescribed are completely untested in any



Dirty wayside dentists putting patients at risk.

laboratory. Quackery is widespread in Pakistan. These include quack dentists, dispensers and medical assistants posing as doctors, faith healers, homeopathic doctors, *Hakeems*, sex experts and *pehlwan*s. All of them lack medical education and qualification and yet continue to treat patients without any check. Injudicious use of antibiotics, steroids and injections often severely affects health of patients and not infrequently results in death. Lack of affordable medical facilities and education has turned quackery into a lucrative proposition. Successive governments have failed to regulate or crack down on such illegal and dangerous practices. According to the chairman of Pakistan Dental Association, there were 13,000 dentists in Pakistan and as many quacks practicing dentistry in the country.

### Prescription

A related issue is the non-requirement of prescriptions for selling drugs which are internationally recognized as requiring a prescription. Almost all kinds of medication including antibiotics are available without prescription. This allows people to go to a medical store and asks for any drug. Such injudicious use of drugs has led to improper and unsupervised medication and often aggravates the patients' condition and sometimes even turns out to be fatal.

### Drug Regulatory Authority

The 18<sup>th</sup> Constitutional Amendment devolved 17 ministries including health to the provinces. The aim was to bring services closer to the people through decentralization. The lack of a drug regulatory authority has led to several

incidents leading to deaths due to substandard and fake drugs. The federal government adopted the Drug Regulatory Authority of Pakistan Act (DRAP) 2012 in November to tackle the situation and to prevent future accidents. The law is aimed at preventing the sale of fake, sub-standard and unregistered medicines and to prevent hoarding of medicines. It also regulates the manufacturing, storage, sale and advertisement of drugs. The authority has been designed along the lines of similar authorities in the US and Canada and aims to protect the interests of patients, pharmaceutical industry and authority officials. In addition to a CEO, the authority would consist of 13 directors appointed by the federal government.

### **Rescue 1122**

The Rescue 1122 service was established in the Punjab province prior to 2008 and has consistently provided excellent emergency assistance and rescue services throughout the largest province of the country. The service has infrastructure in all 36 districts of the province. According to its official website, the rescue service had saved over 1.7 million lives by the end of 2012 with an average response time of seven minutes. These included over 620,000 road traffic accidents, over 860,000 medical emergencies, 40,000 fire emergencies, 3,500 building collapse, over 50,000 incidents of crime, 3,500 drowning and 716 blasts/ explosions. The failure to substantially expand this service outside the urban centres and to other provinces shows either incompetence or perhaps how politics plays a critical and subversive role in provision of healthcare.

### **Recommendations**

- 1. Budgetary allocation for the health sector needs to be increased to at least 2.5% of GDP.*
- 2. Decentralization and de-politicization of health governance is critical to fixing systemic problems. Primary healthcare should be prioritized with emphasis on immunization programmes, provision of safe drinking water and sewerage systems.*
- 3. Security and a safe environment must be provided to lady health workers so that they can carry out immunization campaigns and create awareness about population planning.*
- 4. The Drug Regulatory Authority needs to work vigilantly in order to avoid casualties due to usage of fake, substandard and unregistered drugs.*
- 5. A strategy needs to be evolved to achieve all health-related MDGs including maternal, neonatal, infant and child mortality; women's reproductive*



rights need to be ensured.

6. *There is a need to maintain uniform standards of health education, and a coherent drug policy and pricing.*

7. *There is a dire and immediate need for a comprehensive crackdown on quacks and clear guidelines and a formal licensing process for allowing any practice of alternative/herbal medicine.*

# 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)

Challenges to the right to adequate housing in Pakistan remained unchanged to a large degree in the year 2012. While there was a shortage of nearly 8 million houses nationwide, according to the World Bank estimates, a systematic effort to address the gap was absent. The trend of the private sector launching new housing schemes mainly on the periphery of large cities continued while housing needs outside the main urban centres were largely ignored. Little by way of official action suggested that overcoming the housing shortage was a government priority.

A lack of reliable data also compounded Pakistan's housing problems.



Homeless people sleeping by the roadside.

Data from the last census, conducted 14 years ago, continued to be quoted. The new census is widely expected to find that the projected housing shortage had grown more acute than the available figures suggested. The census was due almost four years ago but in view of past practice it was expected that the process would be further delayed. Experts have also questioned the reliability of the housing and population data from the previous census because they believe that the calculations were politically motivated.

The incentives for giving inflated figures included better representation in the legislature and greater allocation of budgetary resources for the region in question.

The right to adequate housing is one of the most basic of human rights promised to all citizens around the world. This right is promised not only by the Universal Declaration of Human Rights but also by Article 38 (d) of the Constitution of Pakistan.

According to Collective for Social Science Research, a research, advisory and consultancy body for academic, government and non-government institutions, residential security is a concept with multiple facets. Another aspect is the challenge of catering to the needs of populations that have not traditionally opted for fixed abodes and of linking identity itself with a fixed abode. In Pakistan, little work has been done to ensure the protection of individuals who are without fixed living spaces. The social security and citizenship rights of a large number of nomadic, semi-nomadic or transhumant individuals have been curtailed owing to the fact that they lack permanent homes. A person's identity

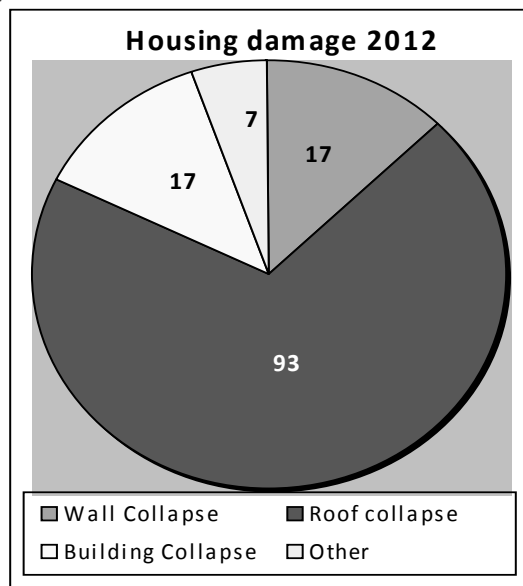
has thus come to be defined by his permanent location. Pakistan itself has always first counted the number of houses in the country preceding the census and then used that data to count the population. This issue has become more acute after the large internal displacement crises in the country due to floods and armed conflict.

A critical issue to consider while discussing residential security is the right to secure property and tenancy. Pakistan has been plagued with issues such as land scams and encroachments. The people have suffered due to a lack of security from forced evictions. Many slums and irregular settlements have been destroyed and their residents evicted without prior notice. Even those who were issued notices were often not provided with alternative spaces.

Lastly, residential security requires social and institutional arrangements for access to affordable housing. Many new low-cost housing schemes were announced and institutions were put in place to provide affordable loans for building homes, but their success was limited.

An issue which continued into 2012 was that of intimidation to force owners to sell land to housing schemes. In some cases, the property developed virtually forced entire villages to move away in order to accommodate a new housing project. If the villagers failed to oblige, boundary walls were constructed between villages and new housing projects which trapped the villages in and significantly curtailed their movement.

Many promises were made concerning slum regularisation under the Punjab Katchi Abadi Act but deadlines kept getting extended without any progress. The responsibility for a lack of waste management was unjustifiably placed on irregular settlements even though it was found that planned housing projects contributed a greater part of the toxins in the nearby rivers and canals. Slums were razed in order to make way for roads and housing societies or pursuant to various anti-encroachment drives. Several houses and



*Figure 1.1*

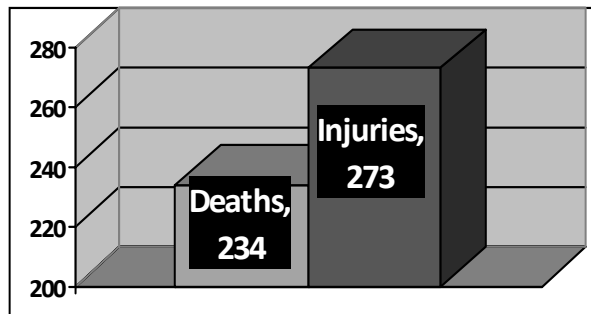


Figure 1.2

structures in a *katchi abadi* in Islamabad were demolished by the Capital Development Authority in May.

The quality of buildings and houses in the country remained poor and

numerous houses collapsed in 2012, claiming precious lives. Figure 1.1 shows the number of houses, factories and commercial buildings that collapsed due to various reasons during the year under review.

Figure 1.2 shows the number of people killed and injured in the collapse of entire houses or their walls and roofs in 2012.

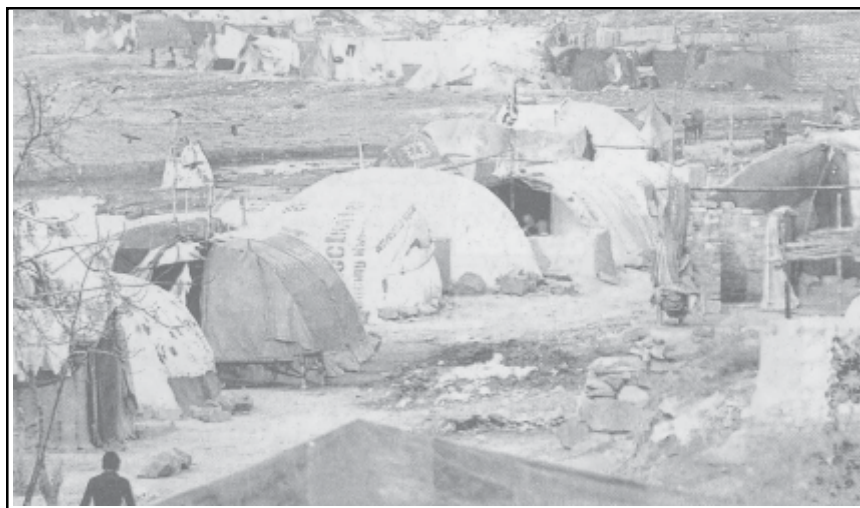
### Low-cost housing

Low-cost housing and plot distributions through ballots are well known methods of providing relief to the homeless and reducing the housing shortage in the country. However, the state of housing in Pakistan demanded a consistent and dedicated programme to alleviate the housing shortage. Halfhearted efforts close to the general election, and those too fraught with legal problems, did little to solve longstanding problems.

Different academics and scholars argued that there was not necessarily a shortage of land or funds to meet the required housing need. They thought that the government did not have a pro-poor policy. A celebrated architect and social researcher wrote in his paper called *Environment and Urbanization* (2005) that the focus was primarily on providing luxury houses to the upper-middle and upper classes. Several posh housing schemes were launched during the year under review while little was done to allocate land for housing needs of those who could not afford a house without state support.

In the past few years, some regions of Pakistan have received announcement of many low-cost housing schemes. In the year 2012, 5,487 plots were distributed through computerised balloting among the homeless in Pakpattan, Rawalpindi, Multan and Hafizabad districts of Punjab under the Chief Minister's Jinnah Abadi scheme.

However, most of the promises made in earlier years were no nearer to fruition. The much promoted Ashiyana Housing Scheme, initiated by the Punjab government, also suffered setbacks in places. The Supreme Court declared use of land allotted for the scheme in Lahore illegal and issued a stay order, stating that the transfer of the land was illegal under provisions of the Punjab Waqf Properties Ordinance of 1979. According to Section 17 of that law, "a



Slum in river-bed: Ravi.

Waqf property shall be used for the purpose for which it is dedicated or has been used or for any purpose recognised by Islam as religious, pious or charitable”. Ashiyana housing schemes were also launched in other cities of Punjab such as Faislabad, Sahiwal and Sargodha.

Sasti Basti, a low cost scheme announced in Karachi many years ago, suffered a fate similar to many other promised societies. The Sindh Katchi Abadis Authority had been saying for almost a decade that in order to develop Sasti Basti it did not require funds from the government but mere allocation of land for the scheme and the work would commence. Their demand was yet to reach receptive ears. If the project was implemented, the poor would have access to around 3,000 houses along with basic facilities including educational and health facilities.

### **Land scams**

Distribution of land ownership has been extremely unequal in Pakistan. According to media reports, 67 percent households owned no land in the country while five percent of land holders possessed 64 percent of the total farmland in the country. Income disparity, rising construction and land costs and corruption added to the problem. It was not unusual for private housing schemes to sell land in excess of their holding and cases have been reported where a single plot of land was sold to up to 10 individuals. In the absence of an effective mechanism to check the authenticity and credentials of property dealers and housing societies, many people fell victims to elaborate scams. In February, Capital Development Authority (CDA) in Islamabad was reported to have been involved in a scam worth billions of rupees. The CDA Mazdoor Union and CDA Employees Federation protested in Islamabad against the illegal





Residents of Goth Sahibdad chant slogans against the land mafia.

allotment of over 200 plots in I-8 sector to senior officials. A balloting was held amongst senior officers only which was against the rulings of the Supreme Court as well as the Islamabad High Court. The protests ended after the CDA chairman assured the protestors that the allotment would be cancelled.

Encroachment on government land in housing schemes and outside, including even parks and roads, has been a common complaint in cities across Pakistan. This has had an adverse impact on the urban infrastructure. In a decision in late 2011, the Supreme Court, the apex court of the country, ordered Pakistan Railways (PR) to recover all the land it had lost to encroachers. Around 4,000 acres of PR land was in unauthorised possession of other government departments, housing settlements and commercial areas. The court criticised PR over the latter's sluggish land recovery efforts. With the national railways in financial ruin, it was believed that recovery of the land and its sale or lease would bring in much needed liquidity for the institution. According to official figures, Pakistan Army was in possession of 1,059 acres of PR land while the Rangers paramilitary force was in possession of 496 acres. When the land recovery began in early January 2012, the authorities were heavily criticised for concentrating their efforts only on shanty towns and slums and not making serious effort to evict the powerful.

### Housing finance

Since only a small minority of Pakistanis could afford to buy or build houses using their personal finances, the population at large depended on borrowed money, from family, friends or financial institutions in order to acquire a fixed abode. The increasing cost of construction material further compromised the ability of families in the middle income bracket to build their

houses without outside financing. A sharp increase in prices of cement, steel, bricks and petroleum led to significant escalation in overall construction costs.

There were numerous banks as well as specialised institutions, such as the state-owned House Building Finance Corporation, which provided loans for house building in the past. However, in recent years, more and more banks and institutions have become reluctant to extend loans to the poor. The difficulty to receive loans emerged amid reports that the rising cost of construction had made it difficult for a large number of creditors to repay their loans. The absence or insufficiency of collateral with those most in need of credit for construction of houses was also a factor.

### **Illegal structures**

Every new structure erected in any city of the country was expected to be pursuant to a plan approved by the concerned government authority. Once the plan was approved and construction began with the issuance of a no-objection certificate (NOC), the concerned authority was expected to visit the site to ensure compliance with the building laws. However, in practice, a lot of buildings, both residential and commercial, either did not wait for their NOCs or got the plan approved and then simply chose to ignore it. Orders were given every now and then to start action against illegal structures but only slums and irregular settlements of the poor were targeted.

Lahore Development Authority (LDA) took possession of two acres of property worth billions of rupees which belonged to the Christian community in Garhi Shahu, Lahore. The LDA demolished the buildings in the area including a convent, a girls' school and private residences. This area, known as the



Rawalpindi: A view of Mareer Hassan area after an operation against encroachments on Pakistan Railways land.

Gosha-e-Aman was run by a board of the Catholic Church, which claimed that the demolition was illegal since the authorities that ordered it had no legal documents to support their claim that the property belonged to the Punjab government. They claimed that the government had also failed to provide due notice to the residents. The evicted residents had not been paid any compensation until the end of 2012.

The preservation of historical sites also took a backseat as encroachments continued unchallenged. One example was the tomb of Malik Ayaz, a slave who became a general in Mahmud Ghaznavi's army. The tomb in Lahore was almost completely encircled by illegal structures. The Purana Qilla area, a set of ancient buildings including seven historical bazaars in Rawalpindi, were found to be in such a dilapidated condition that they were termed hazardous by the authorities in 2012. Repeated demands by local traders, civil society and history enthusiasts to preserve the monuments were ignored. In other places, hundreds of mosques were illegally built on encroached land in complete disregard of the law. It was extremely difficult to take action after the mosques had been built as the encroachers banked on exploiting religious sentiments of the population. According to the Capital Development Authority, in Islamabad alone, around 40 illegal mosques were reportedly built while in Multan in the southern part of Punjab a media report counted 45 illegal mosques in 2012.

Even though the higher judiciary had taken up cases against unauthorised high-rise buildings a few years earlier, these continued to be a particular concern across Pakistan due to a lack of safety consideration in building and disregard of building by-laws. Tall buildings and factories, especially those in the midst of residential neighbourhoods, posed a great hazard to the inhabitants. In March, a two-member bench of the Supreme Court spoke out against unauthorised multi-storey buildings and asked their owners to submit details concerning land costs, covered area, etc. Even though high-rise buildings do away with the issue of land shortage in big cities but unless emergency provisions and proper exits are in place, these buildings could turn into death traps in cases of fire, as had been the case in a three-storey factory in Karachi during the year under review. As it took firefighters in the most metropolitan city in Pakistan three days to douse the flames in a three storey factory, it was not difficult to imagine how poorly equipped the civic authorities were for handling fire in countless multi-storey buildings in other congested cities. *[See also the chapter 'Labour']*

All cities suffered on account of unauthorised commercial use of exclusively residential areas, putting unforeseen strain on the infrastructure. Unauthorised commercial activity, including plazas and shops, schools and hospitals, also affected the residents negatively, leading to increased traffic, noise pollution, and insecurity, etc.

The land grabbing activity in the cities chipped away at parks, land reserved

for civic amenities and even graveyards. As cities tried to make room for more residents, and expand infrastructure, including roads, trees were seen as dispensable and making the cities green in large part amounted to planting eye-pleasing shrubbery and not trees that could have a positive impact on the environment.

### **Slums / *katchi abadis***

The majority of the Pakistani population living in big urban centres resided in *katchi abadis*. As migration from rural areas to cities grew and appropriate housing capacity was not developed, the overcrowded cities could not integrate the large influx of people. These migrants and under-privileged individuals were forced to reside in sub-standard localities with near complete lack of basic amenities. Many could only afford a place to stay in the slums on the fringes, where they were also hassled by the authorities. Some slums had existed for decades but the residents were not given any right to the land they had called home. The eve of election held great promise for those living in slums because ahead of elections in the past the elected governments were known to have regularised slums to gain votes. Regularisation generally involved security from eviction, provision of basic amenities and facilities like clean drinking water, and sewerage system, etc. However, even when the slum dwellers were given proprietary rights in the land that they lived on little was done to bring the basic infrastructure at par with other urban localities. At least 65 shanty towns that had existed in Lahore for two decades or more were still awaiting regularisation at the end of 2012. The Punjab Directorate of *katchi abadis* had sought the revenue record from the City District Government of



A significant proportion of population lack access to basic infrastructure....

Lahore about five years ago for regularisation but no response had been received despite 10 reminders.

Instances of organised land grabbing mafias paying the homeless to start a slum on a piece of land the former had been eyeing also came to light every once in a while. The land grabbers would then instigate the slum dwellers to start a movement to push for regularisation. If the slum was regularised the dwellers were at times paid off to vacate the land.

Slums are often associated with crime, lack of hygiene and a lack of waste management systems. These allegations, however, are not backed by any research. A media report highlighted how the supposedly planned housing societies in Lahore had been dumping all of their sewerage water in the city's canal. According to research conducted by Pakistan Council of Scientific and Industrial Research, the Biological Oxygen Demand level of the waste released by 12 housing societies in Lahore was 4,000 time higher than the permissible level. In other posh housing schemes, like Defence Housing Authority's EME phase, drainage waste was discharged into empty plots throughout 2012. Such practices highlighted how the concerned regulatory bodies did not pay due attention to the sewerage plans of approved housing schemes.

In February, the CDA initiated a campaign to raise awareness about littering and its consequences in irregular settlements of Islamabad. Brochures, pamphlets and booklets were distributed to highlight the importance of cleanliness.

Almost 8,000 slum dwellers in Islamabad alone were ordered to be evicted from their homes in the name of development without compensation. In December, the National Assembly set a January 2013 deadline for the CDA to remove all *katchi abadis* from I-11 sector of Islamabad. One CDA member suggested that the 864 families of slum dwellers in the area should be given 10 days to vacate the land. No compensation or alternative space for the evicted was announced.

The Pakistan Railway's anti-encroachment drive, which started in January, drove many families out of their homes without compensation or notice all over Pakistan. In February, an encroachment drive was hampered in Lahore after protestors resisted evacuation. Two protestors were severely injured. Many families insisted that the land belonged to them as they had paid the appropriate amount to Pakistan Railways and thus should not be forced from the land.

In August, Christian residents of Mehrabadi village close to Islamabad fled their homes after a Christian girl, Rimsha Masih, was accused of desecrating the Quran. They feared for their lives and settled in an open space in the federal capital until it became safe for them to return to their village. However, the CDA refused to let them stay after three months when the local residents filed complaints against them.

Slums are prone to disasters such as fires and destruction of settlements due to rain or flooding. Since these settlements are clustered together in cramped



space, inhabitants are forced to start cooking fires in close proximity of the huts, which are often covered in plastics to make them water-proof. In December, a pregnant woman was burnt to death and two others suffered serious burn injuries after a fire erupted in a slum settlement in Korangi area of Karachi. In another fire that erupted in a slum settlement of Karachi in May, 115 huts were gutted and two persons were injured.

### **Graveyards**

Acute shortage of burial space remained a major issue in cities across the country where burial was the only option for the deceased. The problem was not so much shortage of land but a lack of town planning. Since the number of individuals passing away does not vary much from year to year it should not be too difficult to project burial space need for the next 25 years or so. Existing graveyard often had no space left for new graves and encroachment made matters worse.

In order for the private housing societies to get their plans approved by the official authorities it was mandatory to reserve a specific portion of land for graveyards. However, after the plans were approved, private societies often converted land reserved for graveyards into more plots for housing.

Burying the dead became a costly endeavour even when land was available. A bricked grave cost up to Rs 4,500 while a mud grave cost Rs 1,500 in a country where almost 30 percent of the population lives below the poverty line. The famous Miani Sahib graveyard in Lahore no longer had much space for burying the dead and the administrators there banned the reservation of graves for that reason. It was decided almost three years ago that a second section of the graveyard would be developed to overcome space shortage. However, the only progress made so far was identification of the site. The Lahore City District Government had not managed to purchase that land until the end of the year.

### **Floods and internal armed conflict**

Southern Pakistan suffered from floods for the third year in a row. The number of the people affected was in millions. The floods also damaged or destroyed at least 275,720 houses in 2012 alone. In a state where the nearly 8 million housing unit shortage grew by another 300,000 every year, replacing the tens of thousands of houses destroyed by natural disasters was a mammoth task.

Besides recurring natural disasters, Pakistan was plagued by internal armed conflicts between the security forces and extremist militants. While military operations in the militancy-hit parts of Khyber Pakhtunkhwa managed to rid those parts of militants' influence, problems remained in FATA. Throughout 2012, militants continued to operate in large parts of FATA with impunity. They not only terrorised the local population, but also destroyed important





Displaced by floods 2012.

infrastructure, such as healthcare facilities and girls' schools. The security forces' operations to forestall the militants also ended up causing damage to the local infrastructure. A paper on the Cost of Conflict in FATA by the Planning and Development Department of the FATA Secretariat estimated that the internal conflict in FATA had resulted in the loss of around US\$103 million in terms of infrastructure costs alone.

### ***Recommendations***

*1. In order to create efficient policies that cater to the problem at hand, it is mandatory that the pending population census should be carried out at the earliest.*

*2. An effective mechanism should be put in place to ensure that the quality of construction does not compromise safety. Steps should be taken to control the costs of construction material so that the people do not compromise on quality in order to cut costs. Standardized building material should be made available to the general populace which makes mass production possible and which leads to economies of scale and thus reduced costs.*

*3. There should be rules and regulation in place which ensure that new housing societies cannot be built unless the previous ones are filled to a certain extent.*

*4. The promises made regarding slum regularization and low cost housing and land concessions should be fulfilled. A citywide information base can be created for slums. Leaders from katchi abadis should be involved in the decision making process.*

# 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

The Bhurbhan Declaration 2012 adopted in Pakistan in March at the South Asia Conference on Environmental Justice was seen as a key step in highlighting the role of the judiciary in resolving environmental issues. Although the declaration led to the establishment of green benches in high courts across Pakistan, only 15% of the cases filed at these benches could be decided and only 20% of the fines imposed could be collected. This showed that these benches which had promised environmental justice to the people of Pakistan at the time of their formation had a long way to go to become effective.

Violations of Pakistan Environment Protection Act 1997 (PEPA) were witnessed throughout the year as provincial governments undertook one project after another with complete disregard for their impact on the environment. Non-enforcement of penalties on violators of PEPA further emboldened the governments to flout the law.

The federal cabinet approved the National Policy on Climate Change (NPCC)



A sea of garbage.

with the stated aim of mitigating the impact of climate-related disasters and adaptation to new requirements for sustainable growth. While approval of the NPCC was seen as a step forward in combatting the consequences of climate change, the withdrawal of Energy Efficiency and Conservation Bill 2011 in January was interpreted as lack of commitment to energy conservation.

Shutting down of the environment monitoring system that had been set up in major cities across the country six years earlier to monitor air pollution and to devise strategies to reduce it was another disappointing development in 2012. It was seen as a setback

in the fight against air pollution and had not been revived or replaced by a similar system since its shutdown in August.

The failure of Sindh Environment Protection Agency (SEPA) in identifying the source of pollution in Keenjhar Lake reflected poorly on the agency's ability to provide a solution to the environmental problems in the province. The contamination of Keenjhar Lake was cited as a threat to marine life in the lake as well as animals who depended on its water. However, some progress was witnessed in dealing with the contamination of River Ravi when the River Ravi Commission (RRC) was established by the green bench at the Lahore High Court to investigate the river's contamination and suggest ways to reduce it.

### Development

While sustainable development, or development that met the needs of the present generation without compromising those of the future generations, was often discussed in seminars and conferences, respect for it was largely absent in the year under review. Government officials spoke fervently about sustainability, but a lack of significant measures to curb hazardous development was evident. The result was haphazard execution of hastily planned development

projects with grave environmental implications.

One of these projects was the Bus Rapid Transit System (BRTS), a 27-kilometer road, 8.5 km of which was elevated road track, initiated in Lahore by the Punjab government. Built in collaboration with the Turkish government with the aim to modernise infrastructure and facilitate transportation in the capital city of Punjab, this project was criticised by environmentalists for its rushed initiation sans an Environmental Impact Assessment (EIA). An EIA is a legal requirement set out in Section 12 of the PEPA and is conducted by the Environment Protection Agency (EPA) to evaluate environmental consequences of projects prior to their execution. Contrary to a clause in the Act which makes non-compliance with this legal requirement punishable with a fine of up to one million rupees, the developers of BRTS were not penalised and the developers of this project expressed absolutely no concern for the environment either. According to media reports, hundreds of trees were also chopped down for the BRTS project. Proposals made at the public hearing for the EIA of this project, which was held after the project began, were ignored by the Punjab government. A complaint registered with the Environment Protection Department (EPD) by a Lahore-based environmental lawyer criticised the storage of construction materials for the project in public parks, prohibiting their use by the public. Public safety hazards due to open ditches were also highlighted. Rescue 1122, the emergency rescue service in Punjab, reported receiving 48 calls regarding accidents on account of construction along the BRTS route during a three-day period in August alone. The developers of this project took no measures at all to control the dust generated as a result of the construction work. Notices sent by the EPD to take such measures were ignored.

However, the BRTS was not the only project that flouted the provisions of PEPA from the outset. In July, media reports highlighted that over 100 trees were cut down by the Capital Development Authority (CDA) for expansion of Peshawar Road in Rawalpindi without approval from EPA. The Peshawar Development Authority (PDA), which was developing Asfandyar City, the largest housing project in Khyber Pakhtunkhwa (KP) adjacent to Peshawar, was no less lackadaisical. Environmentalists feared that the project would cause massive rural-to-urban migration which would increase congestion in the already crowded Peshawar. Adding to the fears was the concern that construction over fertile land spreading over 14,000 acres would adversely impact the valley's natural resources. Civil society organisations in the city also expressed concern that the impact on the environment had not been considered in the ongoing construction of 12 flyovers in the city. Flyovers were constructed without environmental impact assessment in Karachi as well.

In Sindh, the Zulfiqarabad city project was heavily criticised by environmentalists. The city was proposed to be built in the Indus delta region in the coastal area of Thatta district. The Indus delta is in the list of Ramsar

Wetlands of International Importance which is a list of wetlands known for their ecological, economic, scientific, cultural and recreational functions. According to World Wide Fund (WWF) – Pakistan, this project was expected to destroy 50% of the country's mangrove cover. Pakistan Fisherfolk Forum (PFF) also opposed the mega project in an area covered by mangrove forests. The PFF highlighted that the project went against the Sindh government's own assessment of threats to the mangroves in the very place where the city was to be built. The provincial government had issued a notification in November 2010, declaring mangrove forests of Thatta and Karachi as "protected forests". Home to countless species of birds and animals, the mangroves were also a source of income and food for the communities living around them. Occupations such as marine fishery, boat driving, livestock herding and crop cultivation served as primary sources of income for these coastal communities. Removal of the mangroves was also expected to make the coastal communities more vulnerable in the event of natural disasters such as earthquakes, floods and tsunamis.

Another project which faced heavy criticism in 2012 was the Sinjhoru project of Oil and Gas Development Company Limited (OGDCL) in Sanghar district of Sindh. The Environment Protection Agency (EPA) stressed that while oil and gas exploration was crucial to address the country's energy crisis, the environmental impact of such a project could not be ignored. The oil exploration project was spread over 102 acres of land in close proximity of 18 villages, farmland, water channels, wetlands, lakes and forest. The EPA rejected an impact assessment report by the OGDCL. EPA officials stated in March at a public hearing on the Sinjhoru exploration that the OGDCL did not offer information about the population, precise socio-economic impact, and what measures were envisaged for rehabilitating the villagers if they were forced to leave. The EPA also said that the report did not adequately address the issues of health, education, agriculture and water and even though it claimed that environment officials had been consulted they were not. The EPA officials noted that consultation had also not been held with the departments of agriculture, fisheries, wildlife, forests and archaeology.

2012 marked the 10th anniversary of the launch of the yet incomplete Lyari Expressway project in Karachi. At the time of the launch, the planners of the project had announced that the primary objectives were to reduce traffic congestion in the city and improve the environment for people living in the nearby slums. Contrary to the intended objectives, the project led to the displacement of thousands of slum residents and did not lead to a positive change in the environmental conditions in the area. In fact, media reports indicated that the project had led to air pollution on account of the use of poor-quality construction materials. The need for conducting an Environmental Impact Assessment (EIA), which evaluates environmental consequences of an activity prior to its execution, was ignored by the decision makers. Proposals to build Malir Expressway in Karachi with the same aim were criticised and

parallels drawn with the Lyari Expressway plan, and the need for proper planning for infrastructure projects rather than focussing on short-term goals was emphasised.

Attempts to boost development in the country and facilitation for setting up industry have led to the establishment of industrial zones in and around the main cities in the country. However, lack of the requisite planning has meant that many of the factories have been built without obtaining no-objectionable certificates (NOCs) from the EPA. According to media reports, no more than around 30% of the industrial units operating in the city of Lahore had obtained the NOCs prior to construction. In June, media reports cited an EPA survey that showed that 332 factories operating along Ring Road in Lahore had been set up without obtaining an NOC from the EPA.

In Khyber Pakhtunkhwa, residents were also reported to have complained about gypsum powder factories causing increased dust pollution in the area of Gandao.

### **Air quality**

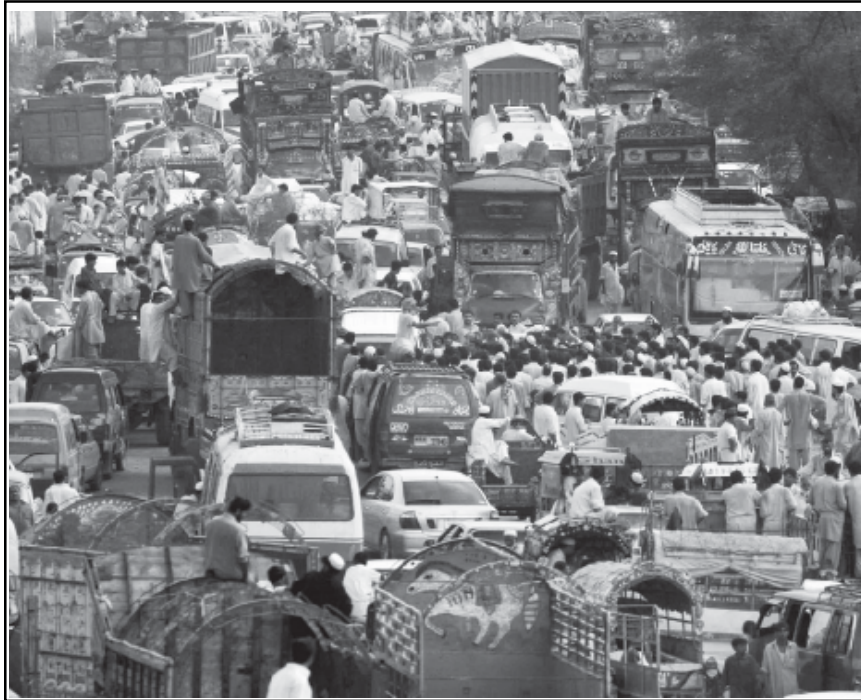
Apart from vehicular and industrial emissions causing air pollution, the year under review also saw the acknowledgement of the health impact of measures taken to control the spread of dengue fever.

The Khyber Pakhtunkhwa government established an autonomous traffic engineering authority in January. The authority was to tackle the growing road congestion in the metropolis by ensuring efficient flow of traffic. Increased traffic was blamed for rising air and noise pollution and health problems associated with hearing and breathing. A study by Khyber Teaching Hospital in April highlighted the prevalence of lung problems among the traffic police in Peshawar. Out of the 65 traffic police constables deployed at eight key points in the city, 19 suffered from lung problems due to prolonged exposure to vehicular emissions.

The acutely unhealthy practice of burning tyres as a source of energy in industries resulted in the release of poisonous fumes known to cause diseases such as asthma, tuberculosis and bronchitis. The practice has become popular in industries as it is an economical way of producing energy. In December, four factories in Lahore which had been burning tyres were sealed by the EPA. In May, the Punjab Environment Protection Department (EPD) formed six squads to conduct surveys of industries and gauge the quantum of pollution they caused. As a result of the survey, the EPD issuing notices to 110 industrial units.

Another source of air pollution was highlighted in April during the anti-dengue fumigation drive in Rawalpindi. The Punjab Health Department stated that the anti-dengue spray contained gases that were detrimental to human health. The health and environment departments of the provincial government





Vehicle emissions added to urban pollution.

decided to halt the use of the spray.

Most factories in Pakistan end up with a huge pollution footprint because they do not install environmentally friendly technology to check toxic emissions. Often that is done only to save money. It is common for the factories to be set up in residential areas, causing serious health problems for the residents. In January, the media called one of the eight steel mills in Islamabad installing equipment to curb emissions as a breakthrough in EPA's efforts to improve the air quality in the federal capital. The need for such measures in brick kilns in KP was also advocated which were said to have played a large part in growing air pollution. 2012 also saw the shutting down of the Environment Monitoring System project started in 2006 to monitor air pollution in the country. Under this system, seven fixed and three mobile monitoring stations were set up in Lahore, Quetta, Peshawar, Karachi and Islamabad to monitor emissions in the air and devise strategies to curb them. However, the monitoring stations had not been functioning since June on account of lack of funds and in August the project was closed.

### **The state of water contamination**

The contamination of River Ravi in Punjab and Keenjhar Lake in Sindh illustrated how natural waterways and bodies of water have been seen as drains for dumping sewage and garbage. The matter remained in media headlines

in the year under review. The Punjab government took some steps to investigate the contamination of Ravi. The inaction by the Sindh government with respect to the contamination of Keenjhar continued.

Pakistan's largest freshwater lake and Asia's largest manmade freshwater lake, Keenjhar had been the main source of water supply for Karachi and parts of Thatta and held considerable significance in Sindh. Contamination in the lake had reached such an extent that water-borne diseases such as diarrhea had become widespread among the people residing in the areas surrounding the lake. Preliminary tests conducted by World Health Organization (WHO) in April deemed water from Keenjhar Lake unfit for consumption. Even though the Sindh government had declared Keenjhar a protected wetland under the Ramsar Convention on Wetlands, not many practical steps were taken to undo the damage. World Wildlife Fund (WWF) Pakistan attributed the longstanding problems associated with the Keenjhar to a lack of coordination between government offices. The windmills project conducted by Fauji Fertilizer Company (FFC) close to the lake was initially claimed to be one of the primary sources of contamination by Sindh EPA, which held the Alternative Energy Development Board (AEDB) responsible for allowing companies to carry out environmentally irresponsible projects. However, a subsequent report prepared by the same ruled out FFC's role in contamination of the lake. It also ruled out a second possibility – industrial effluent flowing from Nooriabad Industrial Area into the lake. It was declared that excessive rains were to blame for the water contamination as bags of urea had washed up into Hurilo drain of Keenjhar Lake. The Sindh EPA failed to identify the actors responsible for contamination of the lake and instead resorted to listing preventive measures and



Rivers and canals served as trash dumps.

recommendations to the government.

In Punjab, the issue of River Ravi was widely discussed during the year under review. A plea was moved by the Pakistani Environmental Lawyers Association (PELA) to end the flow of sewage and industrial pollutants into River Ravi. It was stated that the polluted water in the river had been affecting food quality and hence, the health of the people. According to PELA, 48% of the pollution in River Indus originated from River Ravi. The Lahore High Court (LHC) summoned government officials from Water and Sanitation Authority (WASA) and Environment Protection Department (EPD). A survey carried out by the EPA identified 217 factories and nine drainage outlets which were polluting River Ravi. Media reports indicated that almost 40 species of fish in the river had become extinct as a result of water pollution. It was also reported in the media that only 5 out of 378 industrial units in one industrial estate had wastewater treatment facilities. The rest discharged untreated waste water into the river, which was dense with heavy metals known to be a major factor in pollution of Ravi.

The green bench of the LHC established the River Ravi Commission (RRC) to determine the extent of pollution in the river. Comprising a scientist, the EPD secretary, Punjab Advocate General, WWF Pakistan Director General, Managing Director of the Water and Sanitation Agency (WASA), environmental lawyers and other activists, the commission stressed the need for adopting measures to protect Pakistan's most polluted river. WWF, the only non-government organisation in the commission, was asked to carry out investigative studies to help determine details such as discharge patterns of industrial effluents, waste-water treatment plants installed etc. In July, the commission explored the possibility of establishing an artificial wetland to tackle the worsening pollution in River Ravi. The EPD claimed that there was a higher possibility of tackling the problem by building a wetland than installing a wastewater treatment facility as the heavy metals discharged by industries could not be treated in wastewater treatment facilities, making wetlands the only solution.

Lake Saiful Maluk, declared a national park under the Khyber Pakhtunkhwa Conservation Act 1975, was under severe environmental threat due to commercial activities threatening its wildlife and ecology. It was in order to curb the growing environmental problems at the lake that a project was started by WWF Pakistan. The project was a success until it came to an end in June after which people resumed their use of the lake for commercial endeavours. According to media reports, instead of two, thirty five boats were found in the lake after completion of the project and the firing of fourteen members of the project staff was blamed for resumption of illegal commercial activities on the lake. People also littered and built huts near the lake which resulted in pollution and adversely affected the scenic beauty of the place.

### Forests

Those planning and executing development projects such as road expansion were held responsible for massive cutting down of trees in the year under



Trees were valued only as lumber.

review. As of May 2012, media reports stated that 1,900 trees had been cut down in KP for the expansion of the Karakoram Highway which was expected to be completed by 2013. National Highway Authority (NHA) carried out the expansion work without an EIA and refused to adhere to the advice by the Forestry Department of the provincial government. Residents of Swat and Chitral appealed to the government and rights groups to put an end to logging in their areas as the livelihood of many families depended on forests. They expressed their concern about becoming environmental refugees as a result of the ongoing logging.

In August, environmental groups such as International Union for Conservation of Nature (IUCN) called for abolition of the Agro-Forestry Lease Policy, which they claimed allowed influential people to grab forest land for cultivation of crops. The highest conversion of forest to non-forest land in the country was seen in the Indus delta where development projects such as Zulfiqarabad city continued to destroy Sindh's natural resources. Lahore, known as the city of gardens, also lost trees during the construction of the BRTS. It was claimed that over 500 trees were cut for the development project. The government continued to disregard the preservation of natural resources in favour of development projects, as seen in Rawalpindi as well, where the expansion of Peshawar Road led to the chopping of over 100 trees.

The juniper forests in Ziarat, Balochistan, the largest of its kind in the world after California, continued to be threatened by rampant deforestation in 2012. Commercial and illegal loggings, overgrazing and wood cutting for domestic use were some of the causes of indiscriminate deforestation in the area. It was believed that Ziarat's abundant ecotourism development potential could not be realized due to the deteriorating green cover there. A dire need



was felt for integration of biodiversity conservation with tourism development in order to preserve the environment and to provide an impetus for the economy.

There were also concerns over the inability of the Capital Development Authority (CDA) to protect the federal capital's Margalla Hills National Park, and also stop the cutting of trees in the park for use as fuel. The CDA also came under fire in the beginning of the year when it was accused of cutting costs by burning grass instead of using lawn mowers. Later in the year, environmentalists welcomed the decision of CDA to shelve the Margalla Tunnel project intended to link Islamabad and Haripur. It was stated that the project was going to permanently damage the natural beauty of Margalla Hills, which was already under threat from encroachment. In order to protect the hills, village committees in the vicinity also suggested that CDA control forest fires in the hills so that their rich biodiversity and wildlife could be protected.

### Wildlife

Widespread illegal hunting of endangered migratory birds such as bustards and Siberian cranes was witnessed in the year under review. These two species of birds were hunted despite the fact that they were listed in the Convention on International Trade in Endangered Species of Wild Fauna and Flora as endangered species. Moreover, increased pollution in Nurrari and Jubho lagoons of Sindh (which are considered to be Ramsar sites and major staging grounds for migratory birds) led to the drop in bird population in the area from 100,000 in 2009 to 20,000 in 2012. In Sukkur, discharge of chemicals in the lake by fishermen was held as the main cause behind the death of a blind dolphin in January.

The Sindh Wildlife Department (SWD) reported that while birds such as



Wildlife seemed to be safe only in captivity.

flamingoes and pelicans could be seen in bodies of water in the province in previous winters, they were absent in 2012.

In November, the Senate Standing Committee on Climate Change recommended banning the practice of trophy hunting, which was popular among foreigners, particularly the Saudi royal family, who are invited to Pakistan and given licences to kill markhor, urial, ibex and blue sheep in Sindh, Balochistan, Gilgit Baltistan and Chitral. While the meat of these animals is mostly eaten as food, parts of the hunted animal are used as trophies by hunters who keep them as souvenirs. While this recommendation was made by the committee, it was not adopted in the year under review.

### **Waste**

Most of the hospitals in Punjab disregarded the Hospital Waste Management Rules, 2005 which include safe disposal of hospital waste. In February, seven workers of Shalimar Waste Management Company (SWMC) and two of Shalimar Hospital in Lahore were arrested for selling used syringes, urine bags and empty glucose drips, among other hospital waste. Later that month, the media reported that EPD officials had sealed the SWMC incinerator, one of only three functional incinerators in Lahore, which collected approximately 9,000 tonnes of waste from 160 hospitals and laboratories. The shutting down of the incinerator led to the disposal of hospital waste in the backyards of hospitals and laboratories, creating environmental and health concerns for the individuals exposed to it. With regard to waste management, the Punjab government inaugurated the Solid Waste Management Services by Lahore Waste Management Company in the city in November. Turkey offered technological assistance to the Punjab government in this project.

### **Climate Change**

In September, the National Disaster Management Authority (NDMA) reported that the monsoon rains had killed 422 people and injured another 3,000. The excessive rains took place across southern Punjab, southern Khyber Pakhtunkhwa, eastern Balochistan and Sindh. According to media reports, Sindh was the hardest hit province with 239 deaths. Later that month, Pakistan's first National Policy on Climate Change (NPCC) was approved by the cabinet to mitigate the impact of climate-related disasters in the country and adoption of new strategies for sustainable growth in the country.

The NPCC was developed in order "to ensure that climate change is mainstreamed in the economically and socially vulnerable sectors of the economy and to steer Pakistan towards climate change resilient development". Implementation of the policy was not seen in the year under review.

### **Energy**

Withdrawal of the energy conservation bill by the government in January was seen as a blow to the looming energy crisis in the country. Experts from





Reliance on clean energy remained minimal.

United States Agency for International Development (USAID), United Nations Development Programme (UNDP) and the British Department of International Cooperation had drafted the bill in collaboration with other stakeholders. Government officials stated that the bill had been withdrawn as a result of the 18<sup>th</sup> Amendment which made energy an issue to be handled by the provincial governments. Even as the country suffered from the effect of floods for the third year in a row, the Sindh government was seeking the federal government's help in feeding the residents of district Tharparkar, which was hit by drought.

The use of Compact Fluorescent Light (CFL) bulbs was questioned in April when the Ministry of National Disaster Management stated that their environmental cost trumps their economic benefits. Release of mercury when the bulbs broke exposed users of such bulbs to health risks such as skin rashes, brain damage and memory loss.

In an attempt to control vehicular emissions, the EPA submitted a workplan to the Pakistan Environment Council headed by the prime minister which included the suggestion of making Euro II vehicle fuel available in the market soon. The ingredients used in Euro II diesel are less environmentally harmful than other fuels and the idea was to limit the damage caused to the environment. The Ministry of Petroleum, however, delayed the market availability of this fuel till 2014. This drew criticism from the EPA and the Ministry of Climate Change over deferring adoption of better fuel standards. Reports in the media indicated strong resistance from oil refineries in adopting green energy by using fuel such as Euro II diesel as they found it to be costly.

### ***Recommendations***

1. *There is an urgent need for giving bodies tasked with ensuring*

*environmental protection the power to ensure implementation of their mandate.*

*2. All attempts to improve the environment that lack a holistic approach are bound to fail. What happens to a country's flora and fauna foretells what happens to its people. Pakistan must immediately stop the loss of its forest cover and protect the birds and animals on the verge of extinction.*

*3. In order to impart swift environmental justice, the efficiency of green benches at the high courts should be improved. Children should also be made familiar with the work of these benches and also that of environmental protection authorities. Teaching children about the importance of safeguarding the environment must start early.*

*4. More waste incinerators should be installed or capacity of existing incinerators increased to treat hospital waste in a safe and environmentally friendly manner.*

*5. It should be a mandatory obligation for all smoke emitting industries or those that discharge contaminated waste to cut down on toxic emissions and release waste water after treating it.*



# 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

In 2012 Pakistan remained home to millions of victims of forced displacement; some were old and others displaced during the year, some were from within the country and others from outside. The largest group of displaced persons in the country in 2012 were Afghan refugees.

During the year under review, a little over 83,000 registered Afghans were repatriated. Not much had changed in Afghanistan to end the refugees' reluctance to return to their homeland. The prime concern remained insecurity and instability in their country.

Despite pressure from Pakistan and, towards the end of the year, enhanced incentives from the UNHCR to return, around 1.6 million registered Afghan nationals in Pakistan decided to stay put. There were another one million unregistered Afghans in Pakistan. Towards the end of 2012, Pakistan extended by another six months the deadline for the registered Afghans to return home.

Pakistan is not a party to either the 1951 refugee convention or the 1967 protocol relating to the status of refugees. Under a tripartite agreement among the governments of Afghanistan, Pakistan and the UN refugee agency, all registered Afghans were to return to their country by the end of 2012. Pakistan repeatedly conveyed to Afghan and UN officials during the year its desire to make repatriations "faster and better", but it also reiterated its commitment to



Food handouts for the displaced.

the voluntary process. There was no evidence of the authorities using coercive force to send the registered Afghans back. The UNHCR also acknowledged that there had not been any case of Pakistan forcibly sending back a registered refugee.

While voluntary repatriation remains the preferred durable solution for refugees worldwide. It remained the only durable solution for almost all the Afghans in Pakistan.

The overall environment for Afghans in Pakistan continued to be far less welcoming than it had been in the early years following their arrival in Pakistan in the 1980s and in subsequent years as they had fled the armed conflict and lawlessness in their country.

In addition to demands from the Pakistani authorities for Afghan refugees to leave at the earliest, Afghans were repeatedly blamed for a rise in crime and painted as a threat to national security. Besides local residents, the judiciary also repeatedly called for early repatriation of all Afghan nationals residing in Pakistan.

This year again the number of internally displaced persons remained well over one million. While the majority were conflict displaced from Federally Administered Tribal Areas (FATA), a severe drought also forced around half a million people from their homes in Sindh. Some displacement was also reported from the province due to flooding for a third consecutive year.

Nothing was done to bring the half a million Pakistanis stranded in Bangladesh since 1971. Even more disturbing was the fact that their plight did

not figure in the national discourse; the media, political parties and civil society at large did not pay attention to it.

### **Afghans in Pakistan**

Not all Afghan nationals in Pakistan were refugees but almost all were reluctant to return to Afghanistan because of instability and lack of security in their homeland. The Afghan refugees in Pakistan in 2012 were one of the largest and most protracted refugee populations anywhere in the world. Of around 2.6 million Afghan nationals that remained in Pakistan at the end of 2012, a little over 1.6 million were registered with the authorities, and were protected against forced return. An estimated one million Afghans lacked registration and were treated essentially as illegal immigrants under the Pakistani law.

The UNHCR-facilitated voluntary repatriation programme for registered Afghans continued through 2012. However, it was obvious from the pace of repatriation throughout the year that the overwhelming majority of registered Afghans in Pakistan would not leave by the December 31 deadline. In late October, UNHCR boosted incentives for any registered Afghans who returned in November and December. Overall, as many as 83,423 registered Afghans in Pakistan (15,348 families) chose to return to their homeland in 2012 with UNHCR facilitation.

The majority of the registered Afghans that remained in Pakistan at the end of 2012 were those born and raised in Pakistan. Despite the incentives and demands from the authorities, poverty, continued insecurity and instability, and lack of land and jobs in Afghanistan caused reluctance among them to leave.

In mid-December, the government of Pakistan extended by six months the December 31 deadline by which all registered Afghans were to return to their homeland. However, the trends of repatriation in recent years did not suggest that the June 30, 2013 deadline would be met either.

#### **Repatriation of registered Afghans from Pakistan in 2012**

<b>Province / region .....</b>	<b>Families .....</b>	<b>Individuals .....</b>
Khyber Pakhtunkhwa .....	9,845 .....	55,391
Balochistan .....	3,122 .....	16,113
Punjab .....	1,396 .....	7,402
Sindh .....	813 .....	3,714
Islamabad .....	172 .....	803
<b>Total .....</b>	<b>15,348 .....</b>	<b>83,423</b>

When the year ended, there were 1,637,740 registered Afghans in Pakistan. There had been no new registration in 2012, with the exception of new birth



registration, which was an ongoing process.

Of the 76 Afghan refugee camps in Pakistan that were planned or managed by UNHCR, none was closed in 2012. These camps housed 544,484 registered Afghans in Pakistan, including 260,556 women. Well over half of the camps' population, 296,708 individuals to be precise, were younger than 18.

Besides the Afghans, Pakistan hosts some 750 non-Afghan refugees registered with UNHCR, mainly from Somalia, Iran and Iraq. The UNHCR also worked with a comparatively small number of asylum seekers and refugees of other nationalities, including Somalis, Iraqis and Iranians. In 2012, UNHCR facilitated the return of 13 non-Afghan refugees from Pakistan: seven Algerians and six Rwandans.

### **Extended entitlement**

Under the tripartite agreement among the governments of Afghanistan, Pakistan and the UN refugee agency, all registered Afghans in Pakistan were to have left for their country by the end of 2012. However, only a small fraction of the total number actually left by that time.

In a meeting with Pakistani representatives in Turkey in September, the UNHCR and the Afghan government had expressed the need for extending the tripartite agreement which governs voluntary repatriation of Afghan refugees in Pakistan for a period of three years.

In mid-December, Pakistan's federal cabinet extended for another six months the December 31, 2012 deadline for all registered Afghans to return home. Before that the UNHCR country representative in Pakistan had stated that it was 'hazy' what would happen regarding the Afghans in Pakistani on January 1, 2013. However, he had noted that Pakistan had never knowingly deported or forced an Afghan registered refugee back.

The UNHCR representative in Pakistan said in response to the extension that "while the six month extension is important, Afghan refugees will be left wondering what the future has in store in July 2013 and beyond. UNHCR will therefore continue to encourage the government [of Pakistan] to maintain asylum space in the challenging transitional period ahead."

UNHCR officials also stated in 2012 that the pullout of foreign troops from Afghanistan might also affect the pace of voluntary repatriation.

### **When, not if**

As the 'voluntary repatriation' project for Afghans continued it was more clear than ever that repatriation was the solitary solution on the table for all Afghan victims of displacement in Pakistan, including those born and raised in the country. Even though Pakistan, Afghanistan and UNCHR insisted on the voluntary nature of repatriation of all Afghans from Pakistan, there was a stark failure regarding the status of those who did not opt for voluntary

repatriation. While voluntary repatriation is the preferred durable solution for refugees worldwide, it certainly is not the only one. Other acknowledged durable solutions include integration in the host country, or resettlement. Few Afghans in Pakistan had a shot at either of the two options or at a more permanent form of relief in the short term.

### **The incentive**

Under the UNHCR's repatriation assistance programme, registered refugees coming back to Afghanistan received an average of US \$150 per person to cover transportation as well as the initial cost of settling back home. In late October, UNHCR boosted incentives for registered Afghans returning to their homeland from Pakistan during the months of November and December. The enhanced return package included non-food items (jerry cans, heavy duty plastic buckets, soap, mosquito nets, sleeping mats, thermal fleece blankets, kitchen sets, plastic tarpaulins, quilts and sanitary cloth) and free transportation from the Voluntary Repatriation Centre (VRC) in Pakistan to the Encashment Centres in Afghanistan. But despite the incentives and pressure to return, the vast majority remained reluctant to return because of conflict and poverty. By repatriating, registered Afghans gave up their protected status in Pakistan. If they returned to Pakistan without a visa afterwards they were to be treated as illegal immigrants, in the same manner as around one million unregistered Afghans in Pakistan. Some Afghans were reported to have told media organisations that they did not want to risk whatever little they had in Pakistan for an uncertain future in Afghanistan. Other stated that they would stay in Pakistan until the government expelled them.

### **'The undesirables'**

The public sentiment seemed to have turned against the Afghans' continued presence in Pakistan and amid rising lawlessness and instances of terrorism demands grew for Afghans' return, particularly from communities and from authorities in areas where large Afghan settlements were located. Instances of demonisation of the Afghans as a threat to national security continued to surface. The demand for repatriation of the Afghans was not always because of perceived involvement of Afghans in acts of terrorism and crime, but also amid reports of any mistreatment or violence that Pakistani workers faced in Afghanistan at the hands of the Afghan authorities.

A large number of residents in Mansehra district of Khyber Pakhtunkhwa held a demonstration in December to demand that the Afghan refugees should be repatriated immediately. They said that while Pakistan had offered shelter to millions of Afghan refugees, Pakistani labourers were being killed in Afghanistan. They accused the Afghans of occupying businesses and not paying taxes. They demanded that the government should restrict the refugees to their camps until the schedule for their departure was announced. They



Afghan refugee women wait to return to their homeland.

also held the Afghans responsible for a spike in incidents of terrorism and demanded that the government comply with a Peshawar High Court (PHC) direction and send the Afghans back at the earliest.

According to the UNHCR website, many of the Afghans returning from Pakistan during the year cited the high cost of living, especially food and fuel, increased competition for jobs and escalating security concerns in the Khyber Pakhtunkhwa province.

According to media reports monitored by HRCP, as many as 803 Afghan nationals were taken into custody in 2012 under Foreigners Act for their presence in Pakistan without any valid travel or stay documents. Those who could not provide any legal document authorising their stay were deported after a brief prison term. It was not certain how many of the 803 Afghans arrested in 2012 were deported. Separately, the media also reported the deportation of at least 57 Afghans.

### **No country for stranded Pakistanis**

The lingering human tragedy of hundreds of thousands of Pakistanis stranded in Bangladesh for over 40 years continued without any progress or attention in 2012. The de facto statelessness of this Urdu speaking community, also known as Biharis, did not evoke any suo motu notices, seminars, or promises from political parties and government officials in Pakistan. The Biharis have insisted that they were Pakistani nationals until Bangladesh emerged as a separate country in 1971 and should be repatriated. Pakistan has not agreed to their repatriation. In recent years, Bangladesh has granted voting rights to those Biharis who were minors in 1971 war or were born later. However, the Biharis who were adults in 1971 have not been given legal recognition.

The over a quarter a million Biharis live in refugee-like conditions in 60

camps in Bangladesh. They face lack of access to government jobs, schooling or basic facilities, and are not eligible to open bank accounts or apply for loan. They face widespread discrimination and inequality of wages even when they find formal employment.

At the end of 2012, there appeared no hope that the Pakistan government would bring its stranded citizens home any time soon.

### **Internal displacement**

Armed conflict remained the biggest driver of internal displacement in Pakistan during the year under review. The issue of internal displacement in Pakistan belonged almost exclusively to Federally Administered Tribal Area (FATA) in 2012, whether it was about residents being displaced inside FATA or being forced to flee the conflict-hit tribal region altogether. Conflict in FATA continued to uproot more people even as IDPs returned to other tribal districts. Khyber Agency was the latest flashpoint. In the majority of the FATA agencies the resident were in one stage of displacement or another.

By UNHCR estimates, there were 757,996 internally displaced persons (163,102 families) in Pakistan on account of conflict as of December 31, 2012. According to figures by Provincial Disaster Management Authority in Khyber Pakhtunkhwa, in the beginning of October, there were 623,832 displaced individuals in IDP camps and off-camp. The largest group (370,382) was from Khyber Agency. There were also 1,340 IDPs from Bajaur, 106,960 from Orakzai and 145,150 from Kurram region of FATA. The overwhelming majority was staying with host communities or off-camps. Out of the total, only 96,867 IDPs were staying in camps. The host areas / camps for the displaced were located in Hangu, Kohat, Kurram, Peshawar and Nowshera.

The off-camp displaced families sought help and shelter from relatives in these cities while the more affluent ones rented housing there.

At the end of the year, IDPs from Bara in Khyber Agency who were staying at Jalozai camp (Nowshera) were asking the authorities to end the military operation in their area so they could return home. They complained of reduction in the flour rations given to them and demanded replacement of worn out tents to protect against the harsh cold.

Scarcity of funds to provide adequate food for the displaced and reduction in food rations for them were also reported. In late July, the Khyber Pakhtunkhwa government required the federal government to release 200,000 metric tons of wheat to World Food Programme, the UN agency providing food for FATA displaced, to enable it to continue relief operations. The UN agency had already cut food rations for FATA IDPs owing to funding constraints and had reportedly stated that food rations for IDPs could be further slashed.

Tens of thousands of displaced residents returned to South Waziristan.

After the reopening of a crucial road link to Kurram Agency, efforts were made to rehabilitate thousands of families who had fled the region owing to sectarian clashes and military operation against the Taliban. Nearly 2,000 displaced families returned to Kurram in June.

The majority of the houses and other infrastructure had been destroyed in the affected areas. Payment of compensation by the authorities to the affected families for each damaged house had also persuaded many people to return who had hesitated to go back even though the security was believed to have improved considerably in many parts of Kurram.

Displaced residents of Salarzai tehsil of Bajaur Agency who had returned complained in October that their houses had been damaged in the military operation against the militants while they were away and demanded that the government rehabilitate them, particularly support them in rebuilding their houses.

The women and children among the IDPs faced greater hardship at all stages of displacement. The displacement had a negative impact on children's education. The studies of children outside camps were particularly disrupted.

In September, relief organisation were reported to be concerned about the impact of a protracted military operation in Khyber Agency and other parts of FATA with around 400,000 displaced children at the risk of malnutrition and various deadly diseases.

In April, the Peshawar High Court (PHC) had taken suo motu notice of the need for provision of facilities to IDPs at Jalozaï camp until they returned home.

At a hearing of that case in December, the Khyber Pakhtunkhwa PDMA informed the PHC that while the volatile security situation and displacement continued in several regions UN agencies were facing funding problems for continuing with relief activities for the internally displayed persons in 2013.

Voting rights of displaced populations have generally not been a priority in the country. Ahead of the general elections likely in early 2013, the PHC summoned the provincial election commissioner in a suo motu hearing in December and directed him to facilitate displaced persons to cast votes in the elections in their respective camps in Khyber Pakhtunkhwa.

In November, HRCP organised a consultation on internal displacement in Mingora, Swat, from where in 2009 the largest conflict-induced internal displacement in Pakistan's history had taken place. The participants included individuals who had faced or continued to face internal displacement, as well as representatives of NGOs, local community organisations, journalists, lawyers, human rights defenders and government officials. The participants emphasized

the need for trust building and setting up consultation mechanisms with the affected populations to encourage and improve inclusive decision making. They also emphasized the need to devise counter-insurgency strategies in order to prevent collateral damage and displacement. The participants discussed the various displacement settings in the country, including displacement caused by natural disasters and armed conflict, shelter for the displaced inside the camp and with host communities, IDPs with additional vulnerabilities, impact on host communities, return and rehabilitation, involvement of the affected communities in the decision-making process; the role of media, civil society, and elected representatives, preventive strategies and the way forward.

### **Other displacement**

In September, monsoon floods killed over 400 people and affected more than 4.5 million others. Tens of thousands of people were also made homeless by heavy flooding in the provinces of Balochistan and Sindh and nearly a million affected in Punjab as well. Many of the affected communities were victims of three consecutive years of devastating floods, which had destroyed livelihoods and left behind lingering food shortages and hunger.”

Even as floods were devastating parts of Pakistan, famine brought about by drought was taking hold in the southern desert district of Tharparkar. This was only a year after farmers in the same district had suffered huge losses on account of devastating rains. In August, the Sindh government declared Tharparkar a disaster-affected district. Over half a million people had to migrate



Floods uprooted tens of thousands this year too.



from Tharparkar to escape the famine.

### ***Recommendations***

1. *The repatriation of Afghans from Pakistan must remain voluntary without exception. The whole range of durable solutions, rather than voluntary repatriation alone, should be considered to put an end to the protracted displacement of Afghan refugees.*

2. *Xenophobic attitudes towards the refugees must not be tolerated and efforts made, in collaboration with the international community wherever needed, to save them from hardship and discrimination.*

3. *The high number of the internally displaced demands immediate formulation of mechanism to address their needs and prevent displacement from occurring in the first place. Attention must be paid to both man-made and natural disasters, as well as the impact of that on women, children and other vulnerable segments in particular.*

4. *There is no excuse for letting a quarter of a million Pakistanis remain virtually stateless in Bangladesh for over four decades. Immediate steps should be taken for their repatriation and Pakistan's high commission in Bangladesh should take steps to make life easier for them in the meanwhile.*

# Appendices



## *Appendix - I*

# **HRCP activities**

The Human Rights Commission of Pakistan (HRCP) carried out a wide 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, research and rallies on human rights issues. The HRCP Working Group on Communities Vulnerable because of their Belief transformed into a more focused expert group and continued to hold meetings to highlight the issues and concerns of religious minorities. HRCP Economy Watch monitored financial allocations for key human rights concerns in the federal and provincial budgets. Meetings were held at schools and universities to sensitise the youth about human rights. Public meetings were held in districts across the country to engage communities on the issues of peace and tolerance.

On World Day against the Death Penalty, HRCP offices and district Core Groups across Pakistan held rallies and seminars to demand abolition of the death penalty in the country. HRCP organised conventions of writers, poets and artists in all four provincial capitals to discuss their role in promoting human rights and peace in society. A convention for the rights of peasants was also organised to bring to the fore the struggle of peasants in the country. Pursuing its longstanding stance against bonded labour, HRCP also held a national consultation to highlight its concerns over the plight of workers and

their families in debt bondage.

Ahead of the general elections in 2013, HRCP organised meetings on peace and activism for democratic rights throughout the country. A consultation was held on civil-military relations and their impact on human rights and an election desk was established to focus on the exercise of people's democratic rights with regard to the general elections to be held in early 2013. HRCP arranged live screening of Pakistan's Universal Periodic Review (UPR) at the United Nations in order to keep the media and civil society organisations informed of Pakistan's human rights profile and stance at the UN. HRCP conducted another fact-finding mission to Balochistan in 2012 and a report based on the mission's findings was published.

In the monthly meetings held at all offices, HRCP members discussed human rights issues at the regional and national level. The HRCP Complaints Cell received a large number of queries, complaints and other communications. One of the communications was about a teenaged Pakistani boy, Kashif Ali, who had been detained after accidentally crossing the Pak-India border. He had been declared innocent by an Indian court but was not being sent back to Pakistan. HRCP called upon the Pakistani High Commission in New Delhi to intervene and, resultantly, arrangements were made for the boy's repatriation to Pakistan.

The HRCP website and blog drew extensive comments on the Commission's stance and initiatives, and human rights issues in general. The HRCP online archives were extensively consulted by hundreds of students, researchers, journalists and others interested in information about various aspects of human rights. Besides the paper-based reference material, the HRCP archives from the year 2005 to 2012 became available online in August 2012. As many as 717 individuals accessed the online archives from Pakistan and 26 other countries in 2012 after the August launch. As many as 277 individuals from Pakistan and abroad also visited HRCP's Reference Section to consult the paper-based archives.

A break-up of the organisation's main activities during the year follows.

### **Workshops/seminars/meetings**

**Jan 10, Peshawar:** Training workshop on gathering data on child rights violations in Khyber Pakhtunkhwa for the HRCP's district coordinators in the province.

**Jan 13, Multan:** Public meeting in the district on peace and tolerance.

**Jan 15, Makran:** Monthly meeting of HRCP members.

**Jan 16-17, Swabi:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Jan 17, Karachi:** Lecture by the HRCP Sindh chapter coordinator on Universal Declaration of Human Rights at Biztek University.

**Jan 21, Multan:** HRCP meeting with trade union workers and lawyers on labour laws and workers' issues.



A district-level meeting on people's democratic rights.

**Jan 21-22, Sukkur:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Jan 22, Hyderabad:** Launch of four books on UN conventions on basic freedoms, torture and ethnic discrimination in Sindhi language.

**Jan 23, Gilgit:** Meeting with the Women Development Department, GB to discuss the problems of employees of the department.

**Jan 24, Gilgit:** Meeting with the workers union of the Northern Areas Transport Corporation (NATCO) to discuss their issues and demands.

**Jan 25, Karachi:** Meeting with relatives of missing persons.

**Jan 25, Turbat:** Seminar on peace and activism for democratic rights.

**Jan 25, Turbat:** Seminar on human rights and responsibilities of the youth.

**Jan 26, Karachi:** Meeting with labour leaders to discuss the work and shortcomings of labour courts and the National Industrial Relations Commission (NIRC).

**Jan 26, Gwadar:** Seminar on peace and activism for democratic rights.

**Jan 27, Lasbela:** Seminar on peace and activism for democratic rights.

**Jan 30, Sukkur:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Jan 31, Gilgit:** Meeting with the Speaker of the Gilgit Baltistan (GB) Legislative Assembly to discuss the legislative process on human rights related issues in GB.

**Feb 1, Karachi:** Meeting with the Governor of Sindh on the law and order situation in Sindh University, Jamshoro and to urge him to accept the



teachers' lawful demands.

**Feb 10, Islamabad:** Seminar on workers' rights in collaboration with Pakistan Workers Confederation.

**Feb 10, Islamabad:** Seminar organised by HRCP and Pakistan Confederation for Workers on Industrial Relations Ordinance 2011.

**Feb 11, Peshawar:** Seminar on reforms in Frontier Crimes Regulation (FCR).

**Feb 11-12, Thatta:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Feb 12, Karachi:** Participation in Joint Action Committee (JAC) meeting on National Women's Day

**Feb 12-15, Karachi:** Three-day training workshop for human rights defenders.

**Feb 15, Hyderabad:** Consultation with labour leaders of rural Sindh regarding labour courts and labour issues.

**Feb 21, Islamabad:** HRCP organised the launch of 'Sadako's Prayer', translated into Pashto and Torwali languages, to commemorate the International Mother Language Day.

**Feb 24-25, Jhang:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Feb 29, Multan:** With regard to World Day of Social Justice on February 20, a camp to raise awareness about labour rights was set up near New Central Jail factory where a large number of female workers were working without receiving appointment letters.

**Mar 8, Turbat, Hyderabad, Pakpattan, Multan:** Meetings on International Women's Day.

**Mar 16, Gilgit:** Meeting to discuss sectarian clashes in the region and the government's role in the process to bring about peace between various sects.

**Mar 16-17, Lahore:** Training workshop for HRCP district coordinators and activists.

**Mar 18, Lahore:** HRCP Annual General Meeting.

**Mar 22, Islamabad:** Launch of HRCP Annual Report, 'State of Human Rights in 2011'.

**Mar 24-25, Khanewal:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Mar 29-30, Turbat:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Mar 30, Multan:** Meeting to discuss problems of industrial workers. The need for training programmes and awareness campaigns for female workers was highlighted as essential.

**Apr 4, Toba Tek Singh:** Seminar on peace and activism for democratic

rights.

**Apr 14-15, Battagram:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Apr 16, Karachi:** Meeting with NGOs to prepare a joint strategy for promoting religious harmony and tolerance.

**Apr 16-17, Torghar:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Apr 21, Karachi:** Meeting on ‘Civil society’s role in protecting non-Muslims’

**Apr 28, Karachi:** Meeting of Working Group on communities vulnerable because of their belief

**Apr 28-29, Okara:** Training workshop on human rights and humanitarian values in the fight against extremism.

**May 1, Karachi:** Presentation on UDHR by HRCP staff members to Jamaat-e-Islami.

**May 5, Rahimyar Khan:** Human rights awareness meeting with lawyers.

**May 5, Lahore:** Convention of writers, poets and artists from Punjab to consider their role in promoting human rights and peace in society.

**May 5, Sargodha:** Seminar on peace and activism for democratic rights.

**May 5, Rahimyar Khan:** Awareness meeting organised regarding the human rights situation in Rahimyar Khan.

**May 7, Karachi:** Meeting with citizens to discuss the deteriorating law and order situation in Karachi, particularly in Lyari.

**May 8, Turbat:** Meeting to discuss unrest in Lyari, Karachi.



Meeting of the Working Group on communities vulnerable because

**May 10, Gilgit:** Meeting with HRCP core group Gilgit to discuss issues of human rights in Gilgit Baltistan.

**May 11, Lahore:** Consultation on anti-corruption laws.

**May 19, Karachi:** Visit of an HRCP delegation to the Muttahida Qaumi Movement headquarters to discuss the law and order situation in Karachi.

**May 17-18, Khushab:** Training workshop on human rights and humanitarian values in the fight against extremism.

**May 22, Kohat:** Public meeting on citizens' role in promoting democratic rights, with emphasis on electoral responsibilities.

**May 23, Bannu:** Meeting on citizens' role in promoting democratic rights, with emphasis on electoral responsibilities.

**May 23-24, Sibi:** Two-day workshop on tolerance.

**May 24, Karak:** Meeting on citizens' role in promoting democratic rights, with emphasis on electoral responsibilities.

**May 24-25, Sibi:** Training workshop on human rights and humanitarian values in the fight against extremism.

**May 25, Karachi:** Lecture on media's role in protecting human rights.

**May 25, Islamabad:** Meeting to review an HRCP film on interfaith harmony and tolerance.

**May 25-26, Sukkur:** Workshop on tribal feuds in Sindh and the *jirga* system.

**May 25-26, Bolan:** Two-day workshop on tolerance.

**May 26-27, Bolan:** Training workshop on human rights and humanitarian values in the fight against extremism.

**May 28, Karachi:** Consultation with labour leaders and advocates on the work of labour courts.

**May 29, Karachi:** Presentation on UDHR and ICESCR to Karachi police officers.

**June 5, Lahore:** Consultation on bonded labour.

**June 9-10, Buner:** Training workshop on human rights and humanitarian values in the fight against extremism.

**June 16-17, Nawabshah:** Training workshop on human rights and humanitarian values in the fight against extremism.

**June 18-19, Umerkot:** Training workshop on human rights and humanitarian values in the fight against extremism.

**June 18, Gilgit:** Meeting with the Chairman of the Parliamentary Committee for Peace to discuss the committee's role with respect to sectarian harmony and peace.

**June 21, Lakki Marwat:** Public meeting on citizens' role in promoting democratic rights, with emphasis on electoral responsibilities.

**June 22, D. I. Khan:** Public meeting on citizens' role in promoting

democratic rights, with emphasis on electoral responsibilities.

**June 22, Karachi:** HRCP and Pen for Peace arranged a literary evening with Dr. Serwat Zohra, a young poet and rights activist.

**June 23-24, Gilgit:** Training workshop on human rights and humanitarian values in the fight against extremism.

**June 23-24, Lahore:** Consultation on bonded labour.

**June 29, Karachi:** A presentation in collaboration with SAHE on ways to promote ethics and positive values in society.

**June 30, Karachi:** Convention of writers, poets and artists from Sindh to focus on their role in promoting human rights and peace in society.

**June 30, Gilgit:** Seminar on peace and activism for democratic rights.

**July 7, Peshawar:** HRCP meeting with lawyers to discuss monitoring of cases regarding women in courts.

**July 11-12, Swat:** Training workshop on human rights and humanitarian values in the fight against extremism.

**July 12, Islamabad:** Consultation on civil-military relations and their impact on human rights.

**July 14, Sukkur:** Public meeting on peace and activism for democratic rights.

**July 14-15, Mailsi:** Training workshop on human rights and humanitarian values in the fight against extremism.

**July 15, Shikarpur:** Public meeting on peace and activism for democratic rights.

**July 16, Jacobabad:** Public meeting on peace and activism for democratic rights.



Training of activists for resistance to extremism.

**July 17, Khairpur:** Public meeting on peace and activism for democratic rights.

**July 19, Islamabad:** Consultation on health as a basic right.

**July 20, Karachi:** Presentation on past elections and prospects for forthcoming elections.

**July 21-22, Shikarpur:** Training workshop on human rights and humanitarian values in the fight against extremism.

**July 24-25, Jamshoro:** Training workshop on human rights and humanitarian values in the fight against extremism.

**July 27-28, Badin:** Training workshop on human rights and humanitarian values in the fight against extremism.

**July 27, Multan:** Discussion on various aspects of human rights and impact of nuclear weapons.

**Aug 6, Multan:** Discussion on the implications of nuclear weapons proliferation on socio-economic conditions of Pakistan in the prevailing context.

**Aug 7, Karachi:** Meeting of HRCPC fact-finding mission team members on the law and order situation in Lyari, Karachi.

**Aug 8, Hyderabad:** Meeting to mark the 32nd death anniversary of political activist Nazir Abbasi.

**Aug 9, Peshawar:** HRCPC team trained for jail visits by Council member Malik Jrar Advocate.

**Aug 18, Sukkur:** Seminar on the problems of religious minorities, especially Hindus.

**Aug 25, Gujranwala:** Seminar on peace and activism for democratic rights.

**Aug 25, Kalat:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Aug 25, Islamabad:** Launch of HRCPC's online archives on human rights.

**Aug 27-28, Khuzdar:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Aug 29-30, Mastung:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Aug 30, Islamabad:** Workshop on involuntary disappearances and launch of HRCPC's Balochistan fact-finding mission report.

**Sep 1-2, Noshki:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Sep 1, Tharparkar:** Public meeting on peace and activism for democratic rights.

**Sep 2, Tando Allahyar:** Public meeting on peace and activism for democratic rights.

**Sep 5-6, Multan:** Two-day national convention on rights of peasants.

**Sep 12, Karachi:** Emergency meeting of Joint Action Committee and HRCP members to discuss the Baldia factory fire and the huge loss of lives there.

**Sep 12, Karachi:** Press conference on factory fire in Karachi.

**Sep 12, Lahore:** Press conference on factory fire in Lahore.

**Sep 27, Kohat:** College meeting on citizens' human rights and their responsibilities.

**Sep 28, Karachi:** HRCP fact-finding team presented its findings on the Karachi Baldia factory fire, its causes and responsibility of the government.

**Sep 28, Karachi:** Public meeting on peace and activism for democratic rights at Malir, Karachi.

**Sep 30, Karachi:** Public meeting on peace and activism for democratic rights in West Karachi.

**Oct 2, Malakand:** Public meeting on citizens' role in promoting democratic rights, with emphasis on electoral responsibilities.

**Oct 2, Multan:** HRCP meeting with human rights activists, members of the civil society and lawyers on International Tolerance Day to discuss rising intolerance in the country.

**Oct 3, Shangla:** Public meeting on citizens' role in promoting democratic rights, with emphasis on electoral responsibilities.

**Oct 4, Kohistan:** Public meeting on citizens' role in promoting democratic rights, with emphasis on electoral responsibilities.

**Oct 5, Karachi:** Meeting organised by Joint Action Committee at HRCP's office to discuss and plan action against the death penalty.

**Oct 6-7, Lahore:** Workshop on priorities in the general elections.

**Oct 10, Peshawar/ Karachi/ Hyderabad/ Multan/ Chiniot/ Pakpattan/ Chaman/ Gilgit/ Tank/ Turbat/ Khairpur/ Buner/ Gwadar/ Swabi/ Kalat/ Jampur/ Mandi Bahauddin & Khushab:** Seminars organised on World Day against the Death Penalty.

**Oct 18, Sahiwal:** Seminar on 'youth and human rights'.

**Oct 19, Shahdadkot:** Public meeting on peace and activism for democratic rights.

**Oct 19-21, Lahore:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Oct 20, Hyderabad:** Public meeting on peace and activism for democratic rights.

**Oct 20, Peshawar:** Convention of writers, poets and artists from Khyber Pakhtunkhwa to consider their role in promoting human rights and peace in society.

**Oct 22, Sargodha:** Seminar on 'youth and human rights'.

**Oct 23, Multan:** Meeting with members of the public to discuss ways to





Mingora Consultation on IDPs: the way out

make HRCP accessible to the public at large.

**Oct 24, Multan:** Awareness camp set up on United Nations Day at Bosan Road, Multan, where 500 pamphlets on basic information about the role of the UN were distributed.

**Oct 24, Quetta:** Convention of writers, poets and artists from Balochistan to consider their role in promoting human rights and peace in society.

**Oct 30, Lahore:** Live screening of UN Universal Periodic Review (UPR) hearing on Pakistan.

**Oct 31, Jhelum:** Seminar on peace and activism for democratic rights.

**Nov 2, Charsadda:** Public meeting on citizens' role in promoting democratic rights, with emphasis on electoral responsibilities.

**Nov 3, Nowshera:** Public meeting on citizens' role in promoting democratic rights, with emphasis on electoral responsibilities.

**Nov 3-4, Lower Dir:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Nov 4, Swabi:** Public meeting on citizens' role in promoting democratic rights, with emphasis on electoral responsibilities.

**Nov 5, Mardan:** Public meeting on citizens' role in promoting democratic rights, with emphasis on electoral responsibilities.

**Nov 6-7, Upper Dir:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Nov 9, Sukkur:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Nov 10, Hyderabad:** Seminar on 'Forensic Psychiatry in Pakistan'.

**Nov 10-11, Mingora:** Consultation on challenges faced due to internal

displacement in Pakistan.

**Nov 15, Hyderabad:** Memorial meeting for Late Iqbal Haider, former co-chairperson of HRCP.

**Nov 17, Dera Ghazi Khan:** Dialogue on ‘the role of students in promoting human rights and a democratic culture’.

**Nov 19, Hyderabad:** Meeting organised by HRCP in collaboration with Indus Future Foundation on UN-World Toilet Day. The meeting was attended by the members of Sindh Hari Project, Indus Rural Development Organisation, Institution of Social Change and Sindh Community Foundation.

**Nov 22, Haripur:** Public meeting on citizens’ role in promoting democratic rights, with emphasis on electoral responsibilities.

**Nov 23, Mansehra:** Public meeting on citizens’ role in promoting democratic rights, with emphasis on electoral responsibilities.

**Dec 1, Multan:** Human rights awareness programme conducted at City Model School with the school staff.

**Dec 1, Bahawalnagar:** Seminar on peace and activism for democratic rights.

**Dec 7-9, Lahore:** Workshop for capacity building of HRCP staff from across the country.

**Dec 10, Jhang/ Chiniot/Tando Mohammad Khan/ Dadu/ Pishin/ Hyderabad/ Nawabshah/ Thatta/ Okara/ Kalat/ Quetta/ Naushehro Feroze/ Chaman/ Shahdad Kot/ Pakpattan & Karachi:** Meetings held on International Human Rights Day.

**Dec 12, Charsadda:** Meeting on citizens’ human rights and their responsibilities at Government Post-Graduate College, Charsadda.

**Dec 10, Karachi:** Seminar on the need to ‘Unite to End Violence against



Lahore: Workshop on HRCPstaff’s capacity-building.

**Women’.**

**Dec 10, Karachi:** Three-day poster exhibition on the theme ‘Gender equality now’.

**Dec 13, Mingora:** Public meeting on citizens’ role in promoting democratic rights, with emphasis on electoral responsibilities.

**Dec 14, Saidu Sharif:** Meeting on citizens’ human rights and their responsibilities at Government Jahanzaib College, Saidu Sharif.

**Dec 15, Narowal:** Seminar on peace and activism for democratic rights.

**Dec 15-16, Bahawalpur:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Dec 15, Sialkot:** Seminar on peace and activism for democratic rights.

**Dec 19-20, Dadu:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Dec 20, Swabi:** Meeting on citizens’ human rights and their responsibilities at Colonel Sher Khan Girls College, Swabi.

**Dec 21, Mandi Bahauddin:** Seminar on peace and activism for democratic rights.

**Dec 22, Charsadda:** Meeting on citizens’ human rights and their responsibilities’ at New Muslim College, Charsadda.

**Dec 22, Okara:** Meeting on people’s mobilization for democratic rights



Lahore: Economy watch-state spending and human rights.

in Pakistan.

**Dec 22, Islamabad:** Consultation on the 2013 general elections.

**Dec 22-23, Naushehro Feroze:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Dec 24, Muzaffargarh:** A dialogue on 'Promotion of democracy and democratic values and the role of citizens'.

**Dec 26, Lahore:** Consultation on 'Food Security: Problems and Prospects in Pakistan'.

**Dec 27, Islamabad:** Consultation on preparation for the 2013 general elections.

**Dec 28, Karachi:** Presentation by a former HRCPC council member of HRCPC on 'Quit India Movement and Partition of India'. The event was attended by rights activists and civil society members from across the country.

**Dec 28-29, Lakki Marwat:** Training workshop on human rights and humanitarian values in the fight against extremism.

**Dec 29, Karachi:** Meeting of the HRCPC Expert Group on Communities Vulnerable because of their belief.

**Dec 30, Lahore:** Consultation on 'Economy Watch: State Spending and Human Rights'.

### **Fact-finding**

**Jan 12, Karachi:** Murder of Dr. Bashir Ahmed Chaner, a professor at Sindh University Jamshoro, Sindh.

**Mar 26-29, Peshawar:** Visit to Jalozai internally displaced persons (IDPs) camp to assess the problems for the displaced and the relief they received.

**Mar 21, Peshawar:** Rape of a six-year-old girl.

**Mar 23, Multan:** The abduction and sale of a woman named Zaib Mai in Jalalpur Pirwala, Multan.

**Apr 20, Jamshoro:** Roof collapse of BlueBin School, Kotri.

**Apr 24, Upper Dir:** Suicide by two students of grades 4 and 5.

**Apr 24, Chiniot:** The fact-finding team inquired into an incident of torture to death of a teacher by the police on March 30, 2012.

**May 15-20, Balochistan:** An HRCPC fact-finding team comprising council members from all provinces visited Quetta, Mastung and Pishin and held meetings with various stakeholders to get first-hand information on the state of human rights in the province.

**June 15 & 18, Dera Ghazi Khan:** Probe into the gang-rape of five women.

**June 19, Jamshoro:** Extra-judicial killing of four labourers of Shoro tribe of Kotri.

**June 25, Karachi:** Kidnapping of a minor Hindu girl, Rikha.



Quetta: The HRCP mission to Balochistan.

**June 28, Vehari:** Violence against Nargis Bibi at the hands of her husband who suspected that she had aborted their children.

**July 7, Bahawalpur:** An alleged blasphemer dragged out of the police station where he had been detained and burned alive by a mob.

**July 7, Rahimyar Khan:** Eviction and harassment of Hindu community.

**July 19, Muzaffargarh:** Four men burnt alive three women over an enmity.

**July 19, Muridke:** Probe into police action against protesting tenants of Dera Saigol that led to the death of a bystander.

**Aug 9, Peshawar:** Christian staff of Town 1 not receiving their salaries.

**Aug 11, Muzaffargarh:** Two women paraded naked at a bus terminal by the family of a girl. The girl's family felt offended because they considered a marriage proposal for their daughter from the women's family an affront to their social standing.

**Aug 12, D.G. Khan:** Torture of a young boy by his religious teacher.

**Aug 18, Multan:** Torture of a student by teachers at a madrassa.

**Aug 22, Muzaffargarh:** Rape of a 13-year-old girl by her religious teacher.

**Aug 30, Karachi:** Demand of *bhatta* from shopkeepers of Essa Nagri, Karachi.

**Sep 4, Karachi:** Murder of Dilshad Dhani, Vice President of Gwadar Press Club.

**Sep 15, Karachi:** Death of 259 workers in a fire in factory in Baldia locality of Karachi.

**Sep 21, Hyderabad:** Blasphemy charges against a trader.

**Oct 12, Karachi:** Charges of blasphemy brought against a 16-year-old Christian boy.



**Nov 2, Hyderabad:** Murder of a young man and woman who had married according to their own choice.

**Dec 23, Multan:** A domestic dispute leading to the murder of a labourer, Muhammad Hanif. Medical reports confirmed that he had been tortured to death.

**Dec 30, Karachi:** Murder of two lady health workers.

**Dec 30, Lodhran:** Abduction of two sisters, Shazia, 15, and Sadia, 14, to avenge their brother's court marriage to the abductor's daughter.

**Dec 31, Multan:** The eyes of a young man, Muhammad Bilal, gouged out by the family of a girl he was suspected to have had an affair with.

### **Demonstrations/rallies/protests/visits:**

**Feb 28, Quetta:** Demonstration against the law and order situation, kidnappings for ransom and violence.

**Mar 1-2, Tando Mohammad Khan:** Demonstration against rigging in by-polls.

**Mar 8, Multan:** Protest organised to focus on the condition of women in Balochistan. Through a street play, the situation of Baloch women was portrayed and literature was also disseminated.

**Mar 13, Quetta:** Demonstration against the kidnapping of Dr. Rajash Kumar and against the deteriorating law and order situation, kidnapping for ransom and violence.

**Mar 22, Turbat:** Visit to a hunger strike camp of All Pakistan Clerks Association (APCA).

**Mar 22, Quetta:** Demonstration against killing of an employee of Balochistan Rural Support Programme (BRSP) after six BRSP workers were kidnapped for ransom. The other five abducted men were safely recovered.

**Mar 26, Peshawar:** Visit to Jalozai camp for internally displaced persons to learn about the process of registration and settlement of the new IDPs from Khyber Agency.

**Apr 6, Sukkur:** Visit to *Darul Aman* (women's shelter home).

**Apr 17, Hyderabad:** Protest against sectarian violence and forced conversions of Hindu girls in Sindh.

**May 22, Gilgit:** Visit to Central Jail Gilgit.

**May 23, Gilgit:** Visit to an orphanage in Gilgit city.

**June 6, Hyderabad:** Protest against death threats to Asma Jahangir.

**June 8, Multan:** A protest outside the residence of the former Prime Minister to condemn threats to Asma Jahangir's life.

**June 6, Karachi:** Press conference to condemn death threats to Asma Jahangir.

**June 11-12, Islamabad:** A demonstration and a press conference against





Multan: Protest against disappearances.

death threats to Asma Jahangir

**June 22, Gilgit:** Visit to a local university to discuss human rights issues in GB with faculty and students.

**June 29, Gilgit:** Meeting held with a student's welfare organisation based in Hunza to discuss the role of youth organisations in the promotion of human rights education.

**June 21, Lakki Marwat:** Visit to Lakki Marwat jail.

**June 26, Karachi:** Demonstration with Joint Action Committee at Karachi Press Club to condemn death threats to Asma Jahangir.

**Aug 6, Hyderabad:** Hunger strike & protest against excesses of a landlord of Khipro in Sanghar for keeping *haris* in illegal custody.

**Aug 13, Peshawar:** Visited Peshawar Central Jail.

**Aug 15, Peshawar:** Visit to Jalojai camp to learn about the situation of the IDPs there.

**Aug 13, Hyderabad:** Visit to a ward of Liaquat University of Medicine and Health Sciences to meet Hindu patients admitted following consumption of poisonous liquor during a religious festival.

**Aug 30, Karachi/ Hyderabad/ Peshawar/ Quetta:** Demonstration on the International Day of the Disappeared outside the local press club and rallies to urge the government to take action.

**Sep 21, Peshawar:** Visit to the provincial Election Commission office to collect data on registered voters in the Federally Administered Tribal Areas (FATA).

**Sep 24, Balochistan:** Visit to flood-affected areas of the province.

**Oct 10, Hyderabad:** Rally and discussion on World Day against the Death

Penalty.

**Oct 11, Karachi:** Candlelight vigil for Malala Yousafzai, a young activist for girls' education who was shot and injured by the Taliban.

**Oct 11, Hyderabad:** Press conference and demonstration to protest the attack on Malala Yousafzai.

**Nov 12, Hyderabad:** Demonstration for Hindu labourers threatened by land grabbers in village Pajarri near Hyderabad.

**Dec 21, Multan:** Protest against the killing of female health workers in Karachi and Peshawar.

### Complaints Cell

HRCP received 1,150 complaints during the year under review. The thematic breakdown of the complaints is as follows:

◆ Excesses by police/administration .....	232
◆ Excesses by non-state actors/influential .....	168
◆ Violation of women's rights/domestic violence .....	144
◆ Miscellaneous .....	587
◆ Complaints from abroad .....	19
<b>Total .....</b>	<b>1,150</b>
◆ Letters written to authorities .....	371
◆ Replies received .....	158

### Website

The HRCP website ([www.hrcp-web.org](http://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. The online archives section of the website, which is consulted by students, researchers, journalists and the like, was formally launched in August 2012.

### Publications

- ◆ HRCP Annual Report: State of Human Rights in 2011 . (English/Urdu)
- ◆ Jehd-e-Haq: 12 monthly issues ..... (Urdu)
- ◆ Enforced Disappearances in Pakistan: UN Working Group's preliminary report and recommendations ..... (English/Urdu)
- ◆ Hopes, fears and alienation in Balochistan... ..... (English/Urdu)
- ◆ Information and Complaints Handling Centres for flood-affected people (Project Completion Report)..... (English/Urdu)
- ◆ The Rimsha case: Is anyone listening? ..... (English)
- ◆ Calendar 2013... ..... (English)
- ◆ *Inteha Pasandi say Nijat Mumkan Hai*... ..... (Urdu)
- ◆ *Intiha Pasadni Kay Khatmey Kay Liyey Insani Haqooq Aur Insaniyat*

*Dost Iqdar Kay Farooq Ki Jad-o-Jehd* ..... (Urdu)

♦ *Jamhooriyat Kay Liyay Amali Sargarmi* ..... (pamphlet) (Urdu)

### **HRCP Internship Programme 2012**

The HRCP Summer Internship programme 2012 commenced in June and ended in July, with each of the five interns working with HRCP between four and six weeks. Each intern chose a research area of their choice related to human rights, which the HRCP staff assisted in further narrowing down to reach a refined topic. During the programme, interns had the chance to meet expert of various research subjects, had complete access to the organisational resources, and the opportunity to accompany staff members in meetings and conferences that were either linked to their work or had general interest of the interns.

The following interns successfully submitted comprehensive reports concluding all the research they had conducted during the internship.

<b>Name</b>	<b>Institution</b>	<b>Topic</b>
Ahmed Muneeb	Lahore University of Management Sciences	Educating the new generation: Assessing the Minority and Gender biases promoted in the public school curriculum
Maleeka Bokhari	University of West of England. Cardiff University, England	Human Rights implications of Anti-terror laws in Pakistan and United Kingdom
Sarah Kunzelmann	Tubingen University, Germany. Leiden University, Netherlands	On the legality of drone attacks under international law and social and political impacts emerging from it
Waleed Malik	Osgoode Hall Law School, York University, Canada	Transgendered citizenship- An Investigation into the Conditions of the <i>Khwaja Sara</i> Community of Pakistan
Waqas Shabir	Lahore University of Management Sciences	Higher education in Dera Ghazi Khan: Analysis in context of accessibility and quality

## *Appendix - II*

# **HRCP stands**

Throughout 2012, HRCP aired its views through press statements on issues and events affecting the rights of the people. Excerpts from the stands taken by HRCP in 2012 follow:

### Freedom of expression

**January 9:** HRCP voiced concern at reports of a number of journalists facing threats on account of their work and demanded that the authorities ensure that intimidation of journalists and risks associated with practising journalism in general were eliminated. The Commission said that journalists in Pakistan lived under a constant cloud of intimidation and violence, over a dozen journalists had been killed in 2011, many others exercised self-censorship for the sake of safety and others had suffered for airing views that were unpopular in some quarters. “A number of journalists have recently gone public about the threats they have received from ‘anonymous callers’. They have also mentioned cell phone numbers of the callers but little has been done to identify or prosecute these people. A government committed to media freedom must neither remain a spectator in the circumstances nor wait to be implored into action,” HRCP said. HRCP urged all state institutions to acknowledge the dangers facing the journalists, identify and prosecute those threatening media persons on account of their work and ensure that journalism did not remain such a dangerous profession in Pakistan. HRCP also supported the journalists facing threats and lauded their courageous decision to make the threats to them public.

**March 13:** On international day of action against Internet censorship, the

International Federation for Human Rights (FIDH) and its member organisation, HRCP, expressed deep concern over an attempt by the Ministry of Information Technology in Pakistan to further restrict freedom of expression, creativity and peaceful thought on the Internet, by projecting an extensive filtering system that would, if implemented, allow authorities to block up to 50 million “undesirable” URLs at the national level. FIDH and HRCP requested the government to put on hold the set-up of the filtering system and ensure that the measure did not end up institutionalizing Internet censorship and surveillance and was consistent with Pakistan’s obligation to protect the freedom of expression. They stressed that the decision on what content should be blocked must not be left to the whims of bureaucrats but should be determined by an independent judicial body in order to prevent arbitrary restrictions. Forums for appeal against the decisions of such a body should also be provided. FIDH and HRCP demanded that civil society and human rights groups should be consulted in an inclusive manner and their recommendations duly included in the project’s terms of reference.

**November 19:** Condemning the murder of journalist Rehmatullah Abid in Panjgur, Balochistan, HRCP called for concerted steps to punish the culprits and to ensure that working journalists could fulfill their duties in an environment of peace and security. HRCP stated: “This is the sixth journalist casualty in Balochistan this year and it again underlines the increased vulnerability of journalists in Pakistan and the utter collapse of the law and order machinery in Balochistan... The journalists are obviously being targeted by the killer gangs because they do not want their crimes to be reported.” The commission said it was necessary that organisations of media owners, editors and working journalists launched a properly coordinated campaign in partnership with the state authorities to create a reasonable cover for all journalists, especially for those working in conflict and disturbed zones. It demanded that the task of catching the killers of Rehmatullah Abid should be approached with a greater sense of responsibility than had been noticed in such cases in the past and the government and the killed journalist’s employees must help the victim family overcome the financial and emotional crisis the assassins’ bullets had created for them.

**November 28:** The HRCP expressed concern at a Taliban threat to assassinate senior journalist Hamid Mir and said that the plan to target the journalist raised quite a few critical issues of wider import than the threat to a particular media person. HRCP noted a Taliban spokesperson’s claim that they had prepared plans to liquidate all those journalists who dared report anything critical of the militant organisation’s actions. Noting that that put several media persons under the threat of elimination, HRCP said: “The authorities have a duty to find out who the targeted media figures are and also to take all possible steps to protect them. Besides, it is clear that the entire media is under assault and the militants have now joined the elements traditionally hostile to it. This is bound to adversely affect the media coverage of the situation in the conflict-

ridden zones. Already the information coming out of these areas is scanty and sketchy and the people have difficulty in properly responding to whatever goes on in the country. The situation cannot be improved until the state helps intrepid journalists to cover the hot spots. Thus, while taking action against the culprits involved in violence against journalists the government must give due priority to improving the latter's security."

### **Freedom of belief and religion / sectarianism**

**January 16:** HRCP condemned an attack on a Chehllum procession targeting Shia Muslims in Khanpur and said that sympathetic attitudes towards religious extremism in all institutions of the state were responsible for the failure to confront the menace of sectarian terrorism. It said that the police actions that follow brazen targeting of religious events stand little chance of stemming the tide of sectarian killings on their own. While paying attention to symptoms of the malaise was important, sectarian violence continued in Pakistan because the cause was left unaddressed, the commission said, adding: "that happens because nearly all institutions of the state have a soft corner for religious extremism and they are certainly not keen to deal with it according to the law. In this environment the bloodletting will not stop." HRCP welcomed the fact that the leader of at least one religious-political party had condemned the killings in Khanpur and hoped that other parties and groups, especially the religious ones, would also not have any reason to hesitate in condemning this act of terrorism. "It is of vital importance that all segments of society that believe in tolerance play their role in unison to expose the passive response to such barbaric brutalities and also the reasons for that. But the state must allow the citizens due space to register their concerns and wishes. Any delay in taking decisive action amounts not only to negligence but complicity. The state must also reach out to the affected community in a manner that demonstrates its concern and shame in failing to protect citizens' lives and try to promote tolerance after having tried the opposite for so long," the Commission concluded.

**March 1:** HRCP called upon the government to use the military wherever it was necessary for putting an end to sectarian violence in the country and called for an impartial probe to apprehend those behind an attack on a Gilgit-bound bus in which 18 Shia men were killed. It welcomed the army chief's offer to help investigate the brazen killings by attackers who were reported to be in military uniforms. HRCP said: "There are two aspects to it, the more important one being that the military has considerable presence in the area where the attack took place and the frequent occurrence of sectarian violence there demands that the civil authority and the military join hands to ensure effective protection and prevention strategies." HRCP demanded that the tragic attack on the bus passengers should be probed by an impartial and independent authority, along with the series of sectarian attacks in the last 10 years, to bring the perpetrators to justice. It called upon the government to redouble



efforts to promote sectarian harmony and tolerance to prevent further bloodshed and also to find the will to decisively act against sectarian militant groups and show the commitment to effectively prosecute those apprehended for sectarian violence.

**April 5:** HRCP expressed serious alarm at the loss of life in sectarian strife in Gilgit Baltistan and demanded that the government, political parties and civil society organisations join hands to bring peace to the area at the earliest. The Commission said that the relative calm in Gilgit following the imposition of curfew and deployment of troops was a tenuous one, retaliatory attacks and incidents of hostage taking had been reported amid concerns that the authorities had responded only to some of the more violent incidents and were proceeding in a reactive manner. People were facing great difficulties as provisions and food stocks, even milk for children, ran low. In hospitals medicines were scarce. The lives of those who had provided shelter to others irrespective of sect or faith and only out of concern for human life found their own lives were at risk as a consequence. HRCP added: “It would be naïve to think that the scars of the events of the last few days in Gilgit Baltistan would go away by imposing curfew and shutting down cellular phone services or by preaching calm. The monumental task of healing the wounds and promoting sectarian harmony must begin at the earliest in consultation with the affected communities and should be persisted with. The political parties must desist from indulging in point scoring and in addition to publicly expressing their unambiguous condemnation for violence they should also share with the people their vision for controlling the situation and preventing recurrence of such senseless violence in the future...Those who have fanned the strife in Gilgit Baltistan must be identified and held to account as must those who pulled the trigger in target killings. In fact, there is every reason to pay equally urgent attention to contain the continuing bloodletting based on sectarian identity in Quetta, Karachi and elsewhere in the country and send a clear message to the hate mongers that they will not be allowed to take the people and law and order hostage.”

**April 11:** HRCP stated that the continuing spilling of blood in sectarian killings in Quetta and Gilgit Baltistan manifested a blatant failure to address religious intolerance in society, which constituted one of the biggest threats to the country. The Commission said the sectarian bloodshed in Pakistan, particularly in Quetta and Gilgit Baltistan demonstrated a disturbing pattern and appeared to be part of a well-planned sequence. It had been stated that miscreants from Afghanistan were involved. That might be one problem but it certainly was not the only one. HRCP stated: “The mindless bloodshed that we witness day in and day out is rooted in religious intolerance cultivated by the state. Politics in the name of religion has substantially worsened what was already an appalling situation. It is alarming that no one responsible for these killings has been nabbed in years. The people are paying the price of indifference with their lives. Rather than wasting time on *addressing mere symptoms*, the

root cause of the problem must be identified and addressed. Instead of living in denial, we must now identify the policies that strengthen extremism and promote faith-based hatred in society. These constitute the single biggest threat to Pakistan. In these perilous times, all those who believe in people's rights, human dignity and Pakistan's future must not remain silent. Otherwise the consequences for the country will be unimaginably disastrous."

### **Minorities**

**June 5:** The *UN High Commissioner for Human Rights Navi Pillay* met with members of the religious minority communities and exchanged views with a gathering of civil society organisations' representatives, lawyers and journalists. The high commissioner briefly explained her mission to the civil society representatives but reserved her comments until the end of her visit to Pakistan when she will offer a more comprehensive response. Representatives of minority communities raised the issues of discrimination, problems faced on account of the blasphemy law and discrimination in services and education. The civil society organisations raised issues of militancy, shrinking writ of the state, lack of security for journalists and human rights defenders, the freedom allowed to militants, the state of education, rise of extremism and intolerance among young people and children and the civil society's concerns over the alternative dispute resolution mechanisms.

**June 29:** The latest killing of Shia pilgrims in Balochistan again demonstrated that terrorists persisted with their vicious and systematic campaign to target citizens on account of their religious belief as the state remained either unwilling or increasingly unable to prevent the killings, HRCP said. It said that after the attack on a bus of Iran-bound pilgrims in Mastung district of Balochistan last year, it was certain that unless the culprits were brought to justice they would strike again. This time the bus also had a police escort and yet neither the attack could be foiled nor perpetrators captured. HRCP said: "The number of Shias killed in systemic and targeted attacks in Balochistan in 2012 alone has exceeded 60. Everyone knows who the perpetrators are. With each attack, allegations of the attackers enjoying sympathy and support among the security forces gain more credence, at least in the views of the targeted community... HRCP unequivocally condemns the attack and is shocked by the authorities' inability or unwillingness to act against terrorist outfit Lashkar-e-Jhangvi, which has repeatedly claimed responsibility for these attacks. The promised probe into the attack must also look into charges of support for the terrorists among the security agencies. It has also been alleged that the Iran-bound pilgrims targeted on Thursday were originally sitting in various buses but the authorities asked them all to go in one bus, which was later targeted. Some members of the community have interpreted that as proof of at least some elements in the law enforcement agencies working hand in glove with the terrorists. HRCP cannot vouch for the veracity of this claim but that too should be investigated. The government should try and imagine the plight of the community whose

systematic targeting is now little short of naked persecution. HRCP is sure that unless unambiguous will of the state to bring the killers to justice is demonstrated Pakistan will become an even more unlivable place than it already is.”

**August 10:** HRCP expressed a strong sense of outrage at reports of continued exodus of religious minority communities from Sindh and Balochistan and said that the state had consistently failed to allay the concerns of these communities despite repeated reminders by the civil society. It said that reports of Hindu citizens’ migration to India had been coming from Sindh and Balochistan fairly regularly. Spokespersons of minorities had argued that vested interests were threatening and frightening the non-Muslim citizens with a view to forcing them to migrate. It added: “Some of these elements are said to be religious extremists while others have plans to grab the minorities’ property. In any case there is little doubt that the minorities have been driven to despair. Religious minorities’ continued migration from Sindh and Balochistan is a reflection of the state’s failure to save these citizens from violence, discrimination and disgusting excesses such as forced conversion of young women. The live telecast of a recent conversion of a young Hindu man on television is a particularly reprehensible and indefensible manifestation of the attitude towards non-Muslims. HRCP desperately hopes that the government shares its distress in this respect and reiterates its call for the state to address, in consultation with the communities in question, the reasons forcing religious minorities to flee the country. HRCP also urges civil society organisations and the media to keep the spotlight firmly trained on the raw deal these communities are getting. Ahead of the forthcoming elections, the political parties also have an opportunity, through their manifestos, and more than that through their actions now, to articulate their vision for religious minorities in Pakistan.”

**November 22:** HRCP strongly condemned the killing of 25 innocent Shia citizens on the grounds of their belief and called for all out efforts to subdue the monster of sectarianism.

In a statement HRCP said that quite obviously the targeting of the Shia citizens had reached a new high in 2012 and many quarters apprehended more bloodshed on Ashura. “The virus of sectarianism that has been eating into the vitals of the Pakistan society can be exorcised neither by politicians’ hackneyed rhetoric nor by the antics of ineffective law enforcement agencies. The Commission said: “Everybody knows who the Shia-baiters are and what new theories to justify murder on account of religious or sectarian differences the latest crop of jihadists have spawned. Thus, while the administration must do all it can to deal with the crime part of the sectarian militants’ agenda, and prove that their actions can match their proclamations, the leaders of the various schools of religious thought must admit their failure to keep their followers under some discipline. They must seriously work towards reviving the indigenous traditions of tolerance, for they are as much responsible for

making Pakistan unlivable as anyone else.”

**December 3:** HRCP called the destruction of over 100 tombstones at a graveyard for Ahmadis in Lahore an unmistakable act of intimidation and escalation in the campaign of hate and violence against the Ahmadi community. The attack in Lahore was shocking because it did not occur in a remote village but in the heart of the country’s second largest city. The commission said: “The trauma such an incident has caused to an increasingly persecuted community should not be very difficult to imagine. The attackers’ success in overpowering several persons at the graveyard and completing the destruction in half an hour shows that the incident was well-planned. It seems that the identity of the perpetrators might not be quite so obscure even though the attackers themselves wore masks. The police should have some strong leads to work on already... The message that the attackers wanted to convey was simple: that they could act with impunity and without fear of any repercussions if Ahmadis were at the receiving end. If the authorities want to send a different message, the time to act is now.”

**December 31:** HRCP said it was unfortunate that on the last day of 2012 HRCP once again found itself sympathizing with families mourning the cold-blooded murder of Shia pilgrims in an attack on Iran-bound buses in Mastung. The only reason these men were attacked was that they subscribed to the Shia belief. This was not the first time in 2012 that the Iran-bound buses of Shia pilgrims were attacked in Mastung, nor the first time during the year that the UN Secretary General had expressed concern over killings of Shia citizens in Pakistan. The targeted buses had security escorts, but those did not prevent the attack. HRCP said that it had no claim to expertise on security issues but it must unambiguously emphasize that many measures could have been taken to prevent this latest bloodshed; it could not be prevented because none of those steps were taken. More than anything else, ending sectarian violence in Pakistan was a question of priority and commitment. Neither had been in evidence. “Without taking the hate campaigns head on, putting an end to impunity for the perpetrators of these attacks and denying them space to operate, the security escorts for pilgrims’ buses are little more than vehicles waiting to take dead bodies to morgues after every attack. It would be naïve to think that those behind the killing sprees, and those acquiescing by refusing to take action, would voluntarily stop the pursuit of bloodshed. It is also about time to investigate and expose any and all support the death-mongers enjoy inside the security agencies.”

## Health

**July 2:** HRCP noted with concern the suffering heaped on the people by the prolonged strike of doctors in the Punjab and the provincial government’s failure to amicably resolve the matter even after months of wrangling. It said that protests and strikes by doctors were not unheard of in Pakistan but they had never led to suspension of emergency care. HRCP believed that doctors

abandoning their life-saving vows to press for their demands was utterly indefensible and had contributed to the loss of sympathy for them among the people. HRCP also did not support the coercive tactics by the Punjab government aimed at finding a solution. "Some of the protesting doctors' demands may be justified, but the ongoing wrangling is symptomatic of the anarchy of thought and practice in the country where neither side is willing to abandon its stance for the sake of an amicable settlement. Both sides have shown no inclination to budge and have sought to achieve a stronger bargaining position by resorting to threats... Who can disagree with the need for discipline in service, but the government's ham-handed methods to deal with protests have lowered its credit," HRCP said, calling for the matter to be resolved at the earliest.

**December 19:** HRCP strongly condemned the killing of at least six polio vaccinators in targeted attacks in Karachi and Peshawar and demanded the arrest of the perpetrators, effective steps to prevent such attacks in future and compensation for the families of the vaccinators killed. The commission called the attacks the height of brutality and a bid to rob Pakistan's children of a healthy future. "It defies belief that all these killings in a single day are a coincidence. The three attacks in Karachi in less than an hour in particular seem to be coordinated. Polio vaccinators had been attacked and killed earlier in the year too... Threats to polio vaccination staff across the country had not been a secret, unlike steps, if any, that the government had taken to counter those threats. Efforts to prevent future attacks must begin with bringing the perpetrators of these killings to justice and intelligence gathering to preempt extremist elements' designs. The need to continue immunisation and to keep polio teams safe and motivated is critical in the aftermath of the attack. Although the main responsibility for that lies with the government, community leaders also have a significant role to play, HRCP said. It called upon all political parties, media, civil society and community leaders to unreservedly denounce the targeting of those who worked to save children from disability and death and to play their role in persuading the parents to get their children vaccinated against the deadly disease. HRCP also urged the government to pay adequate financial compensation to the families of all vaccinators that had been slain in order to make it somewhat manageable for them to tide over this very difficult time.

### **Labour and peasants**

**February 8:** HRCP expressed alarm and incredulity at the shoddy state of affairs that led to the tragic death of nearly two dozen people in Lahore when a boiler explosion brought down a three-storey 'pharmaceutical laboratory'. The Commission said the disaster had exposed the utter non-existence of any regulatory system, which was as horrific as it was incredible. After the collapse there was talk of the factory operating without a licence and in a residential area, that most of the workers were women and very young children employed

in clearly exploitative conditions, that the establishment had not been assessed for environmental impact and the premises had not been inspected because the provincial government had abolished labour inspectors' visits to factories since 2002. "The banning of labour inspection is a travesty that amounts to the government's acquiescence into industrialists' greedy operations above all else. How such an indefensible policy continues to prevail says something about the persuasive power of big business. If such appalling exploitation and illegalities go on unnoticed and unchecked in the country's second largest city, it should not be too difficult for anyone, including the rulers, to imagine how bad things must be in places that are not quite so close to the seat of government or are not as well covered by the media," HRCP said. The government must preempt such tragedies rather than reacting with posthumous compensation packages and rhetoric.

**May 31:** The whole system of labour courts and tribunals needed to be reviewed if the goal of expeditious and fair adjudication of labour cases was to be realised. This was the main recommendation of the expert group comprising trade union representatives, lawyers specialising in labour cases and civil society organizations that met at HRCP. The Commission said in a statement that the meeting was of the view that the working of labour courts and tribunals could not be viewed in isolation from the state's attitude towards the rights and problems of workers. As the government had little time for drawing up a labour policy or any programme for labour's uplift it tended to ignore the need to make the forums for redress of labour's grievances efficient and effective. The experts' group expressed concern that a large number of workers could not access labour courts because either they had no documents to establish their employment by their employers or they did not fall in the legal definition of workmen. This problem needed to be resolved on priority basis. The new provincial labour laws, except for the one adopted by Balochistan, did not explicitly provide for the high courts' right to oversee the working of labour courts/tribunals. The supervisory role of the high courts needed to be explicitly defined. The heavy load of work at most of the labour forums was causing delays. The number of labour courts, or at least the number of judges at the existing courts, needed to be increased. The group favoured the creation of a judicial service exclusively trained in labour laws or training of labour courts' judges in labour rights and disputes. It was recommended that labour laws should be included as a compulsory subject in the curriculum of law schools. The group was concerned at the lack of attention to the urgency of revising labour laws and making them more just and equitable. Finally, the group called upon trade unions not to rely wholly on the government functionaries' plans and policies and to train their members for effective advocacy in support of workers who were unlawfully dealt with by their employers.

**June 25:** Bonded labour remained one of the most reprehensible and widespread forms of exploitation in Pakistan even 20 years after the promulgation of a law to abolish it, and therefore the state and civil society



both must redouble their efforts to eliminate the evil. This was the consensus at a two-day wide-ranging consultation among organisations working for the elimination of bonded labour that concluded in Lahore yesterday. HRCP had organised the consultation. It said in a statement that the participants agreed that since bonded labour was universally recognised as a slavery-like practice the state had an obligation to attach top priority to its eradication. The way the Bonded Labour System (Abolition) Act of 1992 had been left unimplemented did not suggest that the gravity of the problem, which affected the rights of several million people, had been adequately realised. The meeting noted that following the devolution of the subject of labour to the provinces only Punjab had adopted a slightly amended version of the 1992 Act. The other provincial governments were asked to expedite issuance of their own laws on the subject. However, it was necessary to ensure that no provincial enactment on abolition of bonded labour offered the bonded workers less than what the 1992 Act did. The participants appreciated the decision of the Punjab government to allocate for the second time funds out of its development budget for its bonded labour elimination programme and extend it to four new districts. The meeting hoped that it would be possible soon to bring the whole of the province under the project. The other provincial governments were requested to draw up similar or improved programmes for the uplift of bonded workers. The meeting scrutinised the Bonded Labour System (Abolition) Act, 1992 and made a number of recommendations, including the following:

- ◆ The law relied heavily on district officials and lacked an effective mechanism to oversee their performance. It was proposed that each provincial government should have a duly empowered implementation cell, including senior department heads (home, labour, police et al) to regularly monitor implementation of the law and take action against any functionaries that failed to discharge their responsibilities.

- ◆ The rules under a new provincial law must be issued as soon as a law was made.

- ◆ Quite a few functionaries did not take up their assignments for want of a notification. The system of notifying implementation authorities should be scrapped and the relevant officials clearly designated in the law/rules.

- ◆ All district administrations must be told to create Vigilance Committees by a fixed date. The committees must meet every month, as required under the law, the quorum should be on the low side and the committee members who do not take their duties seriously should be replaced.

- ◆ The penalties for keeping the workers in bondage should be enhanced and enforcement ensured.

- ◆ The law had not been invoked to punish its violators mainly because the victims – the bonded labour – lacked the strength and resources to prosecute the offenders. The state should assume the responsibility for prosecuting the

violators and their offences should be made non-bailable.

The meeting called upon the government to strive to meet the conditions of good governance imposed by the European Union to qualify for Generalised System of Preferences for the matter concerned the people's vital socio-economic interests.

The meeting was of the view that the issue of bonded labour had to be seen in the context of the rights and problems of labour as a whole. The trade unions in particular, and all other civil society associations in general, must accept bonded labour's concerns as their own. It was also necessary to put reform aimed at ending bonded labour and at the uplift of workers and peasants on the agenda of political parties. The meeting also discussed the difficulties created by ignorance of the law against bonded labour even in judicial circles, the hardships faced by bonded workers in getting their identity cards, the problems in securing the minimum wage, and in pursuing cases under laws about minimum wages or payment of wages. The participants resolved to carry out the decisions of the meeting collectively and severally and to hold rallies throughout the country on the International Day for the Abolition of Slavery.

**September 6:** A two-day (September 5 ,6) Peasant Convention organized in Multan by HRCP made a strong plea for land reforms, development of equitable land utilization policies, mitigation of the hardships of landless tillers of the soil, acceptance of the tenants' rights that have been settled for long on lands leased to the military, fixation of a fair return to farm labour, effective action to eradicate bonded labour, protection of rights of women working in agriculture sector, a peasant-friendly policy for distribution of inputs and for marketing of the farm produce, a Convention statement by the Commission said. The convention was attended by representatives of *Kisan/Hari* committees from different parts of the country, peasant activists, representatives of bonded /liberated workers, and human right activists. The convention declared that the demand for land reform was justified in the country's economic interest, the right of the vast rural population to social justice and the basic requirements of a democratic dispensation. The convention called upon all the provincial governments to evolve short and long term agricultural policies, including land utilization policies. The practice of giving away land as a reward for dubious and controversial services to the establishment should be discontinued. No allocation of land for commercial exploitation should be allowed. Land must be given only to cultivators and the system of absentee landlords completely eliminated. The practice of allowing urban/industrial projects on fertile lands also needed to be reviewed and unnecessary and haphazard contraction of farm area stopped. Whenever land is acquired for non-agricultural purposes the tenants that are displaced should get a part, may be 25%, of the compensation allowed to the land owner. The land utilization policy should also address the ecological disasters being caused by wanton destruction of forests. The

convention was of the view that all the provincial tenancy laws needed to be revised with a view to providing firm and clear guarantees for tenants' rights, closing all gaps that permit exploitation of tenants, and adjudication of landlord-tenant issues by special Hari courts. As regards landless tenants, the convention demanded allotment of land to the largest number possible, and effective safeguards against ejection. The tenants should be helped with credit under liberal lending policies. The participants of the convention strongly deprecated the government's failure to recognize and protect the rights of cultivators who have been working on military farms for many generations. They hailed the struggle of peasant organizations in resisting attacks on their rights and called for immediate transfer of ownership to cultivators of military farms in Okara, Khanewal, Sargodha or anywhere else. The convention expressed concern at the absence of any framework for guaranteeing fair wages for farm labour and urged an expeditious solution to the problem. At the same time it was necessary to take effective steps for the elimination of bonded labour and rehabilitation of liberated workers. The participants unanimously demanded easy availability, at affordable cost, of the essential farm inputs, especially water and seeds. A fair and equitable marketing system of farm produce needed to be installed in consultation with representatives of the cultivators. The convention also urged upon the state, the political parties, trade unions of industrial labour and all other elements of civil society to facilitate unionization of the agricultural labour in accordance with the ILO convention and guarantees inscribed in the constitution of Pakistan and international instruments. The other demands made at the convention included a call for recognition of the right to work, women's right to equal wages, and all citizens' right to social security as fundamental rights. The convention called upon all political parties to give the peasantry's interests and concerns a prominent place in their manifestos and programmes.

**September 12:** HRCP expressed grave concern at the death of at least 250 people in devastating fires that gutted two factories in Karachi and Lahore and demanded immediate attention to ensuring safe working conditions for factory workers across the country. The Commission said: "The government has announced probes into the incidents but many of the factors that contributed to the fires and the high death toll are known to most people who have even a casual interest in working conditions at such establishments... It is obvious that in both cases the proprietors had prioritized profit above all else and showed utter disregard for workers' safety, but was the government not supposed to watch out for the interests of the workers including safe working conditions for them? The head of the fire-fighting operations in Karachi has noted that the factory was 'dangerous', 'flimsily built' and that there were no emergency exits. Why did all of that escape official attention earlier? ... The entire fire-fighting fleet of Karachi, including those from the navy, the air force and the Karachi Port Trust, struggled for long hours to douse the flames. Their efforts are laudable but the capacity to fight fires even in the country's biggest city is

questionable at best. Things are worse elsewhere in Pakistan. It is hoped that the official probes will look at that aspect as well. HRCP demanded that the government announce adequate compensation for the families of the deceased and provide the best medical care possible to the injured.” HRCP also called upon the government to initiate criminal proceedings against the factory owners and ensure in consultation with workers’ representative, safe working conditions at the workplace as well as initiate effective monitoring of workplaces by inspectors to prevent such tragic incidents in the future.

**September 14:** HRCP released on Friday the observations of a fact-finding team that had visited Muridke the previous month to investigate a police action there on May 16 to disperse tenants protesting the arrest of four fellow workers from Dera Saigol Farms earlier the same day. One person was shot and killed during the incident, while a policeman who was injured had died a fortnight later.

The fact-finding team made the following observations:

- ◆ About 50 tenants had assembled on GT Road in Muridke to protest the arrest of four fellow villagers. The protesters did not carry any firearms.
- ◆ While negotiating with the protesters the police had reportedly said that the four men arrested from Dera Saigol Farms would be released. It appeared that the four men had been denied several due process rights in custody.
- ◆ Later the police resorted to tear gas, batons and also fired live ammunition to disperse the protesters. It appears that the police used excessive and disproportionate force to disperse them. The use of live ammunition was prima facie uncalled for. The protesters responded by pelting the police with stones.
- ◆ During the mayhem, a cattle merchant, Muhammad Arif, stuck in the traffic was shot and died on his way to the hospital. According to eyewitness accounts of Muhammad Arif’s brothers in a statement under Section 164 of the Criminal Procedure Code (CrPC), their brother was first beaten with batons by cops and was then shot dead by a policeman. It appears that their statement has not led to an investigation that such a serious charge warrants, nor has the bullet that killed Arif been matched with the weapon used to establish the identity of the person who pulled the trigger.
- ◆ A police assistant sub-inspector, Jan Muhammad, was reportedly hit by a stone, was hospitalized, and died 13 days later.
- ◆ Several people who were not even present at the protest were arrested subsequently and charged with murder. Seven women and their children were also taken into custody when police raided Dera Saigol Farms.
- ◆ Despite deployment of a large police contingent which resorted to force without much hesitation, no provision had been made to arrange emergency medical support or ambulances.
- ◆ Even though no more than 50 protesters had gathered at GT Road,

according to most accounts, the police nominated 32 people and also booked another 200 unidentified persons for the murder of Muhammad Arif and ASI Jan Muhammad. Later, the police added the names of another 120 people to the FIR without any evidence and without investigation.

◆ The HRCP fact finding team felt that their efforts to unearth the facts were hampered by the refusal of senior police officials to talk to them. The police version of the case is therefore missing from the report to a large extent. Only the investigation officer had responded to questions of the fact-finding team.

### **Education**

**February 9:** HRCP strongly condemned the recent developments at Sindh University where, following the killing of Professor Bashir Channar on January 2, unjustified action has been taken against protesting teachers. The Commission noted with alarm that the services of two representatives of Sindh University Teachers' Association, Dr. Arfana Mallah and Dr. Azhar Ali Shah, had been terminated and show-cause notices issued to other teachers. The university had only reopened a few days ago on the assurance of the Sindh Governor that the vice-chancellor of Sindh University, who is past the age of retirement, would be replaced in accordance with the demands of the teachers "HRCP also has serious reservations over the authorities' apathetic approach towards acknowledging and addressing teachers' concerns. It defies reason why the teachers must protest for weeks before their concerns register on the official radar. The teachers have protested long and in a peaceful manner for demands that are not unreasonable: a judicial probe into the assassination of Professor Bashir, withdrawal of police and Rangers from the campus, restoration of student unions and removal of the vice chancellor." HRCP called upon the Governor, in his capacity as chancellor of Sindh University, to rescind the decisions regarding the dismissal and issuance of show-cause notices to teachers and take effective steps to fulfil the government's obligation to ensure an atmosphere free from intimidation and conducive for academic progress at the university.

**October 10:** HRCP condemned a Taliban attack on the young rights activist Malala Yousafzai, hoped for her early recovery and appreciated the urgent attention the government had given to her medical treatment. The Commission said: "It defies belief that anyone would be so brutal and so exceptionally cowardly to attack an unprotected child, who is a symbol of innocence, own that attack and then proceed to state that if she recovers they will target her again... This is a new low even for the Taliban. Religious scholars and clerics parading themselves in the garb of politicians must reflect on what they have to say to this and indeed what they are prepared to do to prevent this madness that cannot be overly condemned. It is also a wake-up call, if another one was needed, for those pinning to appease the extremists and going out of their way to advocate making peace with the Taliban. The attack should only strengthen

the resolve of Malala, civil society, all conscious citizens and the security forces as it exposes again the barbarism and the utter absence of humanity in the ruthless demons that they are trying to expose and overcome. They should show through words and actions their contempt for the blind hate and the penchant for senseless killings that the Taliban stand for.”

**November 9:** While hailing the UN decision to declare November 10 as Malala Day, HRCP called upon the government and the people of Pakistan to rise to the challenge the worldwide tribute to the young girl from Swat presented them with. They must make a solemn pledge to devote their energies to guaranteeing their children, girls especially, their right to education. The commission said the people of Pakistan had reason to take pride in the fact that on November 10 the whole world would be joining them in a tribute to Malala, who has been accepted as a symbol of girls’ aspiration to receive education and of their courage to stand up for this right. But the distinction the brave girl from Swat had won for her country brings with it serious challenges to the Pakistani state and its society. “Their task, in one sentence, is to ensure that all of their children, girls in particular, will have equal opportunities to acquire quality education, free upto the level constitutionally required to be free, and at affordable cost otherwise. What this demands in practical terms is a redoubled effort not only to realize the Millennium Development Goals related to education and girls’ other rights but also the launch of imaginatively drawn-up and workable plans to implement Article 25-A under which the children’s right to universal and free schooling has at last been accepted. One wonders whether the attack on Malala and the entire play of forces leading to that cowardly act could have been avoided if the state had not been guilty of ignoring children’s education decade after decade. Today Pakistan has to take a vow that it will make every effort, and bear every sacrifice, necessary to ensure that that each of its girls will be enabled to share Malala’s dream and convictions and escape the pain and suffering that have fallen to her lot. If this cannot be done the Malala Day will only be an occasion for Pakistanis to invite condemnation as a horde of hypocrites determined to destroy their future.”

### **Freedom of assembly**

**February 6:** HRCP expressed serious concern at the death of two men in Sibi when security forces personnel opened fire on demonstrators protesting against the killing of Nawab Akbar Bugti’s kin in Karachi the previous week. The Commission regretted the deaths and injuries when personnel in an FC convoy opened fire on demonstrators who had blocked the National Highway to protest the killings and had prevented the convoy from passing through. “Such use of force plays into the hands of those who want the situation to aggravate in Balochistan, if further aggravation is possible. HRCP reiterates the people’s right to peaceful protest and emphasises that the authorities must exhaust all possible options before resorting to the use of lethal force and only do that to prevent violence and bloodshed that cannot be prevented otherwise.



Furthermore, in view of the charged environment in the province these things must not be seen as mere law and order issues. HRCP welcomes the government's decision to hold a judicial probe and very much hopes that unlike earlier probes the findings of this one would be made public."

### **Political participation**

**February 27:** HRCP expressed alarm at the deviations from normal sensible behaviour that were witnessed during by-elections held in ten constituencies and said that those had pointed to the dangers that could haunt the country during the general election in 2013. The Commission pointed out in particular preventing women from voting, violence upon polling staff, unrestricted display of firearms and firing around polling booths and employment of police personnel for interference in legitimate balloting. "All these events reported during this limited exercise must be thoroughly probed and no quarters given to any offender party, otherwise the dream of free and fair elections would forever remain elusive. The remedy lies not only with the Election Commission—although it has the first responsibility in the presence of abundant evidence of the infractions—but also with the government and the political parties and above all with the people who have to demonstrate responsibility and commitment to the democratic principle rather than to petty interests or clan loyalty," the Commission added.

### **Democratic rights and political conditions**

**April 26:** While commenting on the Supreme Court verdict in the contempt case against the Prime Minister, HRCP called for an end to confrontation between the state organs. In a statement the commission said: "While it is gratifying to note that the Supreme Court held its hand while sentencing Prime Minister Gilani, nobody can be happy that matters came to the point that the head of an elected government was convicted of and sentenced for contempt of court and that the court could not avoid making its decision controversial. That the situation resulted from the maximal and rigid positions taken by the two essential pillars of the state – the executive and the judiciary – can only be regretted. The executive earned no credit by apparently defying the apex court's orders, which must be accepted even when they do not seem to be correct or sound, and only time will tell what cause has been promoted by the judiciary by belabouring the executive, out of the hundreds of issues on which it is liable to be chastised, on the issue of its own contempt. It is necessary to point out that Pakistan needs both justice and democracy in ample measure and that justice without democracy will be as inadequate a dispensation as democracy without justice. The people who have been kept on tenterhooks for week after week only wish to see the end of a confrontation that is looking more and more ungainly. They must not be disappointed."

**June 20:** HRCP called the removal of Prime Minister Yousaf Raza Gillani a sad occasion in a country where democratic traditions have perpetually been

denied the nourishment they need to take roots. The HRCP said, “The Supreme Court judgement was perhaps not unexpected. The removal of the elected prime minister, especially in a country like Pakistan where democratic traditions are very weak, is saddening and certainly not a matter for rejoicing. Nobody can deny the imperatives of legal dispensation, but the implications of the judgement in a far from stable society and the severe crisis that it seems to give rise to have perhaps not been taken into consideration. It needs to be remembered that after repeated spells of dictatorship the state’s capacity to sustain the democratic system cannot be expected to be very strong. In such a situation, democratic institutions need to be nourished and helped to grow through advice and persuasion rather than punitive action that often does more harm than good.”

The Commission said that “the people have to decide who governs them and we hope that the environment will not be polluted to the extent that a fair determination of electoral will becomes impossible.”

**July 17:** HRCP expressed serious concern at looming dangers for the democratic dispensation in the country and called upon the political parties to realise their responsibility to avert threats to democracy. The HRCP Policy Planning Committee, the highest policy making body of HRCP, urged the political parties to ensure a smooth transfer of power and to beware of those who wanted to install a democratic façade without elected representatives and democracy without the electoral process. HRCP expressed the hope and expectation that the political parties will realise their responsibility and will not become party to any scheme to take away the people’s right to elect their representatives.

**August 12:** The HRCP said that Pakistan’s survival depended on strengthening the democratic process so as to remove the tensions and imbalance in civil and military relations and ensure that all institutions of the state play their role in the well being of the people within their parameters. This was the consensus at a consultation organized by HRCP.

The consultation on ‘Civil-military relations and their impact on human rights’ was attended by politicians from across the political spectrum, former military officers, representatives of civil society, noted academics and journalists.

The assembly passed the following resolution at the conclusion of the consultation.

1. Pakistan’s survival lies in strengthening the democratic process and it cannot flourish without the existence of a strong parliament or an independent judiciary. The country needs both. However, recent events are disturbing as the authority of the parliament has been undermined and its lawmaking power challenged. All laws that are in contravention of fundamental rights ought to be struck down by the courts but they cannot put restrictions on the parliament to enact laws.

2. An independent judiciary and an efficient system of administration of

justice are the backbone to any democratic structure. In order to further strengthen the judiciary's independent character, political parties should consider the establishment of a Constitutional Court as promised in the Charter of Democracy that was signed by the two major political parties of the country. After the adoption of the 18<sup>th</sup> Amendment and the creation of new relationships between the federation and the units, establishment of such a court has become imminent.

3. There is an urgent need for ensuring transparency in revenue collection and use of resources. In this regard all institutions of the State, including the various branches of the executive, the military, the intelligence agencies as well as the judiciary, should be made accountable.

4. The military's service to the country cannot be denied. It has hugely suffered in the last few years while fighting terrorism but it must maintain its professionalism, among other things, by winding up intelligence work of political nature and its business enterprises which are not only an unnecessary burden on the economy but also distract the military from its professional duties.

5. Considerable damage is being caused by the gap in the understanding between military commanders on one side and civilian authorities and civil society on the other regarding the direction that the country ought to take. It is essential that the two sides engage in mutual discussions and find ways to move forward.

6. The situation in Balochistan is extremely critical and offers the most grave example of imbalance in civil-military relations and their impact on human rights. It is vital that political leadership of all shades addresses this critical situation seriously and with due diligence and sobriety.

7. For harmonious civil and military relationship and promotion of human rights, it is absolutely essential that the political parties contribute to the growth of democratic culture by democratising their own party apparatuses.

8. It is vital that political parties address human rights issues more seriously, especially enforced disappearances, oppressive laws in FATA and PATA, and the widespread acceptance of torture. The political parties must take a holistic view of parliament's sovereign rights by giving priority to the people's needs and aspirations, addressing foreign policy issues, and accepting ownership of and responsibility for all policies and.

9. Legal cells may be created in all political parties so that they can better perform their legislative responsibilities and enable the parties to take their task more seriously.

10. All political parties must ensure that the forthcoming elections are held in a free atmosphere and that no agencies, not even security and intelligence services, will interfere in this process. It is equally important that political parties do not invite unnecessary interference of the judiciary in the election process. All political parties should pledge that women will not be restrained from exercising their right to vote and the parties will not be part of any

scheme to deprive women of their right to franchise.

11. The state, the political parties and civil society should have zero tolerance for any form of militancy. No one should remain silent where it becomes evident that any state functionaries or political elements are throwing up, protecting or colluding with militant elements.

12. The practice of doling out discretionary funds to parliamentarians should cease. This has corrupted politics and given rise to nepotism. The politics of giving plots to bureaucrats and judiciary must also be discontinued.

13. It is regrettable that Mr. Farhatullah Babar's bill on the need for regulating the functioning of intelligence agencies that was submitted to the Senate has been withdrawn. The measures visualized in the bill need to be debated by political parties and consensus developed on regulatory frameworks which the state needs more urgently than ever. Equally important is the establishment of an efficient accountability mechanism which can oversee the working of all institutions of the state.

14. It is necessary for the development of healthy political traditions that the political parties that have in the past supported dictatorial regimes should own their mistakes and offer apologies to the people.

15. The adoption of the 18th and the 19th constitutional amendments does not mean that the process of constitutional amendment has been exhausted. Constitutional reform should be continued until the 1973 constitution is revived in its original form. There is need to delete articles 62 and 63 inserted by General Zia-ul-Haq, which allowed decisions to be taken on subjective considerations. It is also necessary to streamline the provisions/regime of the Supreme Judicial Council and continue the process of recognising more rights of the people as fundamental.

16. A parliamentary committee on trade should be established to make the parliamentarians more aware of and more involved in dealing with the economic challenges facing Pakistan. .

While the resolution was supported unanimously by participants, the representative of the Jamaat-e-Islami exercised his right to dissent from the clauses referring to the judiciary and the demand for deletion of articles 62 and 63.

### **Death penalty**

**May 14:** The Human Rights Commission of Pakistan (HRCP) noted with alarm that, despite an informal moratorium on executions, a man on death row was scheduled to be hanged in a Karachi prison on May 23. HRCP called upon the government to stay the hanging and announce a formal moratorium on executions.

The Commission said: "HRCP has received with serious concern and dismay reports that Behram Khan, a death row prisoner in Karachi, is set to be

hanged on May 23. The last execution of a death row prisoner in the country had taken place in late 2008. Executions have since been suspended. HRCP has welcomed the suspension of executions in the country and has on numerous occasions called upon the government to keep the promise it had made in 2008 to convert almost all death sentences into life imprisonment. HRCP wishes to remind the government that the reasons that had caused the stay of executions in 2008 have not changed. These include the well-documented deficiencies of the law, flaws in administration of justice and investigation methods and chronic corruption and on account of these factors a very high probability of miscarriage of justice prevails. Capital punishment remains on the statute books for 28 offences, and the courts continue to award death sentences.”

HRCP demanded that the government takes urgent measures towards abolition of capital punishment in Pakistan, including deletion of the death penalty from the statute books, at least for all but the most serious offences.

HRCP also urged the government to sign the Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty. The Commission called upon parliamentarians, political parties and the civil society to join the campaign for abolition of the death penalty in Pakistan and enhance respect for the right to life in Pakistan.

**November 15:** The Human Rights Commission of Pakistan (HRCP) expressed serious alarm and dismay over the execution of a death row prisoner in Mianwali Jail despite the apparent continuation of an informal moratorium on execution in the country that had been in place since January 2009.

The Commission said, “HRCP is deeply shocked by the execution of a prisoner at the Mianwali Central Jail early on Thursday and the fact that the execution has disrupted a four-year movement after the government had vowed its commitment to the right to life and desisted from executing anyone. Hitherto, dates were set for execution of several death penalty convicts in these four years but the grisly punishment was always put off. We do not know if this time it was an oversight or the fact that this execution was based on a conviction by a military court had anything to do with it. The last execution of a death row prisoner in Pakistan before Thursday, in December 2008, was also based on a military court’s verdict. The inference is as disturbing as it is obvious.”

HRCP also appealed to the military chiefs to take into account the growing demands worldwide for abolition of the death penalty and also take steps to ensure that the military courts also show deference to this humanitarian call.

### Miscellaneous

**March 18:** HRCP voiced alarm over the continued deterioration in the state of human rights across the country and emphasized the need for all actors and institutions to urgently address pressing concerns as well as respect and strengthen the political process.

HRCP expressed concern over escalations in religious and sectarian

violence and demands that the government launch and sustain a robust effort by civilian and military authorities to adequately respond to the growing menace, especially the oppression of the Ahmedis, the killing of the Shias, and the kidnapping for ransom and forced conversion of the Hindus. At least part of the focus must be on stemming intolerance in society.

It is hard to find a silver lining in Balochistan where victims of enforced disappearance remain missing or their dead bodies are increasingly discovered. At least 173 bodies were found in 2011. Unless political means are used to address an essentially political problem, things are bound to get worse. Impunity for the security agencies must be ended, law and order improved and the explosion in the incidents of kidnapping for ransom brought under control. In the final analysis the people of Balochistan must have a decisive say in their affairs.

It is a disgrace that nearly a decade after the menace of enforced disappearance raised its ugly head, not a single person has been held to account for involvement in this travesty. The government must immediately acknowledge all such detentions, release the people and put in place means to ensure that disappearances become a thing of the past. It is high time to introduce a compensation regime for victims of crime by the state. A considerable number of people are known to be in military detention following the security forces' operations against the militants. Due process must be ensured for these people too. The consensus on the need to introduce legislation to regulate the working of the intelligence agencies must be respected.

Threats to human rights defenders have continued unchallenged and three HRCP activists have been killed in 2011 alone. The state must ensure protection for those defending others' rights and provide an environment conducive for them to work without threats to their lives. The HRCP general body condemns the degree of freedom allowed to certain groups to circulate malicious material against individuals including Asma Jahangir. Such acts must be investigated seriously and the perpetrators brought to justice.

The troubles of the internally displaced persons (IDPs) do not appear to be a priority for the government any more. That is unfortunate as the challenges of the displaced persons and HRCP's concerns at their problems have grown in recent months. The shelter and livelihood concerns of those who have returned after displacement have not been adequately addressed and there is substantial room for improvement in consultation with the affected people. The health and education needs of the displaced children must be given much more priority than they have received so far.

The number of the Pakistanis, many of them irregular migrants, who are detained abroad runs into thousands. Their plight has gone unnoticed for long and deserves attention. Efforts must be made to ensure their right to due process and to return home.

HRCP noted with disappointment that the recent amendments to the Frontier



Crimes Regulation (FCR) have brought virtually no change to the system of governance. Urgent changes must be made to the law to ensure proper reform and due process. Collective punishment, punitive demolition of houses and all forms of arbitrary detention must be made illegal. The vacuum that exists in the enforcement of human rights in the Federally Administered Tribal Areas is indefensible and the creation of a mechanism for enforcement of human rights in the region cannot be delayed.

HRCP expressed its grave concern over challenges to freedom of expression and the reported plans to censor the media and the Internet. Media, civil society and the people in general must be consulted before any changes are considered in the law. The media should do more to counter radicalization and intolerance.

HRCP welcomed the recently adopted pro-women rights laws and will keenly monitor how they are implemented. It also welcomes the SMS service provided by the Election Commission for verification of voters' details and hopes that this would help ensure error-free electoral rolls.

**April 10:** HRCP expressed sorrow at the Siachen landslide that buried alive more than 120 soldiers and a dozen civilians and has stressed the need for measures to avoid such tragedies in future.

The Commission said that it was unfortunate that Pakistan and India both continue to suffer human losses because of the fighting as well as the high toll taken by the elements and accidents at Siachen. The Commission particularly welcomed parliamentarians' emphasis to resolve the dispute between India and Pakistan over Siachen through negotiations and calls upon the governments of both countries to resolve Siachen and indeed all contentious issues between them through amicable means.

**April 4:** HRCP expressed concern at the latest cycle of violence and the utter breakdown of law and order in Karachi yet again, which has claimed scores of lives already. HRCP has called upon the government and the main political parties to work together to urgently find a way out

The Commission said: "HRCP is alarmed and dismayed at the latest bout of bloodletting that has taken a stranglehold on Karachi. Frequent calls for strikes and the violence they entail have led to loss of lives, as well as considerable financial loss. More than 300 people have been killed in violence in the city in 2012 already. Countless others have been unable to go to work or leave their homes because of fears for their safety. Nearly 1,800 people were killed in violence in 2011." The Commission urged the political parties to take the initiative in restoring peace in the city. Further, it demanded that the government adequately compensated the families of those killed in the violence.

**May 4:** HRCP noted with concern that the five activists who have been in prison for several months continue to face very harsh treatment for protesting against the poor quality of food and delay in hearing of cases of prisoners at the jail. They have been incarcerated for protesting on behalf of the victims of

forced displacement on account of the Attabad landslide in January 2010. On April 28, the five activists were reportedly visited in the jail by police and security agencies and tortured on the dubious charge of leading the protest in prison. One of the activists, Baba Jan, is said to have suffered two broken fingers and injuries to his head and other parts of his body. It is a matter of concern that despite a local court's order he and other activists have not been examined by a doctor and have not been hospitalized in violation of the court's order. Attempts to lodge cases against the security personnel who tortured them have also not been successful. HRCP strongly protested maltreatment of the activists in official custody. It was briefly hoped that the authorities must surely have known the futility of such tactics as well as of creating an aura of impunity for excesses by agents of the state. HRCP demanded that the basic rights and due process must not be denied to the five political activists. Those accused of torturing them must be suspended pending investigation and those found guilty punished under the law. Last but not the least the government must desist from making a terrible situation in Gilgit even worse by stubbornly sticking to its strong-arm tactics.

**May 25:** HRCP expressed concern at denial of due process rights to Dr Shakil Afridi, the man accused of helping the US find Osama bin Laden who has been convicted to 33 years in prison, and demanded that irrespective of the charges against him he must get a fair trial.

The Commission said: "One is concerned about the security of the country, but that cannot be made the basis of denying rule of law to anyone. HRCP notes with concern that the trial of Dr Afridi falls well short of the due process standards on many counts, not least because the core principle of natural justice has been ignored and Afridi denied due legal assistance. The question of trying Dr. Afridi on charges of treason also remains controversial. His actions may well have been prompted by the declared policy of the State to fight all forms of terrorism in sincerity. Irrespective of the charge against him, there was no reason for trying Afridi in a tribal court, when the supposed offence had taken place in Abbotabad, or for denying him a public trial or legal assistance of his choice. Such treatment has given rise to perceptions that the only reason he was tried by a tribal court was to deprive him of the rights guaranteed under the constitution of Pakistan. HRCP calls upon the government to ensure that Dr Afridi gets a fair trial and is afforded an opportunity to defend himself against the charge brought against him. That is every citizen's right and there is no reason why Dr Afridi's case should be an exception."

**May 31:** The Lahore members of HRCP in their monthly meeting condemned the gruesome murder of Professor Dr. Shabih ul Hasan Hashmi in strongest terms and demanded that the Punjab government should hold a proper inquiry. The members observed one minute silence for the departed soul. They paid rich tributes to the services of Prof. Dr. Shabih ul Hasan in the field of literature and education and stated that Pakistan has lost a great scholar and a teacher. They expressed concern at the police failure to round up the culprits

and called for the protection of Dr. Shabih ul Hasan Hashmi's family.

### **Enforced disappearance**

**January 24:** HRCP expressed alarm at reports that the dead body of yet another person who had been detained for suspected involvement in an attack on the military headquarters has been found.

In a statement the Commission said: "HRCP notes with serious concern that with the recovery of Abdul Saboor's body in Peshawar late last week, four of the 11 persons held on charges of involvement in the GHQ attack have now turned up dead. Their families had earlier spoken of the detained men being tortured and apprehended that they would be killed. The plight of the families of the four men killed and the seven who are believed to be alive, at least for now, is similar to hundreds of others who have been devastated by enforced disappearances by agents of the state across the country."

HRCP demanded that the government must not wait for the aggrieved families to lodge petitions before it decides to look into the killings. A probe into the alleged torture of the four persons and the circumstances of their death must immediately be launched to the satisfaction of the victims' families and must proceed to identify and punish their tormentors. HRCP also urged the government to put an end to the practice of undesirable enforced disappearances and the hope that future cases will not be dealt with similar disregard of human rights.

**April 02:** HRCP highlighted the difficulties in verifying cases of enforced disappearance in Balochistan and urged all concerned to play their role in documenting these cases to ensure that those in unlawful detention are freed, the illegal practice is brought to an end, and no enforced disappearance case escapes attention.

HRCP said: "It is a matter of concern that enforced disappearances still continue in Pakistan" The Commission expressed the concern at the difficulty in documenting disappearances. The HRCP had filed the petition for missing persons in the Supreme Court in 2007 the number of verified cases did not exceed a little over 400. HRCP called upon the government to redouble efforts to ensure that all those in illegal detention of government agencies are released without delay and the illegal practice is stopped forthwith."

**May 23:** The killing of Sindh nationalist leader Muzaffar Bhutto, one of the prominent victims of enforced disappearance in Sindh, and the brazen attack on a peaceful political rally in Karachi on Tuesday that claimed at least 16 lives appear to be the latest manifestations of violent suppression of political debate and in the absence of effective measures can plunge Sindh into Balochistan-style mayhem, the HRCP said.

The Commission said: "The body of Muzaffar Bhutto, Secretary General of Jiye Sindh Muttahida Mahaz, who went missing in February 2011, was found near Hyderabad. He was shot in the head and in the upper torso and the

body also bore torture marks. He had also been picked up in 2005 but was allowed to return home. The family alleged involvement of state agencies and insisted that Muzaffar was neither a terrorist nor a criminal, but only a political activist. Muzaffar was one of the many victims of enforced disappearance in Sindh in recent months. Several other activists, among them members of JSMM, remain untraced. HRCP has been able to verify at least 41 cases of enforced disappearance in interior Sindh since November 2010. Out of these 26 people have been traced or released, and another 14 remain missing. Fifteen of these missing individuals were mainly political activists from Badin, of which nine have been released and six remain missing. HRCP is alarmed at these Balochistan-style disappearances and now the dumping of bodies is expanding to Sindh. One hopes that the authorities have learned their lesson by now and would desist from relying on the illegal practice of picking up citizens and holding them in violation of law in Sindh or indeed anywhere in the country. The courts should also take note of the disappearances and order recording statements of those who have come back from captivity with a view to bringing the perpetrators to justice.

“The government must realise that the law and order agencies’ inability to protect the rally and the people in general, or to apprehend the perpetrators of violence is prompting not only charge of incompetence but also complicity. There is an urgent need to revive the people’s trust in the law enforcement agencies, and that cannot come about by mere rhetoric. The authorities must ensure that government agencies are reined in and dissent and struggle for political rights are not countered by violence or strong-arm tactics. The civil society and political parties must also play their role in addressing the very tense situation.”

**June 11:** HRCP has said that it has consistently submitted complete and verified information to the various official probes into enforced disappearance. HRCP said this in a statement following comments by Justice (r) Javed Iqbal, head of an inquiry commission on missing persons, over the weekend. The former judge had said that there had been baseless propaganda pertaining to the number of missing persons in the country and that the authorities had been unable to compile the complete details of those on the list of missing persons. He had also claimed that foreign agencies were involved in the issue of missing persons.

HRCP said: “HRCP has never forwarded hearsay or any cases which it had not verified to the inquiry commission and always submitted information as per the United Nations proforma for victims of enforced disappearance. That the commission of inquiry had succeeded in tracing many of the missing persons whose cases were submitted by HRCP was largely because all available details had been provided. The Balochistan government’s reported failure to provide complete details of missing persons on the list it had submitted to the commission is something only that government can explain.”

**June 20:** HRCP asked the Ministry of Foreign Affairs to take immediate

steps to extend help to the three Pakistanis being detained in Malaysia under the Internal Security Act.

**Lahore, July 11:** The HRCP condemned the increasing incidents of wanton violence and bloodshed across the country, including the recent killing of at least 18 people in Dasht, attack on an army camp in Gujrat and the daily killings in Karachi, that not only exposed a propensity by all concerned to resort to violence at the slightest excuse but also a consistent failure of the state to address inclination towards violence and to bring the perpetrators to justice.

**Lahore, July 13:** HRCP strongly condemned the killing of nine trainee prison staff from Khyber Pakhtunkhwa in a terrorist attack in Lahore on Thursday, blasted the lack of security for the victims and called for an efficient probe to apprehend the killers as well as for the soul searching that such attacks call for but which has been missing so far. The Commission said: “HRCP is saddened by the brazen attack in Lahore in which nine trainee jail wardens from Khyber Pakhtunkhwa were killed and is utterly shocked by the ease with which terrorists managed to storm the wardens’ hostel and walked away unchallenged afterwards. The administration has conceded that the staff did not have security and the police chief says that he was not aware that the trainee staffers were lodged there. The terrorists clearly have better intelligence than the police. The attack raises a lot of very disturbing and not wholly new questions. It is impossible to think that such an attack could have been launched without considerable local support and might well have been solely the work of local militants. It has been quite a few months since terrorists have struck in Lahore, may be they do not look at the provincial government benevolently any more.”

### **Balochistan**

**August 30:** An HRCP fact-finding mission to Balochistan (May 15-19) made the following observations:

1. In many fundamental respects the situation had not changed in Balochistan since HRCP’s last fact-finding mission in 2011. Enforced disappearances continued in Balochistan as did dumping of bodies and impunity for the perpetrators. Frontier Corps and intelligence agencies were generally believed to be involved in enforced disappearances and. In some cases their involvement had been proved beyond doubt. Failure to punish the perpetrators or to probe that involvement in a meaningful way was aggravating the situation. The law and order situation had worsened and sectarian killings increased in all districts.

2. There were some positive changes, each with a caveat, which offered hope for improvement in Balochistan’s situation. The Supreme Court hearings in Quetta had certainly had a positive impact, although it remained to be seen if the impact would endure. The mission found youth and political activists

were more willing to talk and more keen to engage in efforts to resolve the crises politically. Sincerity and reciprocity were needed to avail the opportunity. A lot of people looked towards the forthcoming elections to deliver change. If free and fair elections were held progressive elements were expected to participate. Some nationalists might not contest but others would. If the nationalists became part of the government things were generally expected to improve. However, lawlessness made preparation for the elections difficult for nationalist parties, many of which had constituencies in insurgency-hit districts. There were apprehensions that elections might be rigged and demands were made for national and international monitors for the elections. There was a general feeling that if there was genuine democracy Balochistan's woes could have been minimised.

3. There were multiple layers of violence and tension in Balochistan. Law and order was a problem that cast a long shadow on all aspects of life. The crime wave that had engulfed urban Balochistan and the main highways was either a mark of collusion or utter incompetence of the authorities.

4. Kidnappings for ransom had become a profitable enterprise. No perpetrator had been arrested or tried. It was difficult to see how the kidnappers could operate despite heavy security deployment. The conclusion that most people reached in Balochistan was that the criminals had not been arrested because they enjoyed the patronage of the authorities. The provincial home minister had spoken of fellow cabinet members' involvement in this crime but no action was taken. Questions were raised as to who would give protection to the people, to the Hazaras, non-Muslims and to truck drivers who pooled money to pay ransom.

5. The problems in Balochistan had long been looked at in the perspective of a Baloch insurgency and Baloch rights. There was a need to have a holistic look at all the problems in Balochistan, including those faced by a substantial Pakhtun population, the Hazaras, non-Muslims and settlers as well as economic and livelihood issues in the province.

6. There were complaints of the state's inability or unwillingness to protect the lives of religious minorities as well as members of some Muslim sects. Killings and harassment of the settler population by the insurgents had led to the settlers shifting to Pakhtun-majority areas or to leave the province altogether. Target killings and crime on the basis of religious and ethnic identity of the victims had grown. The continued persecution of Hazaras was as ruthless as it was unprecedented. The people the mission met said that if the authorities had the commitment to stop the killings or punish those responsible the killings could not have expanded in the manner that they had. Questions were raised about absence of ability or willingness on part of the government to protect the people from faith-based violence as well as its lack of priorities. Heightened threats including kidnappings for ransom had forced Hazaras, non-Muslims, settlers and wealthy people to migrate to other parts of the country and even



abroad.

7. Talibanisation was growing in several areas. Unlike the past, religious fanaticism was not merely being exported to the province from elsewhere. It was now being bred in Balochistan. A growing network of madrassas had contributed to aggravation of inter-sect tensions. There were fears that the security forces were patronizing militants and Quetta was being turned into a haven for militants. There were said to be militants' training camps in the province.

8. Aspiring irregular migrants from or passing through Balochistan took great risks in their quest for a brighter future and the human smugglers were only too happy to exploit them. Little was being done to address the reasons that forced people to migrate.

9. Unlike the past, the insurgents had systematically targeted infrastructure and development work.

10. Despite the government's oft-voiced desire for a political solution to the crisis in Balochistan no progress had been made on engaging through talks the nationalist elements in Balochistan. Even preparatory steps towards that end remained lacking.

11. The state abdicating its basic responsibility and NGOs retreating for fear of abduction of their staff had further aggravated the crises. The government and development agencies had abandoned the troubled areas. Healthcare and education were neglected. Many good teachers had migrated. An insurgency in parts of the province did not justify the state ignoring the people's health, sanitation and other basic needs and infrastructure, which were not affected by the ongoing strife. There were places in the province where the people, irrespective of their ethnicity, survived in conditions that were not far removed from the Stone Age. Alleviating their problems was no one's priority.

12. The provincial government was nowhere to be seen in the crises. The chief minister was away from the province for a lot of time and the provincial government held meetings regarding Balochistan outside the province. The provincial government seemed to have earned a lot of discredit in a short span of time. In probably the only example of its kind, all but one member of the provincial assembly was in the cabinet. After the 18th Amendment and the National Finance Commission Award, more funds had certainly become available to Balochistan but those did not seem to have trickled down. A general observation was that corruption had spiked by the same margin.

13. The government had shown little interest in shoring up sagging economic activity and businesses. The industry had collapsed, natural resources had not been tapped nor the requisite expertise created and agriculture that was the mainstay of a large part of the provincial economy was in ruins because of drought-like conditions and lack of irrigation water amid plummeting

water table, debilitating electricity shortages and absence of delay-action dams.

14. The total electricity need of Balochistan was very small compared to the needs of the other provinces. Yet the people in the province faced excessive electricity suspension. The people demanded that the government should accept an Iranian offer to supply 1,000 megawatts of electricity to Pakistan and use the same in Balochistan.

15. There was a widespread feeling that the national media had abandoned Balochistan and not given as much coverage to the events and incidents as their importance demanded. Even when whole cities were shut down during a strike the media did not report that. Journalists in the field felt threatened from the security forces, militants and insurgents. The people in the districts affected by the insurgency in general and journalists in particular felt like hostages. If they said one thing they were traitors to one side and if they did not they were traitors to the other side. The stories that the journalists did file were often covered only in Balochistan editions of publications by national level media organisations. That prevented the people elsewhere in Pakistan from getting the true picture of the situation in the province.

16. Members of the mission were shocked at the glut of sophisticated firearms in Balochistan and the people's easy access to them. It defied belief that huge quantities of weapons could pass through a series of check-posts when the common citizen was stopped even for carrying a knife. Had there been sincere efforts to curtail the free flow of weapons they would certainly have made a difference.

17. The people generally expressed faith in the Levies force because of it being a local force. Police was not well respected.

18. All investigations in Balochistan today seemed to end as soon as claims of responsibility were made by one militant or insurgent organisation or the other. It was a free for all and in cases of target killings or even common crime any investigation or prosecution worth the name was generally missing.

**September 03:** While strongly condemning the beheading of 12 soldiers by the Taliban, HRCP warned all institutions, especially political parties, of the catastrophic consequences of their failure to resist militancy. The commission said: "The barbaric beheading of 12 Pakistani soldiers and killing by gunfire of some others by the Taliban adds a new grisly chapter to the long list of outrages committed by the extremists. Fifteen soldiers were reported to have been captured by the Taliban in an action in Bajaur some days ago. Not content with the execution of its captives the militant group organized a display of the victims' decapitated heads and their uniforms and insignia, and sent videos to news services. Their announcement itself will send a chill down the spine of any civilized person. "Many of them," they declared, "were killed by bullets, 12 of them as you see have been beheaded, you see 12 heads here, and more are on the way."

"HRCP offers its deeply-felt condolences to the families of the victims

who perished while performing their duties, and hopes that nobody will oblige the killers by being cowed down by terrorism. Indeed the brutalities inflicted by the militants should steel the people's resolve to fight the monster of extremism till its complete defeat. The latest incident should awaken all those elements in government and civil society, especially the political parties, that still have a soft corner for the militants. Their attitude amounts to collusion with heartless murderers and their failure to take a stand against extremism will surely push the country towards a catastrophe of unimaginable magnitude."

**September 24:** HRCP expressed serious alarm over the recent spike in incidents of violence and intolerance against vulnerable groups across the country and said that failure to address intolerance was contributing to the aggravation. The Commission said: "HRCP is extremely concerned because of a perceptible increase in instances of violence and intolerance towards vulnerable groups in recent days. A Shia advertising professional and his young son have been killed in Karachi; the ever-peaceful Bohris have been targeted in the port city; Shias coming back from a pilgrimage in Iran have been killed in Balochistan; and a young Ahmadi shopkeeper has been murdered in Karachi. A church has also been burned and homes of Christians attacked and looted in Mardan. It is a matter of unmitigated concern that effective measures to check unbridled streaks of violence and intolerance remain absent.

**October 07:** HRCP expressed alarm at growing intolerance and abuse of belief, continued incidents of enforced disappearance and illegal detention of citizens in Balochistan and Khyber Pakhtunkhwa, proliferation of sectarian violence and a general breakdown in law and order in the country and called these overwhelming challenges to the citizens' right to life and freedom to practise their religious belief.

A statement issued at the conclusion of the HRCP Council meeting said: "HRCP is disappointed at the continued enforced disappearances and illegal detention across the country, especially in Balochistan and Khyber Pakhtunkhwa. This endemic malaise has proliferated in conjunction with the plague-like spread of sectarian violence in Pakistan, which is both widespread and systematic.

HRCP expressed the need for single-minded reform and sustained education and awareness drives to stem this destructive tide. The use of blasphemy law to persecute religious minorities should also be highlighted and exposed. HRCP calls upon the authorities to dismantle all sectarian organisations hobnobbing with militant elements and ensure effective implementation of the ban on militant organisations. Unlike the prevailing practice, the investigation and prosecution of cases of sectarian violence must be given due priority.

HRCP also called upon all political parties, media and civil society organisations to play their part in ensuring peaceful and free elections, particularly in Balochistan, and help the Election Commission of Pakistan in discharging its onerous responsibilities, as the present state of disorder and lawlessness poses a serious threat and undermines the prospects of peaceful

elections. HRCP welcomed the Election Commission's decision regarding re-polling at the polling stations where less than 10 percent of the registered women voters cast their ballots. This decision must be implemented as it would increase women's participation in the electoral process and also prevent the illegal pacts made by candidates and political parties to bar women from voting. The Commission reaffirmed its longstanding demand for an end to the discrimination against the Ahmadis and to ensure the inclusion of their names in the joint voters' list. The Commission called upon the government to fulfill in the same term the promise it made regarding conversion of capital punishment into life imprisonment.

The dangerous work conditions for industrial and agriculture labour appear to briefly get attention of the authorities and the media only when disaster strikes, as it did in a horrific blaze in a factory in Karachi last month and in the collapse of a factory in Lahore in February. In industrial and agriculture undertakings, profit clearly trumps safety and welfare of workers, who are entirely justified in concluding that no one is watching out for their interests.

HRCP called upon the civil society and the media to actively play a more responsible role as watchdogs for people's rights and in continuously reminding the authorities of their obligation towards all human rights of all citizens without exception."

**October 15:** HRCP expressed alarm over rising food scarcity in Pakistan and its impact on the people, especially those below the poverty line. HRCP said that there is unmistakable evidence of growing food scarcity in Pakistan and the consequent rise in prices has gravely affected access to food and nutrition not just for the poor but also for the large middle-income segment of the population. The lack of attention to this critical issue is no less dangerous and frightening than the food scarcity itself. HRCP urged the government to take up this issue on priority. Pakistan cannot get out of this tangle without making policy changes across a wide range. World Food Day is an occasion for all to reflect on what has undermined people's access to adequately nutritious food and resulted in the geographic and demographic incidence of food scarcity. It should also be an occasion to make a meaningful commitment to helping those struggling with hunger and malnutrition.

**November 12:** Members of HRCP expressed deep sorrow at the demise of Senator (R) Iqbal Haider. Iqbal Haider was among the founding members of HRCP and greatly contributed to strengthening the organization in its formative years. He also represented HRCP at the Supreme Court in crucial cases relating to the status of bonded labour and missing persons. Till recently he served as HRCP's Co-chairperson. Iqbal Haider demonstrated a strong and unwavering commitment to human rights in Pakistan, as a human rights activist, a parliamentarian, law minister and attorney general. Often, his would be the sole voice in parliament speaking out against honour killings and the rights of the under-privileged. He was a committed political activist as well and was

imprisoned several times by military regimes. In his death, the country has lost a person dedicated to peace in the region, human rights values and the rights of the vulnerable.

**November 13:** The internal displacement challenges facing Pakistan can be prevented or at least mitigated substantially if holistic approaches focusing on educating the people, promoting tolerance and peace, strengthening of disaster response mechanisms and contingency planning are ensured, a consultation on internal displacement in Pakistan organised by HRCP (HRCP) concluded.

The participants of the two-day moot in Mingora, Swat, said that consultation with the stakeholders was vitally important to address the challenges of displacement in the country. They said that while in natural disasters there was seldom any forewarning, man-made disasters allowed more time to respond to. The participants emphasized the need for trust building and consultation mechanisms with the local community to encourage and improve inclusive decision making. In both instances, they called for putting in place early warning systems. They also emphasized the need to devise counter-insurgency strategies in order to prevent collateral damage and displacement. The participants of the consultation included individuals who had faced or continued to face internal displacement, representatives of NGOs, local community organisations, journalists, lawyers, human rights defenders and also government officials.

**April 4:** HRCP expressed concern at the latest cycle of violence and the utter breakdown of law and order in Karachi yet again, which has claimed scores of lives already. HRCP called upon the government and the main political parties to work together to urgently find a way out.

### **Police/paramilitary excesses**

**April 30:** HRCP voiced concern over the acute difficulties of the civilian population in Lyari, Karachi, where law enforcement agencies' operation against organised crime has been going on for several days.

The Commission said: "HRCP is not in a position to comment on the nature and utility of the operation being carried out in Lyari, but it must express its utmost concern over the unbearable ordeal of the people living in the area. Reports have emerged of shortage of essentials and of Lyari residents having no access to electricity, water and other basic provisions, including milk for children. The fact that many people have been forced to migrate amid clashes between law enforcement personnel and their targets and that there are no arrangements to provide them shelter is intolerable. The education of children has been completely disrupted. It is regrettable that the problems of the people that could not have been too difficult to imagine beforehand have not received due attention. Relief bodies must continue to supply food and other basic provisions to the people, access to hospitals and transport should be ensured,

and precautions taken to save the people from being caught up in the crossfire. The authorities must make sure that the operation does not add to the miseries of the peaceful residents of the area. They must also be transparent about the operation and its strategy, achievements and timeframe, amid accusations that the operation is one-sided.” HRCP called upon the government and all political parties to work towards bringing peace to the violence-hit area of Karachi at the earliest and noted, with regret, that gun battles have taken 19 lives, including those of three policemen and injured many people, including two journalists.